



where possibilities grow

3921 CHURCH STREET ♦ CLARKSTON, GEORGIA 30021

(404) 296-6489 ♦ [WWW.CLARKSTONGA.GOV](http://WWW.CLARKSTONGA.GOV)

**Mayor Beverly H. Burks**

**Councilmembers:**

**Debra Johnson-Vice Mayor**

**Awet Eyasu**

**Yterenickia Bell**

**Laura Hopkins**

**Jamie Carroll**

**Susan Hood**

**Shawanna N. Qawiy, City Manager**

## **CITY COUNCIL WORK SESSION AGENDA**

**Tuesday, May 30, 2023 - 7:00PM**  
**IN-PERSON/ HYBRID**

### **1. CALL TO ORDER**

### **2. ROLL CALL**

### **3. PUBLIC COMMENTS**

Any member of the public may address questions or comments to the City Council referencing only agenda items after the Mayor and Council have had the opportunity to discuss the agenda item. Each attendee will be allowed 3 minutes for comments.

### **4. PRESENTATION/ ADMINISTRATIVE BUSINESS**

- A. To discuss a Proclamation for Municipal Court Clerks Week.
- B. To discuss the Inflation Reduction Act.
- C. To discuss amending appointments to the Standing Advisory Committee and city committees.

### **5. OLD BUSINESS**

- A. To discuss amending the Clarkston Zoning Ordinance and maps.
- B. To discuss the appointment of a Solicitor.
- C. To discuss the 40 Oaks Farmhouse/ Nature Preserve recommendations.

### **6. NEW BUSINESS**

- A. To discuss a resolution authorizing the reappointment of the Solicitor, Christopher Diwan.
- B. To discuss a name, change the petition request from the Smith Street Community (a.k.a. Legacy Subdivision) to change the name of Smith Street and Lincoln Street to Patricia Davis Drive.
- C. To discuss allocating \$100,000 of ARPA funds to the Rental Assistance Program.
- D. To discuss allocating \$100,000 of ARPA funds to the Utility Assistance Program.
- E. To discuss allocating \$100,000 of ARPA funds for Governmental/Administrative Services.
- F. To discuss allocating \$100,000 of ARPA funds for residential legal assistance and representation.

### **7. EXECUTIVE SESSION**

- A. To discuss litigation.
- B. To discuss real estate.

### **8. ADJOURNMENT**

### **PUBLIC PARTICIPATION BY VIDEO CONFERENCE**

The City of Clarkston, Georgia will conduct the City Council Work Session at 7:00 p.m. on Tuesday, May 30, 2023. The public may participate in the meeting in-person or by using the following information below:

<https://us02web.zoom.us/j/85707680427?pwd=MIF0Q1JobklQQ29OT3g4TlRNMit2UT09>

Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 669 900 9128 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 857 0768 0427

Find your local number: <https://us02web.zoom.us/j/85707680427?pwd=MIF0Q1JobklQQ29OT3g4TlRNMit2UT09>

CITY OF CLARKSTON

ITEM NO: 4A

CITY COUNCIL WORK SESSION

HEARING TYPE:  
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** Review/Discuss a Proclamation for Municipal County Clerks Week, June 5-9, 2023

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy, City Manager  
Dorothy Jackson, Chief Court Clerk

PHONE NUMBER: 404-296-6489

**PURPOSE:** To discuss a Proclamation for MUNICIPAL COURT CLERKS WEEK.

**NEED/ IMPACT:** Municipal courts play a significant role in providing access to justice, preserving public safety and promoting quality of life in Georgia.

**RECOMMENDATION:** N/A

CITY OF CLARKSTON

ITEM NO: 4B

CITY COUNCIL WORK SESSION

HEARING TYPE:  
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** Review/Discuss the Inflation Reduction Act.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy, City Manager  
Councilmembers Jamie Carroll, Awet Eyasu

PHONE NUMBER: 404-296-6489

**PURPOSE:** To discuss the Inflation Reduction Act.

**NEED/ IMPACT:** To present the Inflation Reduction Act and educate the public on how to utilize the program.

**RECOMMENDATION:** N/A

CITY OF CLARKSTON

ITEM NO: 4C

CITY COUNCIL WORK SESSION

BUSINESS AGENDA / MINUTES

HEARING TYPE:  
Work Session

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** Review/Discuss amending appointments to the Standing Advisory Committee and city committees.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages:

INFORMATION CONTACT: Mayor Beverly H. Burks

PHONE NUMBER: 404-296-6489

**PURPOSE:** To discuss amending appointments to the Standing Advisory Committee (SAC) and city committees.

**NEED/ IMPACT:** The Mayor and City Council are seeking to amend the SAC resolution to appoint council members as the Chair and Vice-Chair only of the committees.

**RECOMMENDATION:** N/A

RESOLUTION NO. 2023-003


A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA, AUTHORIZING THE APPOINTMENT OF COUNCILMEMBERS TO THE STANDING ADVISORY COMMITTEES.

\* \* \* \* \*


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA:

Section 1. That the City Council hereby authorizes the appointment of Councilmembers to the following Standing Advisory Committees: Public Safety and Legal Committee; Transportation and Environment Committee; Housing and Infrastructure Committee; Community Development and Civic Innovation Committee; Business and Economic Development Committee; Equity, Inclusion, and Opportunity Committee. A copy of said appointments is attached to this resolution as "Exhibit A" and are incorporated herein for all purposes.

PASSED, APPROVED and RESOLVED this 10<sup>th</sup> day of January 2023.

  
Beverly H. Burks, Mayor

ATTEST:

  
Tomika R. Mitchell, City Clerk

## EXHIBIT A

### **Public Safety and Legal Committee**

Chair: Y'Terenickia Bell

Vice-Chair: Awet Eyasu

Members: Jamie Carroll and Mayor Beverly Burks

### **Transportation and Environment Committee**

Chair: Awet Eyasu

Vice-Chair: Laura Hopkins

Members: Susan Hood

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### **Housing and Infrastructure Committee**

Chair: Jamie Carroll

Vice-Chair: Susan Hood

Members: Debra Johnson, Y'Terenickia Bell, and Mayor Beverly Burks

### **Community Development and Civic Innovation Committee**

Chair: Debra Johnson

Vice-Chair: Y'Terenickia Bell

Members: Awet Eyasu and Mayor Beverly Burks

### **Business and Economic Development Committee**

Chair: Susan Hood

Vice-Chair: Y'Terenickia Bell

Members: Debra Johnson and Mayor Beverly Burks

### **Equity, Inclusion, and Opportunity Committee**

Chair: Debra Johnson

Vice-Chair: Laura Hopkins

Members: Awet Eyasu, Y'Terenickia Bell, and Mayor Beverly Burks

## **Approved at the February 1, 2022 City Council Meeting**

### **Early Learning Task Force**

Liaison: Awet Eyasu and Jamie Carroll

Members:

### **Youth Advisory Council**

Liaison: Awet Eyasu and Yterenickia Bell

Members:

### **Senior Resident Advisory Committee**

Liaison: Mayor Beverly Burks, Debra Johnson and Susan Hood

Members:

### **Police Community Task Force**

Liaison:

Members:

### **Preventive Health Task Force**

Liaison: Laura Hopkins, Yterenickia Bell, Debra Johnson, and Mayor Beverly Burks

Members:

### **Public Art Advisory Committee**

Liaison: Susan Hood and Laura Hopkins

Members:

### **Charter Review Committee**

Liaison:

Members:

## Clarkston Early Learning Task Force

### Clarkston Residents

Ashli Owen-Smith	Home Owner	GSU Professor, Public Health, parent
Jeanne Reneaux	Home Owner	Teacher, school system; Storyteller
Sean D'aigle	Apartment	Museum, science
Maggie Deaton	Home Owner	Rollins Center for Language & Literacy
Mon Sunar	Apartment	Parent, Parents as Teachers (Bhutan)
Hawa Mohamed	Apartment	Parent, community leader, CDA (Sudan)

### Experts

Maryum Gibson	Scottdale Early Learning/READY Schools, Executive Director
Alexandra Cesar	Giselle Academy, Executive Director
Beena Dahal	Parents as Teachers home visitor, previous Clarkston resident
Hira Chhetri	Parents as Teachers home visitor, previous Clarkston resident
Linda Travers	ECE Georgia Piedmont Technical College Professor, Coach
Ana Sousa	Director, Refugee Village Corp (English Oaks); ESOL teacher
Jennifer Green	Director, Refugee Family Literacy Program
Janette Miles	Early Learning Professional, CDA Instructor
Gwendolyn Morgan	Trainer, past director, Clarkston First Baptist Learning Academy
Nassra Mireh	Director, Refugee Family Services, parent
Desta Eyelachew,	Family advocate, CDI Head Start, Clarkston center (on Church St)

### Other

Roberta Malavenda	CDF Action, Chair/Facilitator
Robin Gomez	Clarkston City Manager
Council Members	Jamie Carroll Awet Eyasu

**RESOLUTION TO CREATE A CITY OF CLARKSTON  
YOUTH ADVISORY COUNCIL**

2019-17

**WHEREAS**, the City Council is dedicated to the welfare and development of our youth and in giving them opportunities to educate, expose, and bring awareness to community and youth issues, while building relevant skills and working in a professional setting; and

**WHEREAS**, the City Council understands the value of uplifting talented, diverse youth that are committed to their community to enhance their leadership capabilities, share ideas, and improve the quality of life of all residents in the City of Clarkston; and

**WHEREAS**, the City Council recognizes a Youth Advisory Council established to serve as an advisory body to the City Council, will enhance youth involvement in a process which enables them to have an influence and impact on issues and decisions that they care about;

**WHEREAS**, establishing a Youth Advisory Council will expand access to government, promote leadership, increase volunteerism, and the need for formal representation of unique perspectives and needs of its young residents.

**WHEREAS**, the whole of our community benefits from greater civic participation by those who will one day be our leaders; and

**WHEREAS**, the City Council has determined that it is desirable to establish a Youth Advisory Council; and

**WHEREAS**, the City Council has determined that it is desirable to establish the mission and membership of the Youth Advisory Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE** City Council of the City of Clarkston that the following shall apply to the Clarkston Youth Advisory Council:

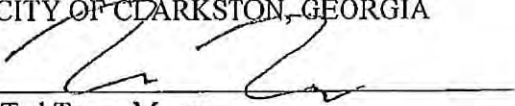
1. The mission of the Youth Advisory Council shall be to advise the Mayor, City Council, and City Manager with recommendations and input on how the City of Clarkston might address their needs, community issues, and all other matters affecting youth.
2. The Youth Advisory Council shall review, present, and render input on projects, plans, partnerships, and City programs related to youth, and shall bring forth any issues or concerns to the City's elected officials.
3. The Youth Advisory Council will recommend events, initiatives, and projects that may be implemented within the City to increase youth and community engagement.
4. The Youth Advisory Council will advise the Mayor, City Council, and City Manager about community issues and issues of interest to youth in the community, including but

not limited to recommending policies and sponsoring educational and social events for youth.

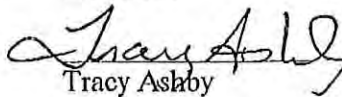
5. All members of the Youth Advisory Council shall be residents of the City of Clarkston from **12 to 18 years of age**.
6. The Youth Advisory Council shall consist of a minimum of five (5) and a maximum of ten (10) Clarkston youth members appointed by the Mayor and City Council member; each City Council member can appoint (1) youth and the Mayor can appoint the remaining number based on applications submitted or up to 4 youths to reach maximum of members on the Youth Advisory Council.
7. All appointments to the Youth Advisory Council shall be for a one (1) year term. Members may be removed or replaced at the discretion of the Mayor or City Council consistent with the original appointing authority.
8. City of Clarkston's youth residents wishing to be considered for appointment to the Clarkston Youth Advisory Council shall first complete an application which will be made available on the City's official website via Google Doc/Application.

SO RESOLVED, this 4 day of June, 2019

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA

  
Ted Terry, Mayor

ATTEST:

  
Tracy Ashby  
City Clerk

**RESOLUTION TO CREATE A CITY OF CLARKSTON  
SENIOR RESIDENT ADVISORY COMMITTEE**

**SPONSORED BY: AWET EYASU AND ANDREA CERVONE**

**WHEREAS**, the City Council understands the valuable and important role that seniors play in creating a sustainable community within the City of Clarkston; and

**WHEREAS**, the City Council desires to create programs and services that will promote healthy and active living and provide experiential learning opportunities; and

**WHEREAS**, the City Council has determined that it is desirable to establish a Clarkston Senior Resident Advisory Committee; and

**WHEREAS**, the City Council has determined that it is desirable to establish the mission and membership criteria of the Clarkston Senior Resident Advisory Committee;

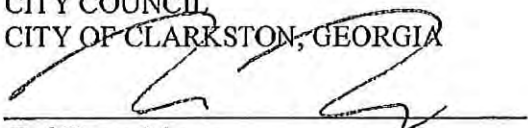
**NOW, THEREFORE, BE IT RESOLVED BY THE** City Council of the City of Clarkston that the following shall apply to the Clarkston Senior Resident Advisory Committee.

1. The mission of the Clarkston Senior Resident Advisory Committee shall be to advise the Mayor, City Council, and City Manager regarding issues affecting Clarkston's senior residents.
2. The CSRA committee shall study, assess and render advice regarding plans and City programs related to seniors, and shall bring forth any issues or concerns to the City's elected officials in order to better serve senior residents.
3. The Clarkston Senior Resident Advisory Committee shall consists of eight (8) Clarkston resident members with three (3) to be appointed by the Mayor, and five (5) who shall be appointed by a majority vote of the City Council, plus two City Council member who shall be appointed by a majority vote of the City Council.
4. All members of the CSRA shall be residents of the City of Clarkston.
5. All appointments to the CSRA shall be for a two (2) year term. Members may be removed or replaced at the discretion of the Mayor or City Council consistent with the original appointing authority.
6. The City Council appointees to the Clarkston Senior Resident Advisory Committee shall serve as the primary liaison between the CSRA and the Clarkston City Council and staff.

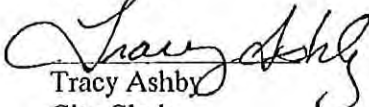
7. City of Clarkston residents wishing to be considered for appointment to the Clarkston Senior Residents Advisory Committee shall first complete an application which will be made available at Clarkston City Hall Annex, on the City's official website or via email upon request.

SO RESOLVED, this 6 day of March, 20 18

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA

  
\_\_\_\_\_  
Ted Terry, Mayor

ATTEST:

  
\_\_\_\_\_  
Tracy Ashby  
City Clerk

## **Seeking Applicants for Newly Created Clarkston Senior Resident Advisory Committee**

At the March 6<sup>th</sup> Regular Meeting, the Clarkston City Council formed the Clarkston Senior Resident Advisory Committee. The Council understands the valuable and important role that seniors play in creating a sustainable community. The mission of the Clarkston Senior Resident Advisory Committee will be to advise the Mayor, City Council, and City Manager regarding issues affecting Clarkston's senior residents. The CSRA committee shall study, assess and render advice regarding plans and City programs related to seniors, and shall bring forth any issues or concerns to the City's elected officials in order to better serve senior residents.

The CSRA Committee membership will consist of eight (8) Clarkston resident members (three (3) will be appointed by the Mayor, and five (5) who shall be appointed by a majority vote of the City Council). Additionally, two City Council member (appointed by a majority vote of the City Council) will serve on the CSRA Committee.

All members of the CSRA shall be residents of the City of Clarkston.

All appointments to the CSRA shall be for a two (2) year term. Members may be removed or replaced at the discretion of the Mayor or City Council consistent with the original appointing authority.

The City Council appointees to the Clarkston Senior Resident Advisory Committee shall serve as the primary liaison between the CSRA and the Clarkston City Council and staff.

City of Clarkston residents wishing to be considered for appointment to the Clarkston Senior Residents Advisory Committee must complete and submit an application, along with a letter of interest and resume or statement of qualifications, via email to Tracy Ashby at [tashby@cityofclarkston.com](mailto:tashby@cityofclarkston.com). Applications will be accepted until the Committee positions are properly filled.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA,  
CREATING A POLICE COMMUNITY TASK FORCE FOR THE PURPOSE OF STUDYING AND  
MAKING RECOMMENDATIONS TO ADDRESS POLICE OPERATIONS AND COMMUNITY AND  
POLICE RELATIONS WITHIN THE CITY

WHEREAS, the relationship between the community and the Clarkston Police Department (CPD) is an important and valued focus for the City Council, City administration, police leadership, and the citizens of Clarkston; and

WHEREAS, the uniqueness and diversity of the City of Clarkston requires the usage of best procedures and practices to better serve the residents and encourage more community policing; and

WHEREAS, the City Council finds and determines that creating a task force to study and present recommendations to City staff and City Council on matters related to the operation of the Clarkston Police Department and its personnel would be beneficial in addressing community and police relations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA:

Section 1. Purpose: The City Council hereby creates a Police Community Task Force (the "Task Force"). The purpose of the Task Force is to inform Council about the status of police and community relations within the City, and to study and make recommendations related to police operations especially in terms of training, transparency, and oversight. The purpose of the Task Force is not to examine or review or make recommendations on a specific incident.

Section 2. Specific Charge: The initial charge of the Task Force will be the evaluation, discussion and development of recommendations to improve effective and transparent communication between CPD and the community, including recommendations for police training, and police practices and procedures. The Task Force may recommend additional areas to study. City Council may modify, amend, expand, or change the specific charge of the Task Force by resolution so long as the modification, amendment, expansion or change does not assign the review of a specific incident to this Task Force.

Section 3. Term: The initial term of the Task Force for the specific charge stated in Section 2 will be for one (1) year from the date of formal appointment of the Task Force membership. The City Council may extend the term of the Task Force by resolution. If the Task Force completes its charge prior to the end of the term, it may disband.

Section 4. Membership: The Task Force shall consist of no less than nine (9) voting members and no more than fifteen (15) voting members, which shall include one (1) Chairperson who can be an organization representative or individual member. All Task Force members shall be volunteers and shall participate without compensation. All Task Force members shall be required to participate in training on police operations, as established by the City Manager or his designee, related to the Task Force's charge. The term of appointment for members of the Task Force shall be for two years or until the end of the Task Force term, whichever is sooner. In the event the Task Force continues past two years, members can serve an additional two-year term.

(a) Organization Representation: To the extent possible, the Task Force should consist of at least one member from each of the following groups, which representative shall be selected by the organization listed:

- DeKalb County Chapter of the NAACP
- National Organization of Black Law Enforcement Executives (NOBLE)

- Clarkston Community of Faith
  - DeKalb County Public Schools and Clarkston School District
  - Mental Health organization
  - Domestic Violence organization
  - Criminal justice reform organization
  - nonprofit that works with teens
  - Multicultural organization
- (b) Individual Representation: The Task Force should also consist of individuals who are residents but not limited to the City of Clarkston and, to the extent possible, meet the following criteria:
- Individuals with direct experience in the criminal justice system.
  - A lawyer with prosecutorial experience
  - A lawyer with current or recent criminal defense experience
  - Individuals with diversity and inclusion experience.
  - Individuals who work with or volunteer with community service providers that traditionally work with individuals involved in the criminal justice system.
  - Individuals of diverse backgrounds and varying ages.

Section 5. Member Selection: Upon passage of this Resolution, the City Manager will gather names for the organization Task Force members, individual Task Force members and the Chairperson. For individual members, staff can utilize existing systems for selection of members to Boards and Commissions. The Mayor and City Council with assistance from City staff will make recommendations for the Task Force. The City Manager will prepare a resolution for Council for the April 27, 2021 regular City Council meeting to confirm the appointment of the Task Force members and a Chairperson of the Task Force.

Section 6. Work Plan: Within thirty (30) days following appointment, the Task Force shall prepare a work plan and schedule for presentation to the Public Safety and Legal Standing Advisory Committee meeting. At a minimum, the work plan shall set forth the Task Force's roles and responsibilities in the areas with which they have been charged and provide any recommendations for additional areas in the field of critical incident management and training that may be applicable. The Task Force will provide regular updates to the Public Safety and Legal Standing Advisory Committee throughout the term.

Section 7. Staff Support: The City Manager's Office and City Attorney's Office will provide staff support to the Task Force, to include the active and regular involvement of the Chief of Police and members of the Clarkston Police Department. In addition, the City Manager and staff shall assist with bringing in subject-matter experts to speak to the Task Force regarding best practices. The City Manager is authorized to hire a third-party facilitator to work directly with the Task Force.

Section 8. Meetings: Meetings will be held on a regular and timely basis that shall be determined by the Task Force members. Meetings will include members of the Task Force and staff support for the Task Force, as determined by the City Manager and the City Attorney. The Task Force Chairperson or a designee shall prepare an agenda and take minutes at each meeting of the Task Force. Minutes will be forwarded via email to the Mayor and City Councilmembers, as well as the Task Force members and staff support. In addition to input at meetings, the Task Force shall take input from community members and other stakeholders regarding their charge.

Section 9. Final Report: The Task Force shall submit a final report with their findings and recommendations to the Public Safety and Legal Standing Advisory Committee at least sixty (60) days

prior to the end of the Task Force's term. The Task Force shall present a final report to the Mayor and City Council at the end of the Task Force's term.

Section 10. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

SO ORDAINED, this 2 day of March, 2021.

ATTEST:

By Tracy Ashby  
Tracy Ashby, City Clerk

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA  
Beverly H. Burks  
Beverly H. Burks, Mayor

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA,  
CREATING A POLICE COMMUNITY TASK FORCE FOR THE PURPOSE OF STUDYING AND  
MAKING RECOMMENDATIONS TO ADDRESS POLICE OPERATIONS AND COMMUNITY AND  
POLICE RELATIONS WITHIN THE CITY

WHEREAS, the relationship between the community and the Clarkston Police Department (CPD) is an important and valued focus for the City Council, City administration, police leadership, and the citizens of Clarkston; and

WHEREAS, the uniqueness and diversity of the City of Clarkston requires the usage of best procedures and practices to better serve the residents and encourage more community policing; and

WHEREAS, the City Council finds and determines that creating a task force to study and present recommendations to City staff and City Council on matters related to the operation of the Clarkston Police Department and its personnel would be beneficial in addressing community and police relations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA:

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Section 4. Membership: The Task Force shall consist of no less than nine (9) voting members and no more than fifteen (15) voting members, which shall include one (1) Chairperson who can be an organization representative or individual member. All Task Force members shall be volunteers and shall participate without compensation. All Task Force members shall be required to participate in training on police operations, as established by the City Manager or his designee, related to the Task Force's charge. The term of appointment for members of the Task Force shall be for two years or until the end of the Task Force term, whichever is sooner. In the event the Task Force continues past two years, members can serve an additional two-year term.

(a) Organization Representation: To the extent possible, the Task Force should consist of at least one member from each of the following groups, which representative shall be selected by the organization listed:

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- National Organization of Black Law Enforcement Executives (NOBLE)

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  - DeKalb County Public Schools and Clarkston School District
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  - Domestic Violence organization
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  - nonprofit that works with teens
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- Individuals with direct experience in the criminal justice system.
  - A lawyer with prosecutorial experience
  - A lawyer with current or recent criminal defense experience
  - Individuals with diversity and inclusion experience.
  - Individuals who work with or volunteer with community service providers that traditionally work with individuals involved in the criminal justice system.
  - Individuals of diverse backgrounds and varying ages.

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Section 6. Work Plan: Within thirty (30) days following appointment, the Task Force shall prepare a work plan and schedule for presentation to the Public Safety and Legal Standing Advisory Committee meeting. At a minimum, the work plan shall set forth the Task Force's roles and responsibilities in the areas with which they have been charged and provide any recommendations for additional areas in the field of critical incident management and training that may be applicable. The Task Force will provide regular updates to the Public Safety and Legal Standing Advisory Committee throughout the term.

Section 7. Staff Support: The City Manager's Office and City Attorney's Office will provide staff support to the Task Force, to include the active and regular involvement of the Chief of Police and members of the Clarkston Police Department. In addition, the City Manager and staff shall assist with bringing in subject-matter experts to speak to the Task Force regarding best practices. The City Manager is authorized to hire a third-party facilitator to work directly with the Task Force.

Section 8. Meetings: Meetings will be held on a regular and timely basis that shall be determined by the Task Force members. Meetings will include members of the Task Force and staff support for the Task Force, as determined by the City Manager and the City Attorney. The Task Force Chairperson or a designee shall prepare an agenda and take minutes at each meeting of the Task Force. Minutes will be forwarded via email to the Mayor and City Councilmembers, as well as the Task Force members and staff support. In addition to input at meetings, the Task Force shall take input from community members and other stakeholders regarding their charge.

Section 9. Final Report: The Task Force shall submit a final report with their findings and recommendations to the Public Safety and Legal Standing Advisory Committee at least sixty (60) days

prior to the end of the Task Force's term. The Task Force shall present a final report to the Mayor and City Council at the end of the Task Force's term.

Section 10. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

SO ORDAINED, this 2 day of March, 2021.

ATTEST:

By Tracy Ashby  
Tracy Ashby, City Clerk

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA  
Beverly H. Burks  
Beverly H. Burks, Mayor

**A RESOLUTION TO CREATE A CITY OF CLARKSTON  
PREVENTATIVE HEALTH TASK FORCE**

2019-021

**WHEREAS**, the City Council understands that protecting the health and welfare of its residents is of the utmost importance and that preventative health education and treatment are essential to good health outcomes; and

**WHEREAS**, the City Council desires to create programs and services with community partners to engage residents, health workers, experts and policy makers to create equitable policies, practices, and programs so that every resident of Clarkston can access preventative health education and treatment; and

**WHEREAS**, the City Council has determined that a Clarkston Preventative Health Task Force could help accomplish the City's health and welfare goals for its residents; and

**WHEREAS**, the City Council desires to establish the mission and the membership criteria of the Clarkston Preventative Health Task Force and appoint its initial members by means of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Clarkston that the Clarkston Preventative Health Task Force ("CPHTF") is hereby created.

**BE IT FURTHER RESOLVED** that:

1. The purpose, approach, areas of focus and goals of the CPHTF shall be as set forth on Exhibit "A" attached hereto.
2. The CPHTF shall consist of at least four (4) members and no more than ten (10) members. Members shall serve terms of indefinite duration until they resign or are replaced by methods consistent with this Resolution.
3. One member of the City Council shall be a member of the CPHTF at all times. Such Council member shall be appointed to the CPHTF by the City Council. After the initial appointments made by this Resolution, subsequent members of the CPHTF (other than the City Council member) shall be appointed by the CPHTF.

4. The initial members of the CPHTF shall be:

- Heval Kelli, MD
- Sakib Quereshi, MD
- Mary Helen O'Connor, PhD
- City Council member Laura Hopkins.

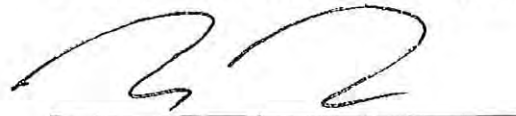
5. Drs. Kelli, Quereshi and O'Conner are hereby designated as co-chairs of the CPHTF.

6. In its first year, the CPHTF shall establish a process to collect nominations for new members and appoint new members, as well as bylaws for conducting its business.

7. The CPHTF shall report to the City Council on its activities and accomplishments at least annually.

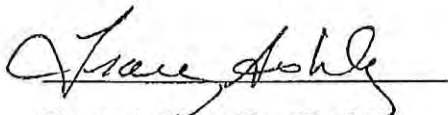
SO RESOLVED, this 1<sup>st</sup> day of October, 2019

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA



Ted Terry, Mayor

ATTEST:



Tracy Ashby, City Clerk

**Clarkston Preventive Health Task Force**  
**Collaborate, Guide & Prevent**

**I. Purpose:**

The Clarkston Preventive Health Task Force is an independent, volunteer panel of experts in chronic disease prevention, primary care, and community health. The purpose of the Task Force is to improve the health of the Clarkston community and surrounding areas by encouraging collaboration, providing an infrastructure for resource sharing, seeking financial and human resource support for healthcare organizations, and providing policy recommendations to city government. The Task Force will offer guidance to organizations, researchers, and professionals in connecting to the community in ethical and responsible ways to address health disparities and provide culturally appropriate preventive education and treatment.

**II. Approach:**

- a. To form partnerships that address community health problems and needs in order to maximize efficiencies and provide a safety net of care for the most vulnerable community members.
- b. To facilitate communication among community stakeholders, healthcare providers, and community members.
- c. To offer professional guidance for the procurement of resources, ethical research and interventions, and guidelines for the establishment of programs in health promotion and preventive care.

**III. Areas of focus:**

*Preventive Health*

- a. Connect the various not-for profit and for profit clinics in Clarkston
- b. Build a collaborative team where of various health providers to communicate and share resources.
- c. Create an online hub for all the health resources available for patients, providers and organizations engaged in Clarkston.

*Education:*

- a. Guide academic institutions, organizations, and government on serving community members and relevant research and care in Clarkston.
- b. Develop mentorship models and opportunities for inspiring, guiding, and supporting local students from disadvantaged communities to expose them to health careers and opportunities.
- c. Educate community members about preventive health focused on prevalent cardiovascular risk factors and diseases.



#### IV. Goals:

##### Objectives and Timeline

###### Year 1:

- a. Establish a diverse task force focused on prevention.
- b. Host 3 meetings to discuss the plans and goals of the task force.
- c. Seek operational funding to build the foundation of the task force.
- d. Create a website to streamline the health resources in Clarkston.
- e. Draft clear guidelines and a toolkit for institutes, organizations and business for meaningful engagement with the community.
- f. Create an advisory group to guide health prevention in Clarkston.
- g. Develop the collaborative prevention model (Preventive health for All). It will focus on utilizing the low-cost community resources to education about cardiovascular risk factors, recognize their early onset and address them through our collaborative resources.
- h. Provide quarterly presentations to the City Council in regular meetings on activities and progress of the task force.

###### Year 2

- a. Maintain the model to sustain and update the online platform for health resources
- b. Establish quarterly meetings for the taskforce
- c. Refine and publish guidelines and tool kit on addressing preventive health in Clarkston.
- d. Apply for larger funding to establish a sustainable and scalable model of collaborative preventive health focused on cardiovascular risk factors and diseases (Preventive Health for All).

###### Year 3-5

- a. Implement Preventive Health for All.
- b. Maintain goals from Year 2.
- c. Create a preventive health fellowship for graduate students focused on our collaborative model with local universities.
- d. Expand partnership to other interested cities across the state and country.
- e. Issue 5 year report on achievement of goals and provide suggestions for extending, changing, or reducing the work of the task force.

## **Public Art Advisory Committee**

The City Council formed the Clarkston Public Art Advisory Committee to promote a sense of ownership and community pride through public art contributions in public facilities and spaces for residents and guest that come to the City of Clarkston. The Public Art Advisory Committee will work to facilitate access to and appreciation for art and cultural heritage and enjoyment of public places.

The Clarkston Public Art Advisory Committee membership will consist of Ten Clarkston resident members - Four (4) will be appointed by the Mayor, and Six (6) who will be appointed by the City Council. Additionally, one City Council members will serve on the Public Arts Committee and will act as the primary liaison between the Public Art Advisory Committee and the Clarkston City Council and staff.

Residents of the City of Clarkson, 18 years of age and older, may submit [an application for Public Art Advisory Committees](#).

All appointments to the Public Art Committee shall be for a two year term. Members may be removed or replaced at the discretion of the Mayor or City Council, consistent with the original appointing authority.

The Public Art Advisory Committee is tasked:

- Advise the Mayor, City Council, and City Manager with recommendations on the arts for approval.
- study, assess, and render advice on projects, plans, partnerships, and City programs related to art, and shall bring forth any issues or concerns to the City's elected officials about public art
- will recommend art projects that may be implemented within the City and collect data and disseminate information on city art in other communities for further development of art initiatives
- will work to promote private-public partnerships for the benefit of art along trails, streets, and within public parts

City of Clarkston residents wishing to be considered for appointment to the Clarkston Public Art Advisory Committee must complete the [Public Art Advisory application](#) submit to the [City Clerk](#) Tomika R. Lewis at [tlewis@cityofclarkston.com](mailto:tlewis@cityofclarkston.com). You may include a letter of interest and resume or statement of qualifications with your emailed application. Applications will be accepted until the Committee positions are properly filled. Please check back for the status of the Committee formation.

**RESOLUTION TO CREATE A CHARTER REVIEW COMMITTEE -0602017**

**SPONSORED BY: MARIO WILLIAMS AND DEAN MOORE**

**WHEREAS**, the City Council understands that it is desirable to conduct periodic reviews of the Clarkston City Charter; and

**WHEREAS**, the City Council has determined that it is desirable to establish the method of appointment and composition of the Charter Review Committee; and

**WHEREAS**, the City Council has determined that it is desirable to establish the duties of the Charter Review Committee; and

**WHEREAS**, the City Council has determined that it is desirable to establish the scope of the Charter Review Committee;

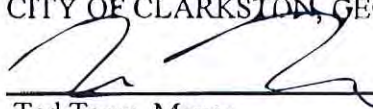
**NOW, THEREFORE, BE IT RESOLVED BY THE** City Council of the City of Clarkston that the Charter Review Committee is hereby created.

**BE IT FURTHER RESOLVED** that the following shall apply to the Charter Review Committee for the City of Clarkston.

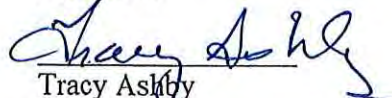
1. The Charter Review Committee shall consist of seven (7) members. Each member shall serve in such capacity for the duration of this specific review. Five (5) members shall reside in the City of Clarkston and shall be appointed by a majority of a quorum of the Clarkston City Council. Two (2) members shall be current members of the City Council and shall be appointed by a majority of a quorum of the City Council.
2. City of Clarkston residents wishing to be considered for appointment to the Charter Review Committee shall first complete an application which will be made available at Clarkston City Hall Annex, on the City's official website or via email upon request.
3. The Charter Review Committee shall review and provide recommendations to the Clarkston City Council regarding amendments, deletions or additions to Sections 1-5 of the Clarkston City Charter.
4. The Charter Review Committee shall conclude its review and present its written recommendations for any and all proposed amendments, deletions or additions to Sections 1-5 of the Clarkston City Charter to the Clarkston City Council no later than November 1, 2017.

SO RESOLVED, this 6 day of June, 20 17

CITY COUNCIL  
CITY OF CLARKSTON, GEORGIA

  
\_\_\_\_\_  
Ted Terry, Mayor

ATTEST:

  
\_\_\_\_\_  
Tracy Ashby  
City Clerk

## **2022 Clarkston Early Learning**

### **Task Force**

#### **Clarkston Residents**

Angel Chin	Educator, Stone Mountain Elememntary & Family Advocate (Early Head Start)
Eyelachew Desta	Consultant, resident
Ashli Owen-Smith	GSU Professor, Prevention Research Center, parent/resident
Maggie Deaton	Atlanta Speech School, resident

#### **Experts**

Amy Jaret	Founder and Teacher, Footprints Family Learning Center
Julie Goldberg	Youth Program Supervisor at IRC in Atlanta
Virginia Baker-Jeffcoat	Executive Director, Scottdale Early Learning
Audrey Rodgers	Family Services Supervisor, Easter Seals of North Georgia
Jennifer Green	Director, Refugee Family Literacy Program
Linda Travers	ECE Georgia Piedmont Technical College Professor, Coach
Alexandra Cesar	Giselle Academy, Executive Director
Janette Miles-Kendall	Clifton Child Care Center, Early Learning Trainer
Nassra Mireh	Executive Director, Refugee Family Assistance Project, parent

#### **Other**

Roberta Malavenda	CDF Action, Chair/Facilitator
Shawanna Qawiy	Clarkston Interim City Manager
Jamie Carroll	Council Member
Awet Eyasu	Vice Mayor

**Police Community Task Force 3-2-2021**

Joseph Arnold
Teresa Hardy
Judge David Will
Luay Sami
Jewell Gooding
Pastor Karl Moore
April Ross
Rafiq Ahmad
Kim Ault

### Police Community Task Force Members

Positive Growth/ non-profit that works with teens
NAACP
Lawyer/Judge
Clarkston Community Center Executive Director (multicultural organization)
Executive Director of Silence the Shame (mental health)
Clarkston First Baptist Church
A Commission on Family Violence
NOBLE
Individual

CITY OF CLARKSTON

ITEM NO: 5A

CITY COUNCIL WORK SESSION

HEARING TYPE:  
Work session

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** Review/Discuss amending the Clarkston Zoning Ordinance and maps.

DEPARTMENT: Planning Economic  
and Development

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES ☐ NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy, City Manager

PHONE NUMBER: 404-296-6489

**PURPOSE:** To discuss amending the Clarkston Zoning Ordinance and maps.

**NEED/ IMPACT:** At the scheduled City Council meeting on April 4, 2023, the City Council voted to defer the council vote on amending the Clarkston Zoning Ordinance and maps until the May 2, 2023, Regular City Council meeting. During that time the consensus was to defer to vote at the June 6<sup>th</sup>, 2023, Regular City Council meeting.

A community meeting was held at the Clarkton Community Center on May 23, 2023.

The zoning ordinance establishes zoning districts that specify permitted uses, building standards and regulations that apply to different types of properties. Amendments to the zoning ordinance and maps are to increase the ease, impact, purpose, and intent of the local laws and regulate land use and development within the city. The impact of the amendments will include the nature and scope of the changes and the views and concerns of the community.

**RECOMMENDATIONS:**

**Planning and Zoning Board:**

**March 21, 2023.** The Planning and Zoning Board recommended to deny the amendments to the Clarkston Zoning Ordinance and maps.

**City Council:**

**April 4, 2023:** The City Council voted to defer this item until the May 2, 2023, Regular City Council meeting.

The City Council voted to defer this item until the June 6, 2023, Regular City Council meeting.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE BY THE CITY OF CLARKSTON TO ADOPT A NEW ZONING ORDINANCE AS NEW APPENDIX A OF THE CITY’S CODE OF ORDINANCES; TO REPEAL THE EXISTING ZONING ORDINANCE DESIGNATED AS APPENDIX A TO THE CODE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council desires to adopt a new zoning ordinance in order to accomplish the purposes set forth in Section 102 of the attached Zoning Ordinance; and

**WHEREAS**, the City has engaged in extensive public outreach in the process of creating the attached Zoning Ordinance in order to ensure that the document reflects the goals and expectations of the community; and

**WHEREAS**, the City has fully complied with the Zoning Procedures Act in adopting this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of Clarkston, Georgia as follows:

Section 1. The document attached hereto, entitled “Appendix A Zoning” and consisting of \_\_\_\_\_ pages is hereby adopted as new Appendix A of the City’s Code of Ordinances.

Section 2. The Zoning Ordinance previously adopted and amended as Appendix A to the Code of Ordinances is hereby repealed.

Section 3. This ordinance shall become effective immediately upon its adoption.

NOTICE OF HEARING PUBLISHED: 3/16/2023

PUBLIC HEARING HELD: 4/4/2023

**SO ORDAINED** this \_\_\_\_\_ day of June, 2023.

ATTEST:

**CITY COUNCIL,  
CLARKSTON, GEORGIA**

\_\_\_\_\_  
Tomika Mitchell, City Clerk

\_\_\_\_\_  
BEVERLY H. BURKS, Mayor

Approved as to Form

\_\_\_\_\_  
Stephen G. Quinn, City Attorney

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE BY THE CITY OF CLARKSTON TO  
ADOPT A NEW CITY ZONING MAP.**

**WHEREAS**, the City Council desires to adopt a new up-to-date zoning map; and

**WHEREAS**, the City has fully complied with the Zoning Procedures Act in adopting this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Clarkston that the map attached hereto, labeled “City of Clarkston Zoning Map” and dated \_\_\_\_\_, is hereby adopted as the official zoning map for the City, effective immediately.

BE IT FURTHER RESOLVED, that all prior zoning maps adopted previously are hereby repealed.

NOTICE OF HEARING PUBLISHED: 10/27/2022

PUBLIC HEARING HELD: 11/15/2022

SO ORDAINED this \_\_\_\_ day of June, 2023.

ATTEST:

**CITY COUNCIL,  
CLARKSTON, GEORGIA**

\_\_\_\_\_  
Tomika Mitchell, City Clerk

\_\_\_\_\_  
BEVERLY H. BURKS, Mayor

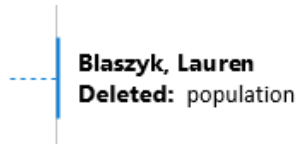
Approved as to Form

\_\_\_\_\_  
Stephen G. Quinn, City Attorney

**UPDATED: May 16, 2023**

## **How to review the proposed City of Clarkston Zoning Ordinance:**

This document is a ‘red-lined’ version of the existing Clarkston Zoning Ordinance. Everything that is red, blue, or green and underlined, has been edited by the project team. Graphics and tables that are highlighted in yellow are new. You will see the specific changes in a column on the right side of your screen, for example:



**Blaszyk, Lauren**  
**Deleted:** population

On the project website, there is also a *Summary of Changes* document that serves as a guide for your review, listing all of the major changes in the Clarkston Zoning Ordinance, article-by-article.

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PART II - CODE OF ORDINANCES  
APPENDIX A ZONING

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## **APPENDIX A ZONING<sup>1</sup>**

### **ARTICLE I. GENERAL**

#### **DIVISION 1. TITLE, APPLICABILITY AND PURPOSE**

##### **Sec. 100. Title.**

This Appendix A to the City of Clarkston, Georgia Code of Ordinances shall be known and may be cited as the "Clarkston zoning ordinance."

##### **Sec. 101. Applicability.**

These regulations shall apply to all present and future land development located within the incorporated area of Clarkston, Georgia. The requirements contained herein are declared to be minimum requirements necessary to carry out the purpose of this article. This article shall regulate the height, number of stories, and the size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density and distribution of dwelling units; the location and use of buildings and other structures; the use, condition of use, or occupancy of land by trade, industry, housing, recreation, transportation, agriculture, or for any other purpose; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, enforcement and amendment; creating a planning and zoning board and defining the powers and duties thereof; providing penalties and resolutions; and for other purposes.

##### **Sec. 102. Purpose.**

The purpose of the Clarkston zoning ordinance shall be to:

- (a) To protect existing development in the city.
- (b) To improve the property within the city through redevelopment, where appropriate.
- (c) To prevent damage to improved property by natural disaster.
- (d) To prevent overcrowding of schools and other public facilities.

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The zoning ordinance is printed herein as enacted, except that figures or letters appearing in brackets have been added by the editor. Amendatory enactments subsequent to Ord. No. 325 are cited in parentheses following the amended sections.

Cross reference(s)—Gasoline service station, Ch. 9.5; planning and zoning commission, § 15-1 et seq.; subdivision, Ch. 17.

State law reference(s)— Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.

- 
- (e) To achieve such timing, density, and distribution of population, land development and use as will prevent overloading public infrastructure systems for providing water supply, sewage disposal, drainage, sanitation, police and fire protection, and other public services, will protect the traffic movement capabilities of streets within the city and prevent traffic hazards, and will facilitate the efficient and adequate provision of public services and facilities.
  - (f) To achieve such density, design, and distribution of housing as will protect and enhance residential property values and facilitate the provision of adequate housing for every citizen.
  - (g) To secure such accessibility, design and density of land development and use as will reduce fire hazards and fire losses.
  - (h) To promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the city.
  - (i) To encourage greater efficiency and economy of land development through natural resource conservation.
  - (j) To preserve the city's natural beauty and encourage architecturally pleasing development.
  - (k) To improve the quality of life through protection of the city's total environment including the prevention of air, visual, water and noise pollution.
  - (l) To implement the vision, goals, and policies of the comprehensive plan.

### **Sec. 103. Relationship to Comprehensive Plan**

The comprehensive plan, consisting of its future land use map and related policies, as may be amended from time to time, is hereby established as the official policy of the city concerning designated future land uses, and as a guide to decisions regarding the appropriate manner in which property may be zoned in the incorporated areas of the city. A copy of the comprehensive plan, as may be amended from time to time, shall be maintained at city hall and be available for inspection by the public.

- (a) *Relationship between the comprehensive plan and zoning.* The comprehensive plan does not change the existing zoning districts in the city and does not itself permit or prohibit any existing or future land uses. Instead, the comprehensive plan establishes broad planning policy for current and future land uses and will be consulted as a guideline for making decisions about applications to amend the official zoning map and text of the zoning ordinance.
- (b) *Consistency with comprehensive plan character areas.* Any applicant seeking to rezone property to a classification that is inconsistent with the adopted comprehensive plan must first obtain approval of an amendment to the comprehensive plan from the mayor and city council, following the procedures in this zoning ordinance.
- (c) *Amendments to the comprehensive plan.* The Comprehensive Plan shall be reviewed and updated or amended (as appropriate) according to a schedule approved by the mayor and city council, and as required by the DCA in compliance with the Rules of DCA, Chapter 110-12-1, Minimum Standards and Procedures for Local Comprehensive Planning.

### **Sec. 104. Duties to administer, interpret, and enforce the zoning ordinance.**

- (a) Unless otherwise specified in any article, chapter, or section of this zoning ordinance, it shall be the duty of the city manager to administer, interpret, and enforce this zoning ordinance.
- (b) Unless otherwise specified, where this zoning ordinance refers to "the manager" or "the city manager," it shall mean the city manager or their designee.

- 
- (c) The city manager shall also enforce all adopted codes relating to ADA Compliance, as adopted by the State.
  - (d) It shall be the duty of the county fire marshal to enforce all State, County, and City fire codes.

#### **Sec. 105. Official zoning map.**

The city is hereby divided into zoning districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this zoning ordinance.

The official zoning map shall be identified by the signature of the mayor and city council, attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning map referred to in the zoning ordinance" together with the date of adoption of this zoning ordinance.

#### **Sec. 106. Replacement of official zoning map.**

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the mayor and city council may by zoning ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map, and shall be identified by the signature of the mayor attested by the city clerk and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted the date of (date) \_\_\_\_\_ as part of the zoning ordinance."

Unless the previous official zoning map has been lost, or has been destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

#### **Sec. 107. General use regulations.**

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or altered, except in conformity with the regulations of this zoning ordinance. Any use of property not expressly permitted by this zoning ordinance shall be deemed to be prohibited.

#### **Sec. 108. Development projects under construction.**

Nothing in this article shall require any change in the development or proposed use of properties which are legally under construction or for which a complete application for a building permit has been received and/or approved by the city upon the date of adoption of this ordinance, so long as actual construction is commenced within one (1) year of the effective date of adoption of this ordinance and carried out diligently.

#### **Sec. 109. Unsafe buildings.**

Nothing in this zoning ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

### **DIVISION 2. LEGAL STATUS PROVISIONS**

#### **Sec. 110. Conflict with other laws.**

Whenever the regulations of this ordinance require more restrictive standards those of any other ordinance, statute or covenants, the requirements of this ordinance shall govern. Whenever the provisions of any other

---

ordinance, statute, or covenants require more restrictive standards than those of this ordinance, the provisions of such other ordinance, statute, or covenants shall govern.

### **Sec. 111. Severability clause.**

Should any section or provision of this zoning ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the zoning ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. The mayor and city council hereby declares that it would have adopted the remaining parts of the zoning ordinance if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

### **Sec. 112. Repeal of conflicting ordinances.**

All resolutions and ordinances and parts of resolutions and ordinances in conflict with this zoning ordinance are hereby repealed; provided however, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of development accompanying those zoning approvals or use permits issued under previous zoning ordinances or resolutions; provided however, modification or repeal of such past conditions of approval may be accomplished as provided by this zoning ordinance.

All quasi-judicial actions, zoning decisions, and exceptions heretofore granted by the mayor and city council shall remain in full force and effect. All terms, conditions, and obligations imposed by the mayor and city council with respect to quasi-judicial actions and zoning decisions shall remain in effect and be binding. Prior zoning ordinances shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations and for the prosecution of any violations heretofore commended.

### **Sec. 113. Effective date.**

This ordinance shall take effect and shall be in force from and after the date of its adoption, the public welfare demanding it.

## ***ARTICLE II. ADMINISTRATION<sup>3</sup>***

### **DIVISION 1. GENERAL**

#### **Sec. 201. Applications**

This division establishes procedures that apply to all application submittals and procedures for public hearings required by this zoning ordinance. Prior to the processing of any application for an amendment to the official zoning map, commonly referred to as a rezoning, variance, future land use map amendment, conditional use permit, or modification to conditions of zoning, the applicant shall be required to file documentation and follow certain procedures as set forth in this division. Additional regulations that apply to specific application types may be found in subsequent sections of this chapter.

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<sup>3</sup>Editor's note(s) — Ord. No. 375, § 3, adopted Oct. 1, 2013, repealed former Art. III, §§ 301—323, in its entirety and enacted new provisions as herein set out. Former Art. III pertained to similar subject matter and derived from Ord. No. 325, § 1, 4-23-07; Ord. No. 358, §§ 1, 2, 3-1-11.

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## Sec. 202. Zoning of annexed property.

- (a) Upon annexation of property, the mayor and city council shall assign the annexed property a zoning designation. Based on the DeKalb County zoning of the annexation property, the mayor and city council will assign the corresponding city zoning designation listed in subsection (b) unless mayor and city council determines that a different zoning designation is more appropriate based on the criteria set forth in Sec. 210. Procedures for the zoning of annexed property shall meet the requirements of O.C.G.A. § 36-66-4.
- (b) DeKalb County to City of Clarkston zoning conversion table.

Table 2.1 Zoning Conversion Table	
City of Clarkston Zoning District	DeKalb County Zoning District
NR-1	RE
NR-1	RLG
NR-1	R-100
NR-1	R-78
NR-1	R-85
NR-2	R-75
NR-2	R-60
NR-2	MHP
NR-2	RNC
NR-3	RSM
NR-3	MR-1
NR-3	MR-2
NR-3	HR-1
NR-3	HR-2
NR-3	HR-3
NR-CD	MU-1
NR-CD	MU-2
NR-CD	MU-3
NR-CD	MU-4
NR-CD	MU-5
RC	OIT
NC-1	C-I
NC-1	OI
I	OD
NC-2	C-2
NC-2	NS
I	M
I	M-2

## Sec. 203. Application requirements.

Applications seeking approval of a rezoning, future land use map amendment, variance, or conditional use permit, or planned unit development shall include the following:

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- (a) *Pre-application meeting.* Prior to the submittal of an application, the applicant shall meet with the city manager for a preliminary conference on the location, scope, and nature of the proposed development. A written report on the pre-application meeting shall be prepared and transmitted to the applicant and to the mayor and city council.
  - (b) A legal description of the tract(s) that are the subject of the application.
  - (c) The owner of the property that is the subject of an application shall certify by notarized signature that they are the applicant or have given authority to the applicant to file the application. When properties have more than one (1) owner, the notarized signature of all property owners shall be required.
  - (d) An application fee established by the city.
  - (e) A written analysis of the impact of the proposed application with respect to the applicable criteria established in this article.
  - (f) A boundary survey completed by a certified surveyor depicting the following:
    - (1) Existing shape and dimensions of each lot that is the subject of the application, including the size, measurement and location of any existing buildings or structures on the lot(s).
    - (2) Existing location of utilities.
    - (3) Streams, creeks, lakes, and ponds.
    - (4) Easements and rights of way.
  - (g) A site plan at a readable scale (1" = 100' minimum). The site plan shall contain the required number of sets (specified on each application) and shall demonstrate compliance with all regulations and calculations required by this zoning ordinance. Unless waived by the city manager as inapplicable in the case of minor building permits, site plans shall include but not be limited to the following information:
    - (1) A correct scale and north arrow.
    - (2) The present zoning classification and future land use category of the subject and all adjacent parcels.
    - (3) The name and address of the owner(s) of the subject and all adjacent parcels.
    - (3) Proposed land use and building footprints with door locations.
    - (4) The gross square footage of proposed buildings.
    - (5) Required yard setbacks appropriately dimensioned.
    - (6) Densities.
    - (7) The location of required off-street parking and loading spaces including total number of spaces; and space and driveway dimensions.
    - (8) Internal circulation including the proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement.
    - (9) Building height.
    - (10) Sidewalks.
    - (11) Utilities, grading, drainage, amenities, and similar details including their respective measurements.
    - (12) Any applicable buffer boundaries such as: including streams or other planted buffers as required by zoning district.

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- (13) *Landscape and tree plan.* This plan shall demonstrate compliance with all regulations and calculations required by the zoning ordinance related to landscaping and trees and shall include but not be limited to the following information:
- (i) Landscaping, including tree species, the number of all plantings, and landscaping that is replacing what is being removed.
  - (ii) The location and extent of required buffers and screened areas, depicting extent of natural vegetation and type and location of additional vegetation if required.
  - (iii) Open space.
- (14) *Architectural design.* The architectural design elements showing compliance with all regulations and calculations required by the zoning ordinance which shall include but not be limited to the following information:
- (i) Scaled elevation drawings of proposed structures.
  - (ii) Information on building materials, features, exterior finishes, windows, doors, colors, and items affecting exterior appearance, such as signs, HVAC equipment, and similar details including their respective measurements.
- (h) Applications seeking approval of a rezoning, conditional use permit, or planned unit development that meet any of the following criteria shall be required to include a traffic impact study (TIS) before the application can be considered complete. [The report shall include but not be limited to the following information:](#)
- (1) The proposed development has at least thirty (30) dwelling units, fifteen thousand (15,000) square feet of office space, and/or ten thousand (10,000) square feet of commercial space.
  - (2) The proposed development is a public or private school with a capacity of at least one hundred (100) students.
  - (3) The proposed development is expected to generate forty (40) or more new vehicle trips during an AM or PM peak hour or three hundred (300) or more new vehicle trips in an average day.
- Trip generation shall be calculated based on the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Trip estimates developed to identify the need for a TIS should not include trip reductions below ITE rates.
- (i) Applications seeking approval of a rezoning, conditional use permit, or planned unit development that meet any of the following criteria shall be required to include an economic impact study before the application can be considered complete:
- (1) Large scale commercial development with over thirty thousand (30,000) square feet gross floor area.
- The economic impact study shall include an analysis of job creation, employment opportunities for residents, tax generation, and other fiscal impacts on the city.
- (j) Applications seeking approval of a rezoning, conditional use permit, or planned unit development that includes any industrial uses or structures shall be required to include an environmental impact report before the application can be considered complete. The report shall include but not be limited to the following information:
- (1) Impacts on noise levels of the surrounding area.
  - (2) Impacts on air quality of the surrounding area.

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- (3) Impacts on water quality/resources including surface water, groundwater, floodplains, and wetlands.
  - (4) Impacts on vegetation, fish, and wildlife species and habitats.
  - (5) Impacts of thermal and explosive hazards on the surrounding area.
  - (6) Impacts of hazardous wastes on the surrounding area.
  - (7) Uses and quantities of any agents listed on the Federal Environmental Protection Agency Lists of Hazardous Wastes.
  - (8) Strategies to mitigate or avoid impacts listed in this section as applicable.

#### **Sec. 204. Application submittal and completeness.**

- (a) No application shall be deemed accepted and filed until all required fees have been paid, all required forms have been submitted and all required materials, including any study that may be required at the discretion of the city manager, have been submitted. The date an application is complete and hence accepted and filed shall be noted on the application form by the city manager. Any subsequent deadlines tied to date of application shall begin to run as of said date.

#### **Sec. 205. Common procedures**

- (a) *City manager review.* Upon receipt of an application for a rezoning, future land use map amendment, variance, conditional use permit, planned unit development, or upon notice from two (2) or more mayor and city council members of a proposed text amendment, and within thirty (30) days of receipt of the formal application and all required information, the city manager shall review the application (or proposed text amendment) and prepare a written analysis of the application (or proposed text amendment), which shall be provided to the planning and zoning board as well as the mayor and city council.
- (b) *Planning and zoning board review.*
  - (1) All applications for rezoning, future land use map amendment, variance, conditional use permit, planned unit development, and all proposed amendments to the text of the zoning ordinance shall be submitted to the planning and zoning board for review. Such review shall be conducted based upon the standards set forth in the appropriate section of this zoning ordinance, depending on the type(s) of the applications. When a complete application is received, the planning and zoning board shall consider the application at its next regularly scheduled meeting, unless deferred pursuant to this section. Such meeting shall include a public hearing and follow procedures required in Sec. 206 of this article.
  - (2) The city clerk shall cause notice of the time, place, and purpose of the public hearing and a copy of the city manager's report on the application to be published on the city's website at least fifteen (15) days prior to the public hearing.
  - (3) Upon motion, the planning and zoning board may defer any application which it deems to be incomplete. The fact that a required community open house meeting has not yet been held shall cause the application to be deemed incomplete and necessitate a deferral. A complete application may be deferred on only one occasion.
  - (4) The planning and zoning board shall make a recommendation to the mayor and city council with respect to its findings. The recommendations shall be a part of the permanent record of the application and shall be reported at any meeting of the mayor and city council which considers the

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application. In addition, the city clerk shall cause the planning and zoning board's recommendation to be posted on the city's website from the time that it is available until a final decision on the application is made by the mayor and city council.

(5) Failure to act.

- i. Failure by the planning and zoning board to act upon any application shall not cause delay of process unless such failure is due to incomplete data or information in an application. Should the planning and zoning board fail to act upon any complete application, it shall pass to the mayor and city council with a notation thereon that the planning and zoning board has reviewed but failed to act upon the application.
- ii. If the planning and zoning board fails to submit a report within thirty (30) days of its first meeting after it has considered an application that is complete in all respects, it shall be deemed to have recommended approval of the proposed amendment. However, the planning and zoning board and the applicant for an amendment may jointly agree to postpone action for a thirty-day period.

(6) The mayor and city council shall hear the application at its next meeting which complies with [O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter.](#)

(7) Provisions for application withdrawal shall be as established in Sec. 206.

(d) *Mayor and city council.*

(1) Before the mayor and city council shall approve or deny any [rezoning, future land use map amendment, variance, conditional use permit, planned unit development, or](#) text amendment they shall hold a public hearing thereon, to be conducted pursuant to procedures outlined in this zoning ordinance and those provided in O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter.

(2) Notwithstanding any other provisions of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

- i. The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart.
- ii. Prior to the first meeting provided for in subparagraph (i) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection (i) of this Code section.
- iii. Notice requirements for such hearings are in Sec. (e)(9).

(3) *Final action.*

- i. The mayor and city council shall approve, approve with conditions, or deny the request. Such final zoning action may occur at the time of the public hearing or at the next regularly scheduled mayor and city council meeting.

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- ii. The mayor and city council shall not be bound by but shall consider the recommendations of the planning and zoning board in its deliberations on the application.
- (4) Provisions for application withdrawal shall be as established in Sec. 207.
- (e) *Public notice of public hearings.*
- (1) Legal notice. Notice of a hearing pursuant to this ordinance shall be published in the legal organ of the city in which the legal advertisements of the city are published. Where the proposed action includes any combination of zoning decisions under subparagraphs (C), (E), or (F) of paragraph (4) of O.C.G.A. § 36-66-3 for the same property, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing at least 15 but not more than 45 days prior to the date of the hearing. The notice shall state the time, place, and purpose of the hearing. Notices announcing public hearing for considering an application to rezone property or an application for a special use shall also include the location of the property, and the present and proposed zoning classification or the proposed special use of the property, as appropriate.
- (2) *Property posting.* The applicant shall post a sign or signs provided by the city in a conspicuous place on the property a minimum of 15 calendar days prior to a public hearing that shall comply with the following requirements:
- i. Be readable from each street on which the property fronts, or if the property has no street frontage, from each street from which access will be gained;
  - ii. Clearly indicate the following information
    - (a) Present zoning classification of the property;
    - (b) Proposed zoning classification or special use; date and time; and
    - (c) Location of the public hearing.
  - iii. Be maintained by applicant to prevent removal from the property or destruction for the period commencing on the date the public notice appears in the newspaper through the date of the public hearing.
- (3) *Written notice to adjacent and nearby property owners.* The applicant shall give written notice by certified mail return receipt requested to all property owners within 300 feet of the boundaries of the property as appear in DeKalb County tax records. The measurement shall be performed from each boundary of the property that is the subject of a zoning petition or special use application. Public notices shall be mailed such that they are received a minimum of 15 calendar days and a maximum of 45 calendar days prior to the public hearing. The return receipts shall be provided to the community development director within one week of receipt.
- (4) A quasi-judicial officer, board, or agency shall provide for a hearing on each proposed action. Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing, with such notice being made as provided for in subsection (1) of this Code section and with additional notice being mailed to the owner of the property that is the subject of the proposed action.
- (5) The local government shall give notice of such hearings outlined in Sec. (d)(2) by:
- i. Posting notice on each affected premises in the manner prescribed by subsection (b) of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

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- ii. Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.
  - iii. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.
- (6) The provisions of paragraph (5) of this section shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.
  - (7) This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.
  - (8) Posting of property associated with an amendment to the official zoning map initiated by the City of Clarkston shall not be required.
  - (9) All hearings of any quasi-judicial officer, board or agency and city council shall be open to the public and shall comply with the Georgia Open Meetings Act.

## **Sec. 206. Procedure for public hearings**

Whenever the mayor and city council conducts a public hearing in connection with a zoning decision or quasi-judicial action, as required by O.C.G.A. Section 36-66-4, [as it now exists and may be amended hereafter](#), the following procedures shall be observed:

- (a) *Speaker registration.* The applicant in favor will automatically be registered to speak in support of the application. Any other person wishing to speak, either in support or opposition to the application, shall register with the city clerk. Registration may be accomplished through the city website between 9:00 a.m. and 4:00 p.m. on the day of the hearing, or in person at city hall beginning one (1) hour prior to the start of the meeting during which the public hearing will be held ending five (5) minutes prior to the start of the meeting. The speaker's registration shall indicate whether the person registering to speak wishes to speak in support or opposition to the application. The city clerk shall create and maintain a list of proponents and opponents registered to speak at a public hearing and the order in which they registered.
- (b) *Total time allotted for public hearing.* Before the public hearing is opened for public comments, the mayor (or presiding officer) shall announce a total time allotted for the public hearing. The total time allotted shall be no less than twenty (20) minutes (ten (10) minutes per side) and no longer than one (1) hour (thirty (30) minutes per side). At all public hearings, the proponents and opponents of the application shall collectively be allotted equal time to present their views to the mayor and city council.

- (c) Time allotted to each registered speaker. The total time per side allotted for the public hearing (per Sec. 206(b)) shall be equally divided among registered speakers. Except for the applicant, each speaker shall initially be limited to a maximum of three (3) minutes to speak. In the event that all registered speakers on one side of an application have had an opportunity to speak and a portion of the total time for that side (proponents or opponents) remains unused, registered speakers will have an opportunity to speak again within the total time allotted for their side, restarting at the beginning of the registration list.
- (d) Order of public comment at hearing.
- (1) *Proponents.* The mayor and city council shall first hear from the proponents of the application. The applicant will have the first opportunity to speak. Then individuals that registered to speak in support of the application shall have the opportunity to speak, in the order that they registered.
  - (2) *Opponents.* After the proponents' comments are complete, the opponents shall have the opportunity to speak. Individuals that registered to speak in opposition to the application shall have the opportunity to speak, in the order that they registered.
- (e) *Public hearing is not an opportunity for dialogue.* The public hearing is strictly for proponents and opponents to express their opinions regarding the application to the mayor and city council. Speakers shall not direct questions to the applicant, mayor and city council members or city staff during the public hearing. Mayor and city council members may wish to question the applicant and/or proponent and/or opponent of the application as part of the council's consideration of the application. However, any such dialogue will be conducted outside of the public hearing portion of the meeting.

Table 2.2 Review and Approval Review and Approval Authority			
	City Manager	Planning & Zoning Board	City Council
Rezoning	R	R	D-PH
Future Land Use Map Amendment	R	R	D-PH
Text Amendment to Zoning Ordinance	R	R	D-PH
Administrative Variance	R-D		
Planned Unit Developments	R	R	D-PH
Variance	R	R	D-PH
Conditional Use Permit	R	R	D-PH
Temporary Use Approval	R-D		
Key R: Review and Recommendation PH: Public Hearing D: Final Decision			

**Sec. 207. Withdrawal from and reapplication for rezoning, future land use map amendment, variance, conditional use permit, or planned unit development.**

- (a) Once an application for a [rezoning, future land use map amendment, variance, conditional use permit, or planned unit development](#) has been made, the applicant may withdraw the application without prejudice only until the legal advertisement of the public hearing is published by the legal organ. An application may not be withdrawn by an applicant or property owner under any circumstance after the legal advertisement of the public hearing has been placed. All applications, having been advertised, shall

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be considered by the planning and zoning board and mayor and city council as appropriate and shall receive final action.

- (b) No application or reapplication for the same type of application [rezoning, future land use map amendment, variance, conditional use permit, or planned unit development](#) affecting the same land or any portion thereof shall be acted upon within twelve (12) months from the date of denial of the last application by the mayor and city council, unless such twelve (12) month period is waived by the city council and in no case may such an application or reapplication be reconsidered in less than six (6) months from the date of last action by the city council. Administrative variances shall not be subject to this time lapse requirement.

## **Sec. 208. Conditional approvals.**

In approving a [rezoning, future land use map amendment, variance, conditional use permit, or planned unit development](#) the mayor and city council may impose special conditions which they deem necessary to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the comprehensive plan. Should the mayor and city council impose special conditions, the following conditional zoning standards shall apply:

- (a) Each general district established in this chapter shall have a subclassification thereunder known as "conditional" for that classification.
- (b) All zoning districts as shown on the official zoning map with a suffix "C" after the district designation (i.e. NC-1-C) denote that the parcel is zoned "conditional" under previous ordinance amendments by the council. Such conditions shall remain in effect, and copies of such conditional ordinances may be obtained from the clerk of council.
- (c) After conditions are approved by the mayor and council, a request for a building permit shall be submitted to the city manager, who shall make the determination that the final building and site plans are in conformance with the approved site plan and with any conditions attached by the council.
  - (1) Minor changes in the approved site plan may be authorized by the city manager. For the purposes of this chapter, a minor change in the approved site plan means a change to a site plan that was approved by the city council as a condition of a zoning ordinance, provided that the change in layout does not result in the visible intrusion of any building, structure, driveway, walkway, parking lot, plaza, wall, or similar built element into any open space, yard, landscaped buffer, undeveloped space, or any similar space, when any such space is shown on the site plan as being next to and visible from a property line or street. The term "minor change" does not include any increase in the height in feet of any building or structure, any increase in the number of parking spaces, any increase in total square footage of any heated and/or livable space of any buildings and/or structures, or the addition of any buildings or structures, driveways, roads, or parking lots into any open space, yard, landscaped buffer, undeveloped space, or any similar space when any such space is shown on the approved site plan as lying next to and visible from a property line or street.
  - (2) If for any reason, development and use of property approved in accordance with the procedure outlined above cannot be accomplished, the plans shall not be altered, changed or varied, except after approval by the council.

## **Sec. 209. Zoning and sign fees.**

The zoning and sign fees designated by the mayor and city council shall be established by separate ordinance or resolution, to be updated as necessary.

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If the work to improve the subject property or use of property that is the subject of an application or permit is commenced prior to the application being approved, the fee charged for said application or permit shall be double the amount otherwise charged pursuant to the applicable fee schedule.

## **Sec. 210. Construction and use consistency with application, plans, and permit.**

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the building official authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction which varies from approved plans shall be deemed a violation of this ordinance.

All employees of the city which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building, or purpose if the same shall be in conflict with the provisions of this ordinance.

## **DIVISION 2. ZONING MAP AMENDMENTS**

### **Sec. 211. Initiation of amendments.**

Rezoning applications can be initiated by one of the following:

- (a) The mayor and city council may initiate amendments to the official zoning map. The requirements for applications in Sec. 203 and 212(b) shall not apply to amendments initiated by the mayor and city council.
- (b) Any person, firm, corporation, or agency may initiate applications to amend the official zoning map, provided that said person, firm, corporation or agency is the owner or the authorized agent of the owner of all of the property involved.

### **Sec. 212. Procedures for rezoning applications.**

The official zoning map may be amended by the mayor and city council. Rezoning applications shall be filed with the city manager. Amendments to the official zoning map shall meet the following procedures and criteria:

- (a) Procedures and application requirements for rezoning applications shall comply with Sec. 204 and Sec. 205 of this article.
- (b) *Community open house meetings.*
- (3) *Applicability.* Filing of any of the following applications shall trigger the requirement for the applicant to hold a community open house meeting:
  - (i) An application seeking rezoning of more than five thousand (5,000) square feet of property;
  - (ii) An application seeking approval of a planned unit developments;
- (4) *Requirements for meeting.* The purpose of the meeting is for the applicant and interested community members to have dialogue about the proposed project. Community open house meetings, when required, shall be held as close as reasonably possible to the subject property within the city. The required meeting shall take place prior to the applicant submitting their application to the city manager. Any cost associated with holding a community open house meeting shall be paid by the applicant.
- (5) *Notice of meeting.* To properly notify interested neighbors of the community open house meeting, the applicant required to hold a community open house meeting shall mail a letter to every

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property owner within three hundred (300) feet of the subject property providing notice of the [time, place, and purpose](#) of the community open house meeting.

- (6) *Post-meeting reporting.* The applicant required to hold a community open house meeting shall provide, with their application to the planning and development director, the following:
- (i) A written summary of the community open house meeting.
  - (ii) A list of all meeting attendees.
  - (iii) A summary of the concerns and issues expressed during the meeting.
  - (iv) A summary of the applicant's responses to the concerns and issues expressed.
  - (v) A copy of the mailing list of all property owners within three hundred (300) feet of the subject property, including name, street address, and parcel identification number.
  - (vi) A copy of the form letter mailed to the property owners within three hundred (300) feet of the subject property informing them of the community open house meeting.
- (7) Applicants that comply with all requirements of the community open house meeting under this subsection, regardless of how many participants attend the scheduled meeting, are deemed to have met the community open house meeting requirement of this subsection.
- (c) *Review.* With respect to each application for a rezoning the planning and zoning board and mayor and city council shall investigate and make a recommendation based on the following criteria:
- (1) The effect upon the health, safety, or general welfare of the public compared to any hardship imposed upon the individual property owner seeking rezoning should rezoning be denied.
  - (2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
  - (3) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
  - (4) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
  - (5) Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing [transportation facilities and other infrastructure, such as schools, water, and sewer](#).
  - (6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
  - (7) Whether the zoning proposal is compatible with the principles of the city's comprehensive plan.
  - (8) Whether the zoning proposal is compatible with the most current adopted version of the future land use map of the comprehensive plan.

## **DIVISION 3. FUTURE LAND USE AMENDMENTS**

### **Sec. 213. Initiation of Amendments**

*Initiation of amendments.* Future land use map amendments may be initiated by one of the following:

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- (a) The mayor and city council may initiate amendments to the future land use map. The requirements for applications in section 202 shall not apply to amendments initiated by the mayor and city council.
  - (b) Any person, firm, corporation or agency may initiate applications to amend the future land use map, provided that said person, firm, corporation or agency is the owner or the authorized agent of the owner of all of the property involved.

## **Sec. 214. Procedures for future land use amendments**

The future land use map of the comprehensive plan may be amended by the mayor and city council. Future land use map amendment applications shall be filed with the planning and development director. Amendments to the future land use map shall meet the following procedures and criteria:

- (a) Procedures and application requirements for future land use map amendment applications shall comply with Sec. 204 and Sec. 205 of this article.
- (b) *Review.* With respect to each application for a future land use map amendment, Planning and Zoning Board and City Council shall investigate and make a recommendation based on the following criteria:
  - (1) Whether the future land use map amendment proposal is compatible with the surrounding future land uses as identified in the future land use map.
  - (2) Whether the future land use map amendment proposal can be adequately served by existing transportation facilities and other infrastructure, such as schools, water and sewer.
  - (3) Whether the future land use map amendment proposal negatively impacts natural and historic resources identified by the city.
  - (4) Whether the future land use map amendment proposal is in the best interest of the city and the public good and whether the proposal protects the health and welfare of its citizens.
  - (5) Whether the property to be affected by the future land use map amendment proposal has a reasonable economic use as currently designated on the future land use map.
  - (6) Whether the future land use map proposal meets the policies and intent established in the comprehensive plan.
- (c) *Re-submittal of land use amendment application.* An application for an amendment affecting the same property shall not be submitted more often than once every six (6) months; however, this provision shall not apply to those properties affected by an amendment filed by the mayor and city council.

## **DIVISION 4. VARIANCES AND ADMINISTRATIVE VARIANCES**

### **Sec. 215. Variance procedures.**

The mayor and city council may authorize variances from the terms of this zoning ordinance upon proper application and in specific cases. Applications should be submitted and reviewed by the designated planning and development director for technical review and recommendation in the form of a written staff report. Variance applications shall meet the following procedures and criteria:

- (a) Procedures and application requirements for variance applications shall comply with Sec. 204 and Sec. 205 of this article.
- (b) *Mayor and city council decision.*
  - (1) Final action shall be made no later than sixty (60) days following filing of a complete application, unless extended by agreement of the applicant.

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- (2) The mayor and city council may require accompanying written requirements as part of a "variance decision," thereby approving the variance as "conditional."
  - (3) Appeals of a "variance decision" of the mayor and city council by an aggrieved party shall be available by writ of certiorari to the DeKalb County superior court.
  - (c) The existence of a nonconforming use of neighboring land, buildings, or structures in the same or in other districts shall not constitute a reason for a variance.
  - (d) *Review.* With respect to each application for a variance, the review commissions shall investigate and make a recommendation based on the following criteria. A variance may be granted in an individual case of unnecessary hardship upon a finding by the city council that all of the following conditions exist:
    - (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
    - (2) Such conditions are peculiar to the particular piece of property involved.
    - (3) Such conditions are not the result of the actions of the applicant.
    - (4) A literal interpretation of the provisions of this ordinance would create an unnecessary hardship.
    - (5) The variance requested will not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.
    - (6) The variance is not a request to permit a structure or use of land not authorized in the applicable district.

## **Sec. 216. Administrative variances.**

The city manager or his/her designee shall have the option to grant variances from the development and design standards of this ordinance, where the intent of the ordinance can be achieved and equal performance obtained by granting a variance.

- (a) *Review.* With respect to each application for an administrative variance, the city manager shall review and make a decision based on the following criteria.
  - (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
  - (2) Such conditions are peculiar to the particular piece of property involved.
  - (3) Such conditions are not the result of the actions of the applicant.
  - (4) A literal interpretation of the provisions of this ordinance would create an unnecessary hardship.
  - (5) The variance requested will not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.
  - (6) The variance is not a request to permit a structure or use of land not authorized in the applicable district.
- (b) The authority to grant such variances shall be limited to variance from the following requirements:
  - (1) Front yard or yard adjacent to public street—Reduction not to exceed ten percent of that required.
  - (2) Side yard—Reduction not to exceed three (3) feet [of that required](#).
  - (3) Rear yard— Reduction not to exceed five (5) feet [of that required](#).
  - (4) Height of building— Reduction not to exceed five (5) feet [of that required](#).

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- (5) Fenestration— Reduction not to exceed twenty (20) percent deducted from [that required](#).
  - (6) Landscape zone— Reduction not to exceed two (2) feet [of that required](#).
  - (7) Sidewalk zone— Reduction not to exceed two (2) feet [of that required](#).
  - (c) Procedures for applications
    - (1) The planning and zoning director shall review and decide upon each complete application pursuant to the standards referred to in Sec. 216(a). A written decision on each such application shall be issued no later than 30 days from the date a complete application was filed unless an extension is agreed to by the applicant and planning and development director.
    - (2) The application for an administrative variance shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information as the planning and zoning director deems necessary to evaluate the request.
    - (3) Appeals from a final decision on an administrative variance by an aggrieved party shall follow the appeals procedure of section 220 and 221.

## **DIVISION 4. PLANNED UNIT DEVELOPMENTS**

### **Sec. 217. Planned unit development.**

- (a) Procedures and application requirements for planned unit development applications shall comply with Sec. 204 and Sec. 205 of this article.
- (b) Additional application requirements:
  - (1) A preliminary outline of proposed protective covenants, including provisions for the organization and continued financing of a property owners' association except in commercial planned unit developments.
  - (2) Any statistical tabulations required to show that the proposed development meets the specific requirements of the proposed planned unit development.
  - (3) *Review.* With respect to each application for a planned unit development, Planning and Zoning Board and City Council shall investigate and make a recommendation based on the following criteria:
    - (i) Whether the proposed development is suitable in view of the use and development of adjacent and nearby property.
    - (ii) Whether the proposed development adversely affects the existing use or usability of adjacent or nearby property.
    - (iii) Whether the proposed development results in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
    - (iv) Other existing or changing conditions which, because of their impact on the public health, safety, morality and general welfare of the community give supporting grounds for either the approval or denial of the proposed development.
- (c) *Preliminary and final land subdivision plats.* If the proposed planned unit development is to be subdivided, then the application for approval of the planned unit development shall include all

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information required for the preliminary approval of a subdivision under chapter 17, subdivision regulations, of the City Code.

- (1) The applicant may request approval of the preliminary plat concurrently with their application for the planned unit development. Final approval of the planned unit development by the mayor and city council authorizes the applicant to prepare a final land subdivision plat when applicable.
  - (2) A final land subdivision plat shall be prepared by the developer after approval of the preliminary plat.
  - (3) If the final land subdivision plat meets the requirements of subdivision regulations of the city, it shall be approved by the planning and zoning board and the mayor and city council and recorded in accordance with land subdivision regulation procedures.
  - (4) No site development shall be undertaken by the applicant and no permits shall be issued to him/her until the preliminary land subdivision plat has been officially approved by the planning and zoning board and the mayor and city council in accordance with the Clarkston land subdivision regulations (chapter 17 of the City Code).
- (d) *Modification of approved planned unit developments:* The director or his/her designee shall have sole authority to approve minor changes to approved planned unit developments. For the purposes of this section, a minor change in the approved planned unit development means a slight alteration to a planned unit development or change in layout that does not result in the visible intrusion of any building, structure, driveway, walkway, parking lot, plaza, wall or similar built element into any open space, yard, landscaped buffer, undeveloped space, or any similar space, when any such space is shown on the final "conditional" plan as being next to and visible from a property line or street.

#### **Sec. 218. Ownership control.**

- (a) All of the land in a planned unit development shall be owned initially by an individual, by a corporation or by some other legal entity until development of the project is complete.
- (b) After the development is complete, as a precondition to obtaining certificate(s) of occupancy for building(s) in the planned unit development, the developer shall either:
- (c) Record a final subdivision plat that creates a separate lot for each dwelling place and subjects each lot in the development to private deed covenants that assure the continuance of the planned unit development as originally approved and developed and require maintenance of the common areas, if applicable, by the owners of the subdivided lots; or
- (d) Record a condominium declaration pursuant to the Georgia Condominium Act.

#### **DIVISION 5. CONDITIONAL USE PERMITS**

#### **Sec. 219. Conditional use permit.**

- (a) Procedures and application requirements for conditional use permit applications shall comply with Sec. 204 and Sec. 205 of this article.
- (b) Certain uses of property, designated as conditional uses by Article IV of this Zoning Ordinance, are declared to possess characteristics that may be incompatible with other uses in the district within which they are proposed for location. A conditional use permit allows mayor and city council to give special consideration to these uses. No conditional use shall be constructed, erected, enlarged, performed, or otherwise undertaken without first obtaining a conditional use permit.

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- (c) Conditional use permit applications shall be authorized only for those uses specifically listed in the applicable zoning district regulations, as permitted by conditional use permit, and in compliance with any applicable supplemental regulations.
  - (d) *Review.* With respect to each application for a conditional use permit, the review commissions shall investigate and make a recommendation based on the following criteria:
    - (1) Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;
    - (2) Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;
    - (3) Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area; and
    - (4) Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.
  - (e) Once a conditional use has been approved by the mayor and council, said conditional use and any conditions shall run with the land upon which the conditional use was approved, except under the following conditions which would allow the revocation of a conditional use permit:
    - (1) The conditional permit will expire when the approved use ceases for 6 months or more.
    - (2) The conditional permit will expire if the approved use has not begun six months after the approval date.

## **DIVISION 6. APPEALS**

### **Sec. 220. Appeals of a zoning decision.**

- (a) Any person or persons, jointly or severally, aggrieved by a zoning decision may appeal said decision in accordance with O.C.G.A. § 36-66-5.1.
- (b) Pursuant to O.C.G.A. § 36-66-5.1(c)(1), the City designates the City Clerk to approve or issue the certificate necessary to perfect a zoning decision appeal petition and upon whom service of such petition may be effected or accepted on behalf of the quasi-judicial officer, board or agency.
- (c) Pursuant to O.C.G.A. § 36-66-5.1(c)(2), the City designates the Mayor to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the local governing authority.

### **Sec. 221. Appeals from final decisions of the mayor and city council.**

Any person with a special interest in a quasi-judicial or zoning decision that is substantially aggrieved by any final decision of the mayor and city council may take an appeal to the superior court. Such an appeal to the superior court shall be by writ of certiorari and shall be filed within thirty (30) days from the date of the final decision of the mayor and city council. Upon failure to file the appeal within thirty (30) days, the decision of the mayor and city council shall be final.

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## **DIVISION 7. ENFORCEMENT, VIOLATIONS, PENALTIES**

### **Sec. 222. Penalties for violation.**

- (a) Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one hundred eighty (180) days or both for each offense. Each day such violation continues shall constitute a separate offense.
- (b) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (c) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

### **Sec. 223. Remedies.**

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure or land is used in violation of this ordinance, the mayor or council of Clarkston, the building inspector, or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.

## **DIVISION 8. NONCONFORMING USES**

### **Sec. 224. Nonconforming uses.**

Within the zoning districts established by this zoning ordinance or amendments that may be adopted later there might exist land, structures, and uses of land and structures in combination which were lawful before this zoning ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this zoning ordinance or future amendments. Such nonconforming uses are declared by this zoning ordinance to be incompatible with permitted uses in the districts involved. It is the intent of this zoning ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuance.

### **Sec. 225. General rule.**

To avoid undue hardship, the lawful use of any building, structure or land use at the time of enactment of this zoning ordinance may be continued even though such use does not conform with the provisions of this zoning ordinance except that the nonconforming building or land use shall not be:

- (a) Changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged.
- (b) Reestablished after discontinuance of six (6) months or more. When a nonconforming use of a building, structure or land use is discontinued for a continuous period of six (6) months, the building, structure or land shall not thereafter be used except in conformity with the existing zoning regulations of the district in which the building, structure or land is located. The provisions of this subparagraph shall operate to prohibit resumption of the nonconforming use after the specified time has elapsed, regardless of any reservation of an intent not to abandon the right to use the building, structure or land use not in conformance with the provisions of this zoning ordinance.

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- (c) *Major repairs, rehabilitation or alterations.* A nonconforming building or structure that is repaired, rebuilt, or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction for all uses shall be brought into conformity with the provisions of this zoning ordinance. As an exception to this requirement, single-family detached uses shall be permitted after any damage to be repaired or rebuilt to the equivalent of its pre-damaged condition. Authorized reconstruction shall begin within one (1) year after damage is incurred.
  - (d) *Enlargement or alteration.* Enlarging, extending, altering or moving a building or structure that would increase its nonconformity shall not be allowed, except that a nonconforming use may be extended into an additional area of a building or structure that existed at the time of passage or amendment of this zoning ordinance. No such nonconforming use shall be extended to occupy any land outside such building or structure.

Also to avoid undue hardship, nothing in this zoning ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this zoning ordinance.

## **Sec. 226. Nonconforming lots of record.**

Any lot of record existing at the time of adoption or amendment of this zoning ordinance, which has an area or width which is less than required or more than permitted by this zoning ordinance, shall be subject to the following requirements, exceptions and modifications.

- (a) *Adjoining lots.* When two (2) or more adjoining and vacant lots with continuous frontage are in a common ownership at the time of application to develop one or more such lots, and such lots have a frontage or lot area less than is required by the district in which they are located, such lots shall be replatted so as to create one (1) or more lots which conform to the minimum frontage requirements of the district. This shall not apply to lots within a development approved prior to the effective date of this ordinance.
- (b) Lots not meeting minimum lot size requirements. When a lot has an area or frontage which does not conform to the requirements of the district in which it is located but was a lot of record at the effective date of this zoning ordinance, such lot may be used for any use allowed in the zoning district in which it is located provided that all other requirements of this zoning ordinance are met. In no case shall any substandard lot in a residential district be subdivided.
- (c) In the case of such a lot, when it is not possible to comply with the required side yard setbacks and still construct a viable dwelling on the property, the mayor and city council are hereby authorized to grant a variance reducing the side yard requirements for such lot, only to the minimum extent necessary for a reasonable dwelling. However, in no case shall any side yard setback requirement be reduced to less than five (5) feet in width

## **ARTICLE III. ZONING DISTRICT REGULATIONS**

### **DIVISION 1. GENERALLY**

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### Sec. 301. Establishment of zoning districts.

The city establishes the following zoning districts listed in Table 3.1, which apply to property as illustrated on the official zoning map.

Table 3.1 Zoning Districts Established	
RESIDENTIAL	
NR-1	Low-Density Neighborhood Residential District
NR-2	Medium-Density Neighborhood Residential District
NR-3	High-Density Neighborhood Residential District
MIXED-USE	
NR-CD	Neighborhood Residential-Community Development District
RC	Residential Commercial District
TC	Town Center District
COMMERCIAL	
NC-1	Low-Density Neighborhood Commercial District
NC-2	Moderate-Density Neighborhood Commercial District
I	Light Industrial District
R-OS	Railroad Open Space District

### Sec. 302. Conversion of previous zoning district designations.

Table 3.2 Conversion of Previous Zoning	
PREVIOUS ZONING DISTRICT DESIGNATION	CURRENT DESIGNATION
R-1	NR-1, NR-2, NR-3
R1-C	NR-1
RM	NR-CD
ROI	RC, NC-1
OI	RC, NC-1, NC-2, TC
C-1	RC, NC-1, TC, I
C-2	NC-1, TC, I
C-3	NC-1, I
M-1	NC-2, TC

### Sec. 303. Future land use areas and associated zoning districts.

Zoning districts that are compatible and acceptable within the future land use areas as set forth in the City of Clarkston comprehensive plan shall be as follows:

Table 3.3 Future Land Use and Compatible Zoning Districts	
Comprehensive Plan Future Land Use Designation	Compatible Zoning Districts
Mixed-Use	NR-CD, RC, NC-1, TC
Traditional Neighborhood Development	NR-1, NR-2, NR-3, NR-CD

Single Family Home Areas	NR-1, NR-2, NR-3
Industrial	I
Parks/Open Space	R-OS, NR-CD, RC, NC-1, TC, NR-1, NR-2, NR-3, NR-CD, NR-1, NR-2, NR-3, I

## Sec. 304. Additional Regulations

Additional regulations for a variety of development and building types can be found in Article IV (Use Regulations), Article V (Site Design Standards), and Article VI (Parking).

## DIVISION 2. RESIDENTIAL DISTRICTS

### Sec. 305. Dimensional Standards

Dimensional requirements for residential zoning districts are established in Table 3.4, Residential Zoning Districts Dimensional Requirements. Buffer requirements on Table 5.3 also apply.

Table 3.4 Residential Zoning District Dimensional Requirements			
	NR-1	NR-2	NR-3
Primary Structure			
Maximum FAR	0.4	0.4	0.4
Minimum Unit Size	1000 s.f.	900 s.f.	800 s.f.
Maximum Lot Coverage	50%	50%	50%
Maximum Building Height	35'	35'	35'
Minimum Lot Size	9,000 s.f.	7,500 s.f.	5,000 s.f.
Minimum Lot Width	75'	60'	50'
Minimum Front Setback (SF detached)	30'	25'	15'
Minimum Front Setback (duplex/triplex)	N/A	N/A	15'
Minimum Front Setback (townhome)	N/A	15'	5'
Minimum Side Setback	10'	7'	5'
Minimum Rear Setback (SF detached)	25'	20'	20'
Minimum Rear Setback (duplex/triplex)	N/A	N/A	15'
Accessory Dwelling Unit			
Maximum Height	See Section 414		

Minimum Side Setback	10'	7'	5'
Minimum Rear Setback	10'	7'	5'

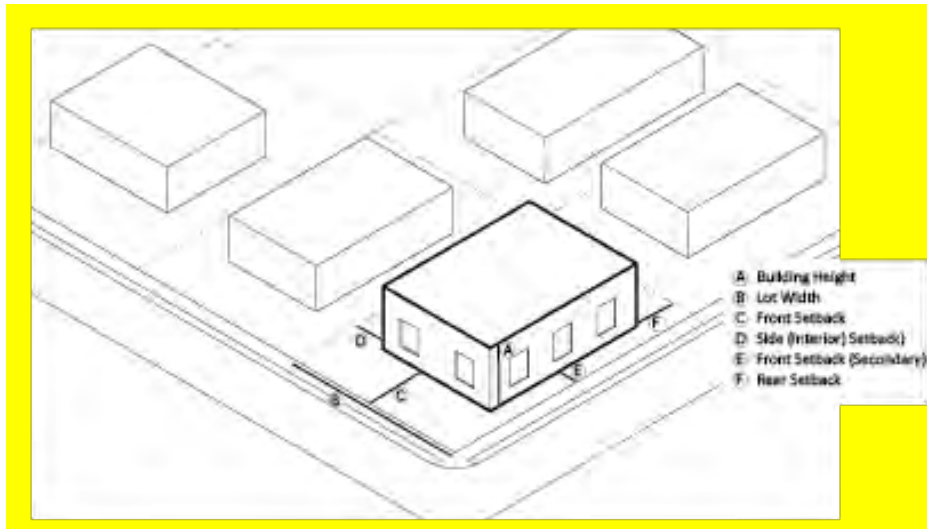


Figure 3.1 Residential Standards

### Sec. 306. NR-1, low-density neighborhood residential district.

- (a) *Purpose and intent:* The NR-1 zoning district is intended primarily for single-family detached residences requiring greater amounts of open space.
- (b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.
- (c) Dimensional requirements shall be as provided in Table 3.4.
- (d) Site and building standards shall be as provided in Article V.

### Sec. 307. NR-2, medium-density neighborhood residential district.

- (a) *Purpose and intent:* The NR-2 zoning district is intended for single-family detached, townhomes, and attached residences on smaller lots where large amounts of open space are not required and/or desired.
- (b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.
- (c) Dimensional requirements shall be as provided in Table 3.4.
- (d) Site and building standards shall be as provided in Article V

### Sec. 308. NR-3, high-density neighborhood residential district.

- (a) *Purpose and intent:* The NR-3 zoning district is intended for single-family and multi-family residences at a greater density on smaller lots in order to provide for a variety of housing types, including townhomes,

cluster homes and condominiums. This district may also serve as a transitional zone between light commercial/office uses and districts reserved for lower density single-family uses.

- (b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.
- (c) Dimensional requirements shall be as provided in Table 3.4.
- (d) Site and building standards shall be as provided in Article V.

## DIVISION 3. NON-RESIDENTIAL DISTRICTS

### Sec. 309. Dimensional Requirements

Dimensional requirements for non-residential zoning districts are established in Table 3.5, Non-Residential Zoning Districts Dimensional Requirements. Buffer requirements on Table 5.3 also apply.

Table 3.5 Non-Residential Zoning District Dimensional Requirements				
	NC-1	NC-2	I*	R-OS
Maximum FAR	1	1	2	N/A
Minimum Unit Size	700 s.f.	700 s.f.	N/A	N/A
Maximum Lot Coverage	80%	80%	70%	N/A
Minimum Open Space	20%	20%	N/A	N/A
Maximum Building Height	3 stories/45'	3 stories/50'	50'	N/A
Minimum Lot Size	6000 s.f.	8,500 s.f.	N/A	N/A
Minimum Lot Width	50'	75'	N/A	N/A
Minimum Front Setback	10'	10'	35'	N/A
Maximum Front Setback	N/A	N/A	N/A	N/A
Minimum Side Setback	0'	0'	15'	N/A
Minimum Rear Setback	10'	10'	20'	N/A
*See Sec. 311				

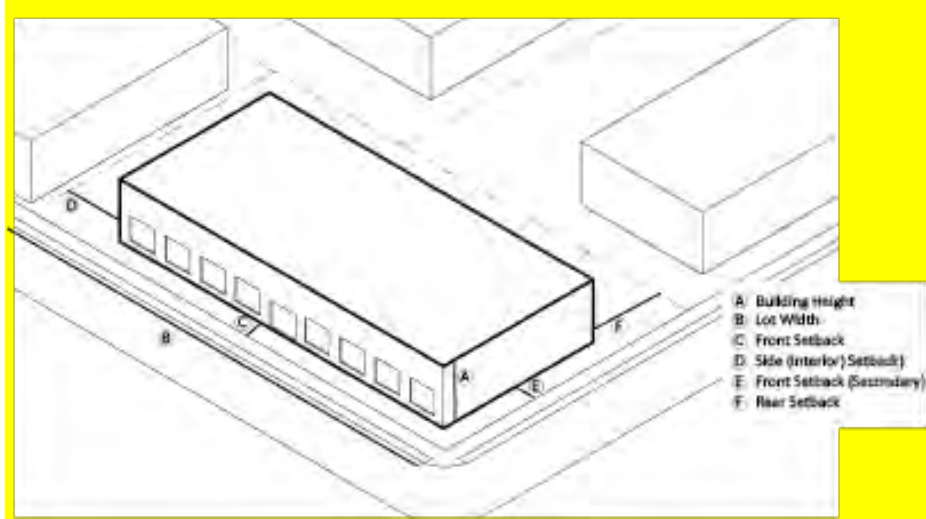


Figure 3.2 Non-Residential Standards

**Sec. 309. NC-1, low-density neighborhood commercial district.**

- (a) *Purpose and intent:* The NC-1 zoning district is intended to provide suitable areas for limited retail and personal services serving residents in the immediate vicinity. Uses located within this district supply those goods and services which require frequent purchasing with a minimum of customer travel. The scope at which properties are developed within the NC-1 district should reflect their relatively small market areas. This zoning district may serve as a step down from more intense commercial uses to residential uses.
- (b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.
- (c) Dimensional requirements shall be as provided in Table 3.5.
- (d) Site and building standards shall be as provided in Article V.

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**Sec. 310. NC-2, moderate-density neighborhood commercial district.**

- (a) *Purpose and intent:* The NC-2 zoning district is intended to provide suitable areas for the provision of retail and personal services oriented towards those neighborhoods making up the adjacent community. The regulations which apply within this district are designed to encourage the formation of compatible and economically healthy business and service uses which benefit from close proximity to each other.
- (b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.
- (c) Dimensional requirements shall be as provided in Table 3.5.
- (d) Site and building standards shall be as provided in Article V.

**Sec. 311. I, light industrial district.**

- (a) *Purpose and intent:* The I zoning district is intended to provide suitable areas for business distribution/service facilities, transportation terminals and manufacturing/assembly processes which do not emit noise, vibration, smoke, gas, fumes, or odors from an enclosed building. These districts should have access to arterial roadways and utilities and discourage uses which are incompatible with light manufacturing. When located on the perimeter of an industrial node, I-zoned properties should provide for uses that are low in intensity and scale to ensure compatibility with adjacent properties.
- (b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.
- (c) Dimensional requirements shall be as provided in Table 3.5.
- (d) Site and building standards shall be as provided in Article V.

**Sec. 312. Railroad open space district.**

- (a) Purpose and intent. The R-OS zoning district is intended to be preserved as open space with no structures, improvements, or signs being erected in the railroad right of way.
- (b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.
- (c) Dimensional requirements shall be as provided in Table 3.5.
- (d) Site and building standards shall be as provided in Article V.

## DIVISION 4. MIXED USE DISTRICTS

### Sec. 313. Dimensional Requirements

Dimensional requirements for mixed use zoning districts are established in Table 3.6, Mixed-Use Zoning Districts Dimensional Requirements. Buffer requirements on Table 5.3 also apply.

Table 3.6 Mixed-Use Zoning District Dimensional Requirements			
	NR-CD	RC	TC
<b>Primary Structure</b>			
Maximum FAR	2	1	5
Minimum Unit Size	700 s.f.	800 s.f.	700 s.f.
Maximum Lot Coverage	80%	50%	80%
Minimum Open Space	20%	20%	20%
Maximum Building Height	50'	35'	5 stories/75'
Minimum Lot Size	Single-Family Use: 5,000 sq. ft. Multi-Family Use: N/A Non-Residential Use: N/A	7,200 s.f.	N/A
Minimum Lot Width	Single-Family Use: 60' Multi-Family Use: 75' Non-Residential Use: 75'	50'	N/A
Minimum Front Setback	Single-Family Use: 10' Multi-Family Use: 10' Non-Residential Use: 30'	15'	0'
Minimum Side Setback	Single-Family Use: 15' between units Multi-Family Use: 10' Non-Residential Use: 15'	7'	0'
Minimum Rear Setback	25'	20'	0'
<b>Accessory Dwelling Unit</b>			
Maximum Height	See Section 414		
Minimum Side Setback	5'	5'	5'
Minimum Rear Setback	5'	5'	5'

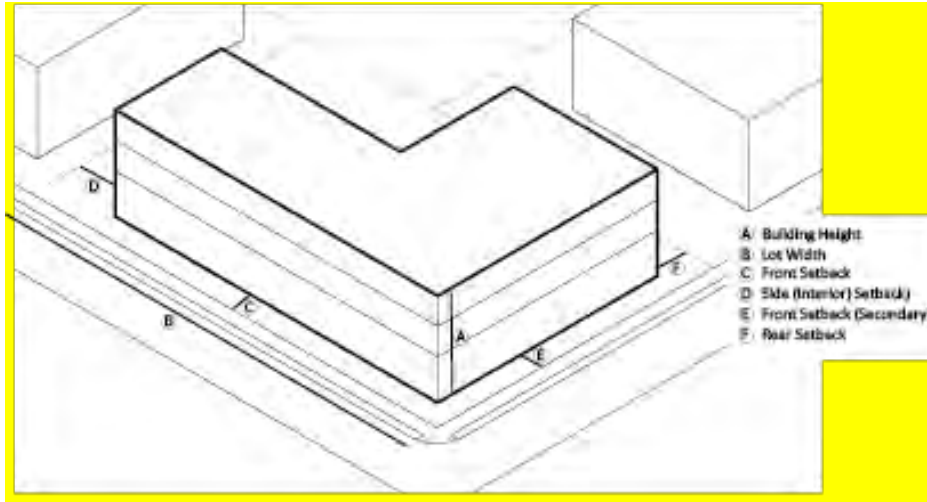


Figure 3.3 Mixed-Use Standards

#### Sec. 314. NR-CD, neighborhood residential-community development district.

- (a) *Purpose and intent:* The NR-CD zoning district is primarily intended for multi-family housing developments. However, the district allows for a mix of housing types, including single-family attached, townhomes, and detached structures, as well as some limited institutional and personal service uses that would be convenient to nearby residents.
- (b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.
- (c) Dimensional requirements shall be as provided in Table 3.6.
- (d) Site and building standards shall be as provided in Article V.

#### Sec. 315. RC, residential/commercial district.

- (a) *Purpose and intent:* The RC zoning district is intended to allow converted residential structures with commercial uses to coexist with residential uses. Commercial uses will be limited in order to maintain the current balance and aesthetic in the surrounding area. Residences converted to office uses are acceptable when kept at current scale.
- (b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.
- (c) Dimensional requirements shall be as provided in Table 3.6.
- (d) Site and building standards shall be as provided in Article V.

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## **Sec. 316. TC, town center district.**

- (a) *Purpose and intent:*
  - (1) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas;
  - (2) Promote a diverse mix of residential, business, commercial, office, institutional, cultural and entertainment activities for workers, visitors, and residents;
  - (3) Encourage bicycle and pedestrian-oriented development at densities and intensities that will help to support transit usage and town center businesses;
  - (4) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;
  - (5) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and
  - (6) Enhance the community's character through the promotion of high-quality urban design.
- (b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.
- (c) Dimensional requirements shall be as provided in Table 3.5. Unless otherwise stated in this section.
  - (1) The maximum front building setback may not exceed the average front yard depth of the nearest two (2) lots on either side of the subject lot or twelve (12) feet, whichever is less.
    - (i) If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of zero (0) feet
    - (ii) Lots fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in determining the average.
    - (iii) When the subject lot is a corner lot, the average setback will be determined on the basis of the two (2) adjacent lots that front on the same street as the subject lot.
    - (iv) When the subject lot abuts a corner lot fronting on the same street, the average setback will be determined on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.
  - (2) A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the street wall, the building may be set back no more than twelve (12) feet from the front or street side property line.
- (d) Site and building standards shall be as provided in Article V.

## **DIVISION 5. PLANNED UNIT DEVELOPMENT**

### **Sec. 317. Planned Unit Development**

- (a) Planned unit development is defined as two (2) or more buildings to be constructed on a tract or several tracts of land. Planned unit developments are not a zoning district and must comply with the underlying zoning district unless otherwise stated in this zoning ordinance.

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- (b) *Purpose and intent.* Planned unit developments encourage the best possible site plans and building arrangements under a unified plan of development rather than on a lot-by-lot basis. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The city gains the advantages of variety in building types, compatibility of uses and optimum community development. Review of the development plan by the city provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which the development is located. The purpose of the planned unit development shall be to:
- (1) Provide for unified approaches to the development of land;
  - (2) Provide for a simplified process of enabling development which would otherwise require numerous applications for variances from the provisions of the zoning code;
  - (3) Provide for the development of stable environments that are compatible with surrounding areas of the community; and
  - (4) Assure the provision of park and recreation land and facilities for the use of the occupants of the development.

## **DIVISION 6. OVERLAY DISTRICT**

### **Sec. 318. Clemsil Overlay District**

- (a) *Boundaries:* The boundaries of the Clemsil Overlay District shall be established by the official zoning map amendment, and is adopted contemporaneously with the adoption of this section and which is incorporated by reference as if fully set forth herein and made a part of this Chapter. The zoning map amendment shall be maintained by the planning and development director.
- (b) In general, the Clesmil Overlay District consists of properties with their primary frontage on the following streets:
  - (1) Smith Street
  - (2) Lincoln Street
  - (3) Tribble Street
  - (4) Clark Street
  - (5) Lester Street
  - (6) See Clemsil Map
- (c) To the extent that the official zoning map is unclear as to whether a particular parcel is located within the Clemsil Overlay District, the City manager shall determine whether such property is located within the boundaries of the Clesmil Overlay District based upon the official zoning map.
- (d) *Primary uses and structures:* All properties located within the Clemsil Overlay District shall be governed by all of the requirements of the underlying zoning district regulations. Where the requirements of the underlying zoning district and the requirements of this section are in conflict, the requirements of this section shall control.
- (e) In addition, the following primary uses of land and structures shall also be authorized within the overlay district:
  - (1) *Accessory uses and structures.* The following accessory uses shall be authorized in the Clemsil Overlay District

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- (i) Accessory uses and structures incidental to any authorized use.
  - (ii) Parking lots which are accessory to any authorized use.
  - (iii) Open Space and Parks
- (f) *Architectural guidelines for Residential:* Architectural design of all residential buildings and accessory structures within the Clemsil Overlay shall comply with the following guidelines:
  - (1) Each building elevation shall be constructed of wood, vinyl siding, brick (3- sided- front, and sides), stone, cinder blocks, cement fiberboard siding, or any combination thereof.
  - (2) Roofing materials for pitched or hip roofs shall consist of tile, slate, stone, wood shake or architectural-style shingles.
  - (3) Porch/Stoop
  - (4) Shutters (optional)
  - (5) Exterior painting shall be of neutral colors
- (g) *Primary uses and structures:* The following primary uses of land and structures shall be authorized in the Clemsil Overlay District;
  - (1) All uses authorized in the NR-3 zoning district on all property located within the Clemsil Overlay District unless otherwise prohibited in this section. Cottage housing developments are permitted in clusters of no more than two (2) homes on a parcel.
  - (2) Detached single-family residences/ cottage housing development at a maximum density of two (2) units per parcel with a minimum lot size of 2,500 square feet per lot.
  - (3) Minimum residential unit size 750 sq. ft.
  - (4) Building coverage ( Max a % of lot area) 75%
- (h) *Prohibited primary uses and structures.* The following primary uses of land and structures shall be prohibited within the Clemsil Overlay District.
  - (1) Multi-family residential dwellings (duplexes and triplexes)
  - (2) Townhomes
  - (3) Parking lots as a primary use.
  - (4) Boarding/rooming house.
  - (5) Places of assembly, including religious institutions.
  - (6) Bed and breakfast
  - (7) Hotel or motels
  - (8) Daycare facilities
  - (9) Personal care homes
  - (10) Transitional housing facility
  - (11) Industrial and office buildings
- (i) Special administrative permit approved by the planning and development director:

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- (1) Home occupation involving no customer contact and no employee other than the person residing on the premises.
- (j) Miscellaneous building standards for Clemsil Overlay Districts:
  - (1) Corner lots shall not be required to have an additional 15 feet of street frontage.
  - (2) Cottage and one story ranch.
  - (3) Setback minimum requirements;
    - (i) Front: 10'
    - (ii) Rear: 15'
    - (iii) Side: 7'
  - (4) Minimum lot size shall be 2, 500 sq. ft.
- (k) No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified as follows:
  - (1) Attached Single-Family Residential – 75%
  - (2) Measurement of building height shall be fifteen feet (15'.)
    - (i) Rear and side fences are optional.
    - (ii) Fences along public right of way shall be four (4) feet maximum. Fence height shall be measured from ground level. If ground level is lower than the level of the adjoining street pavement, then a fence may be higher so that it may be four (4) feet above the level of the pavement. The level of ground shall not be altered in such a way to provide additional fence height.
    - (iii) Fences can be made of wood, brick, stone, wrought iron, or landscaped.
- (l) Parking: Minimum of two (2) parking spaces per dwelling unit.
- (m) Landscaping requirements.
  - (1) Landscape strips:
    - (i) A continuous landscaped strips shall be constructed along public rights-of-way except at points of ingress or egress. Street trees shall be between the curb and sidewalk.
    - (ii) The landscape strip in the front yard shall be planted with a row of street trees of at least three and one-half (3.5) inches in caliper, and planted not less than thirty (30) feet on center. Trees of the following types shall be used:
      - a. Crape myrtle (*Lagerstroemia indica*) cultivars, with a standard trunk, but only under electric power lines.
      - b. All serviceberry (*Amelanchier*) species, but only under electric power lines.
      - c. All dogwood (*Cornus*) species.
      - d. October Glory red maple (*Acer rubrum* 'October Glory').
      - e. Red Sunset maple (*Acer rubrum* 'Red Sunset').
      - f. All oak (*Quercus*) species.
      - g. Japanese zelkova (*Zelkova serrata*).

- h. Ginkgo (*Ginkgo biloba*), but only male cultivars.
  - i. Trident maple (*Acer buergerianum*).
  - j. Allee lacebark elm (*Ulmus parvifolia* 'Emer II').
  - k. Other varieties are subject to the review and approval of the city arborist or the director of planning and development or their designee.
- (n) *Plans required:* The approval process for development within the Clemsil Overlay shall meet the requirements of Sec. 205.

## **ARTICLE IV. USE REGULATIONS**

### **DIVISION 1. GENERAL PROVISIONS**

#### **Sec. 401. General provisions.**

The regulations set by this zoning ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

No building, structure, land, or open space shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, re-constructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

#### **Sec. 402. ADA compliance.**

In addition to the regulations of this zoning ordinance, the Americans with Disabilities Act (ADA) Accessibility Guidelines for buildings and facilities outlined in IBC Chapter 11 shall also apply.

#### **Sec. 403. Use Table**

Table 4.1 indicates the permitted uses within the city zoning districts. Additional use restrictions or conditions may apply to permitted or conditional uses as set forth in the supplemental standards found in this Article.

- (a) The uses listed in table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:
  - (1) A permitted use (P);
  - (2) A conditional use (C) subject to the conditional use permit application procedures specified in article II of this chapter;
  - (3) An administratively approved use (AP)

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- (4) An accessory use (Pa) as regulated by Article IV of this chapter. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered primary uses for the zoning classification;
  - (5) Uses lawfully established prior to the effective date of the ordinance from which this chapter is derived.
  - (b) Any use not listed in Table 4.1 or interpreted to be allowed by the city manager pursuant to subsection d in this section is prohibited.
  - (c) If there is a conflict between table 4.1 and the text of this chapter, the text shall prevail.
  - (d) Interpretation of unlisted uses:
    - (1) Where a particular use is not specifically listed in table 4.1, the city manager shall have the authority to permit the use if the use is similar to uses permitted by this article. The city manager shall give due consideration to the purpose and intent statements contained in this zoning ordinance concerning the base zoning districts involved, the character of the uses specifically identified and the character of the uses in question.

Table 4.1 Use Table											
<b>P:</b> Permitted use <b>C:</b> Conditional use subject to the conditional use permit application procedures specified in article II of this chapter <b>AP:</b> Administratively approved use <b>Pa:</b> Accessory use as regulated by article IV of this chapter.											Supplemental Standards
	NR-1	NR-2	NR-3	NC-1	NC-2	TC	I	R-OS	NR-CD	RC	
<b>Residential</b>											
Apartment childcare or tutoring			P	P	P	P			P		Sec. 404
Assisted Living									P	P	
Boarding or Rooming House, except halfway houses									C	C	
Dwelling, Accessory	P	P	P						P	P	Sec. 414
Dwelling, Duplex			P						P		
Dwelling, Multi-family			P	P	P	P			P	P	
Dwelling, Single-family detached	P	P	P						P	P	
Dwelling, Townhome		P	P						P		
Dwelling, Triplex			P						P		
Home Occupation	P	P	P								Sec. 408
Live work unit		P	P	P		P				P	
Non-commercial horticulture and agriculture	P	P	P								Sec. 409
Non-commercial poultry	P	P	P								Sec. 410
Personal Care Home									C	C	
<b>Planned Unit Developments</b>											
Cottage Housing Developments		P*	P*						P*	P*	
Planned Commercial Development				P*	P*	P*			P*	P*	
Planned Mixed-Use Development				P*	P*	P*			P*		
Planned Residential Development		P*	P*							P*	
<b>Commercial and Retail</b>											
Adult entertainment or establishment							C				
Antique shop				P	P	P				P	
Apparel store				P	P	P					
Art store/gallery				P	P	P			P	P	
Banks and financial institutions				P	P	P				P	
Bed and breakfast inns			C			P				C	Sec. 406
Book and video store (non-adult oriented)				P	P	P				P	
Bottle shop/package store					C	P	P				
Bowling Alleys						P	P		C		
Camera shop				P	P	P			P		
Car washes					C		C				
Child day care, adult day care											Sec. 407
Dry cleaner (except drive thru)				P	P						

Table 4.1 Use Table											
<b>P:</b> Permitted use <b>C:</b> Conditional use subject to the conditional use permit application procedures specified in article II of this chapter <b>AP:</b> Administratively approved use <b>Pa:</b> Accessory use as regulated by article IV of this chapter.	<b>NR-1</b>	<b>NR-2</b>	<b>NR-3</b>	<b>NC-1</b>	<b>NC-2</b>	<b>TC</b>	<b>I</b>	<b>R-OS</b>	<b>NR-CD</b>	<b>RC</b>	<b>Supplemental Standards</b>
Eating and drinking establishment, excluding drive-thru/drive-in establishments				P	P	P	P		P	P	
Electronics and appliance store						P					
Entertainment venues (non-adult oriented)							P				
Florist				P	P	P			P	P	
Funeral home (no on-site crematory services)							P				
Furniture and home furnishings						P					
Greenhouses and horticultural nurseries				P	P				P	P	
Grocery store						P					
Hookah/Vape Store											
Hospital							P				
Hotel						C					
Jewelry store				P	P	P			P	P	
Laundry, self-service				C	C		C				
Massage establishment							C				
Microbrewery				P	P	P	P		C		
Movie Theater (non-adult oriented)						P	P				
Non-automotive repair services (cameras, jewelry, shoes)				P	P	P	P				
Parking structure				Pa	Pa	Pa	Pa	Pa	Pa		
Personal service establishment (barber shop, hair salon, nail salon)				P	P	P			P	P	
Pet boarding/breeding kennel							P				
Pet grooming and supply shop				P	P	P					
Pharmacy or Drug store				P	P						
Recycling collection				Pa	Pa	Pa	Pa			Pa	
Recycling collection/drop off centers									Pa		
Research and experimental testing laboratories							C				
Retail, 2,500 - 5,000 s.f.					P	P			P	C	
Retail, 2,500 s.f. or less				P	P				P	P	

Table 4.1 Use Table										
<b>P:</b> Permitted use <b>C:</b> Conditional use subject to the conditional use permit application procedures specified in article II of this chapter <b>AP:</b> Administratively approved use <b>Pa:</b> Accessory use as regulated by article IV of this chapter.	<b>NR-1</b>	<b>NR-2</b>	<b>NR-3</b>	<b>NC-1</b>	<b>NC-2</b>	<b>TC</b>	<b>I</b>	<b>R-OS</b>	<b>NR-CD</b>	<b>RC</b>
										<b>Supplemental Standards</b>
Retail, over 5,000 s.f.						P	P			
Shoe store				P	P	P				
Sporting goods store				P	P	P				
Tattoo parlor and piercing studio					P	P	P			
Title loan businesses, pawn shops							C			
Toy store				P	P	P				
Office, Institutional, and Cultural										
Library, Public				C	C	C	C	C	C	C
Pre-schools and similar establishments				P	P	P			P	P
Office (Professional)				P	P	P	P			P
Office (Medical)				P	P	P	P			P
Office (Veterinary without boarding)				P	P	P	P			P
Parks/Green Space	P	P	P	P	P	P	P	P	P	P
Places of assembly, including religious institutions	C	C	C	C	C		P		C	C
Tutoring Establishments			P	P	P	P			P	P
Industrial and Manufacturing										
Automobile, truck, motorcycle and heavy equipment sales/service/rental/parts/repair establishments					C		P			
Building and equipment supply/repair services (no outdoor storage)							P			
Commercial dry cleaning plants							C			
Communications towers (cellular)							C			
Crematories							C			
Manufacturing and assembly, provided no gas, fumes or odors are emitted as a result of the activity							P			
Outdoor storage, commercial										
Trade shops (locksmith, gunsmith, sheet metal, upholstery, furniture, appliance, electrical, carpentry)							P			
Wholesaling and warehousing (entirely indoors)							P			

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Table 4.1 Use Table											
<b>P:</b> Permitted use <b>C:</b> Conditional use subject to the conditional use permit application procedures specified in article II of this chapter <b>AP:</b> Administratively approved use <b>Pa:</b> Accessory use as regulated by article IV of this chapter.	NR-1	NR-2	NR-3	NC-1	NC-2	TC	I	R-OS	NR-CD	RC	Supplemental Standards
<b>Temporary Uses</b>											
Farmer's market				AP	AP	AP	AP	AP	AP	AP	Sec. 415
Festival				AP	AP	AP	AP	AP	AP	AP	Sec. 415
Food truck				AP	AP	AP	AP	AP	AP	AP	Sec. 415
Seasonal activities and sales				AP	AP	AP	AP	AP	AP	AP	Sec. 415
Storage of construction equipment				AP	AP	AP	AP	AP	AP	AP	Sec. 415
Tent sale/sale of goods from temporary location				AP	AP	AP	AP	AP	AP	AP	Sec. 415
*when approved by City Council											

## DIVISION 2. SUPPLEMENTAL USE STANDARDS

### Sec. 404. Apartment childcare or tutoring.

- (e) A unit or units of a multi-family residential building (including apartment, duplex and triplex units) may be used for childcare and/or tutoring services as a primary use of the unit(s), subject to the following conditions:
- (1) Only a bona fide non-profit 501(c)(3) corporation may operate a unit for childcare/tutoring as a primary use;
  - (2) The non-profit organization operating a childcare/tutoring use shall not charge any fee nor accept any remuneration for such service;
  - (3) Before commencing the use, the non-profit shall obtain a free permit from the city to operate a childcare/tutoring use as a primary use in a multi-family unit by submitting proof of 501(c)(3) status and designating the unit(s) where such use will take place; and
  - (4) All apartment childcare/tutoring shall be conducted in compliance with applicable state and county regulations for such programs: including any requirements for adult-to-child ratio, qualifications for caregivers/tutors and any applicable fire and/or life safety regulations.

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- (f) Within apartment developments, no more than one (1) unit per thirty (30) units may be devoted to apartment/tutoring as a primary use. In apartment developments containing less than thirty (30) total units, one (1) unit may be devoted to such use.
  - (g) The city manager shall develop and publish reasonable regulations requiring apartment childcare/tutoring to provide appropriate insurance, obtain certificate of occupancy, demonstrate compliance with applicable state laws and regulations, submit to annual inspections by state or county regulators and inform the owner(s) of the property where such use is located when such a use is established.
  - (h) The City of Clarkston disclaims any responsibility to monitor multi-family childcare/tutoring uses on an ongoing basis in any way.

#### **Sec. 405. Automobile service stations and automotive repair centers (excluding paint and body)**

- (a) All gasoline pumps, tanks and other service facilities shall be set back at least twenty (20) feet from all property lines unless otherwise approved by the DeKalb County Fire Marshal.
- (b) Canopies over fuel islands shall not encroach within fifteen (15) feet of any property line.
- (c) Automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
- (d) No outside storage or engine/body dismantling is allowed.
- (e) For vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any goods, articles or merchandise. Such engines, motor vehicles, trailers, or parts thereof may remain in an inoperable condition for a maximum of thirty (30) days.

#### **SEC. 406. Bed and Breakfast Inns**

- (a) The facility is operated by the resident-owner.
- (b) The building and lot meet all applicable city and state code regulations, including minimum lot standards.
- (c) A minimum of one (1) parking space per rental room is provided in addition to those required for the resident.
- (d) The structure contains a minimum of two thousand (2,000) square feet of gross heated floor area.

#### **Sec. 407. Child day care, adult day care and personal care uses.**

- (a) Day care nurseries, adult day care centers, kindergartens, child care learning centers, family child care learning homes and nursing, convalescent, or rest homes not used primarily for the treatment of contagious diseases, alcoholism, drug addiction, or mental illness shall meet all applicable state requirements, be licensed by the state where required and shall receive all necessary county board of health and fire marshal approvals prior to issuance of a permit for construction and/or operation.
- (b) Day nurseries and kindergartens shall meet the following additional criteria:
  - (1) The lot on which such uses are established shall have access on a major or minor thoroughfare.

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- (2) There shall not be less than thirty (30) square feet of indoor play area for each child at maximum enrollment, and not less than one hundred (100) square feet per child of outdoor play area at maximum enrollment.
  - (3) The outdoor play area shall be enclosed by a fence not less than four (4) feet in height.

#### **Sec. 408. Home occupations.**

- (a) It is the intent and purpose of this section to provide for certain types of restricted occupational uses within residential zoning districts. Such uses are restricted to those which:
  - (1) Are incidental to the use of the premises as a residence;
  - (2) Are compatible with residential uses; and
  - (3) Do not detract from the residential character of the neighborhood.
- (b) In all residential zoning districts, any building used for residential occupancy may conduct a home occupation use provided that:
  - (1) The primary use of the unit is a dwelling;
  - (2) The following standards are complied with in full at all times:
    - i. Such use shall be conducted entirely within the dwelling unit;
    - ii. At least one resident of the dwelling unit shall be present and engaged in the home occupation at all times that the home occupation is open for business;
    - iii. No more than three total persons (including residents) may be employed by the home occupation at any given time<sup>3</sup>
    - iv. No mechanical or electrical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes;
    - v. No equipment that interferes with radio and/or television reception shall be allowed.
    - vi. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials shall be used or stored on the premises;
    - vii. There shall be no outside operations, storage, or display of materials or products;
    - ix. No accessory buildings shall be used in connection with the home occupation.
    - x. No alteration of the residential appearance of the premises occurs, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the business;
    - xi. There shall be no exterior evidence of the home occupation, except for the sign permitted by this section;
    - xii. No commodity shall be stocked or sold on the premises to the general public;
    - xiii. No process shall be used which is hazardous to public health, safety, or welfare;
    - xiv. Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence and shall, under no circumstance, exceed more than eight (8) business visitors/customers per day and not more than two (2) manufacturer or wholesaler direct deliveries of products or materials per week;
    - xv. No on-street parking associated with the business shall be permitted;

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- xvi. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation; and
  - xvii. The home occupation shall be restricted to fifty (50) percent of the dwelling's floor space and shall not exceed four hundred and fifty (450) square feet of total floor area. Said home occupation use shall be clearly secondary to the use of the dwelling for dwelling purposes.
- (c) In all non-residential zoning districts, any building used for residential occupancy may conduct business provided that:
- (1) The home occupation shall not involve more than three (3) employees on site who do not live in the dwelling unit;
  - (2) A home occupation may include professional and medical offices that are properly licensed and insured when required. office of a licensed/certified health service practitioner, including a surgeon, dentist dental surgeon, osteopathic physician, psychologist, or other medical practitioner licensed by the state, who receives and treats patients on the premises;
  - (3) A home occupation may include the office of a person engaged in a profession, including a lawyer, an accountant, an auditor, an engineer, an architect, a real estate agent, or another profession similar in character, who receives and consults with clients on the premises;
- (d) A home occupation may have a single sign indicating the name of the business mounted as a wall sign on the dwelling, secured to the primary residential use, and having an area of no more than two (2) square feet.
- (e) Adult day care centers, day care nurseries, child care learning centers, family child care learning homes, tutoring and academic instruction are expressly permitted as home occupations by this zoning code.

#### **Sec. 409. Non-commercial horticulture and agriculture**

- (a) Horticulture and agriculture activities may be conducted in the front, rear, or side yard of the lot.

#### **Sec. 410. Non-commercial poultry**

- (b) *Number permitted*, the maximum number of poultry allowed per lot shall be determined by the total area of the lot whereupon the poultry are kept, in accordance with the following:
- (1) Less than 0.5 acres: a maximum of three (3) poultry are allowed.
  - (2) 0.5 acres to 1.0 acre: a maximum of five (5) poultry are allowed.
  - (3) (1.1 acres to 2.0 acres: a maximum of eight (8) poultry are allowed.
  - (4) 2.1 acres to 3.0 acres: a maximum of ten (10) poultry are allowed.
  - (5) 3.1 acres or greater: a maximum of twelve (12) poultry are allowed.
- (c) Enclosure and location of poultry
- (1) Every poultry or livestock kept within the city must be contained by fence, corral, coop, pen or similar means sufficient to prevent said poultry or livestock from leaving the lot upon which they are kept.
  - (2) Poultry shall be kept only in the rear or side yard of the lot.
  - (3) Poultry must be housed at least 20 feet from any property line and 50 feet from any residence other than the owner's.

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- (4) The keeping of livestock or poultry within the City shall be in compliance with all applicable regulations promulgated by the DeKalb County Health Department.
  - (d) Prohibitions
    - (1) Roosters, it shall be a violation of this article for any person to keep a rooster within the city.
    - (2) Commercial poultry, The keeping of poultry pursuant to this article is permitted for non-commercial, personal use only. The sale within the city of any poultry, eggs, meat or other poultry-related products derived from the keeping of poultry pursuant to this article shall be a violation of this article.
    - (3) Nuisance, The keeping of poultry shall be conducted in such a manner so as not to unreasonably disturb the use or enjoyment of adjacent properties. Odor generated by poultry shall not be perceptible on adjacent lots. Noise generated by poultry shall not disturb a person of common and reasonable sensitivity to sound at the boundary lines of the lot upon which said poultry are kept.

### **Sec. 411. Outdoor Storage**

- (a) In residential districts:
  - (1) All outdoor storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a wood fence at least six (6) feet in height. The city manager may approve the substitution of plantings for the required fence.
  - (2) Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.

### **Sec. 412. Places of Assembly**

- (a) This section shall apply to places of assembly for religious or secular purposes, **Public Libraries**, and **Public Parks**
- (b) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
- (c) Any building or structure established in connection with such use must be set back no less than fifty (50) feet from any property line.
- (d) Places of assembly must meet the provisions found in Article II, Chapter 3 of the Code of Ordinances of the City of Clarkston, Georgia.
- (e) No public library or public park shall be a permitted use within any zoning district of the city if the public library or public park lies on the same side of the street and is within one hundred (100) yards of the place of entrance of any business licensed to sell spirituous liquors pursuant to the provisions of Article II, Chapter 3 of the Code of Ordinances of the City of Clarkston, Georgia;
  - (1) For the purposes of this ordinance, measurement shall be from the closest property line of the public library, public park, and the point of entrance of the business licensed to sell spirituous liquors as measured along the most direct route.

## **DIVISION 3. ACCESSORY STRUCTURES AND USES**

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## **Sec. 413. Accessory structures and uses**

Accessory buildings, structures and uses determined by the director to be normally incidental to one or more permitted primary uses are hereby permitted as follows:

(a) Residential districts:

- (1) Accessory structures allowed in all residential districts may include, but are not limited to garages, storage sheds, and personal recreational facilities such as swimming pools and tennis courts.
- (2) Residential sheds, workshops, greenhouses or other such accessory buildings shall be located in a rear yard, are limited to one (1) story and shall not exceed one hundred and twenty (120) square feet in size.
- (3) All such structures shall be located upon the same lot and to the side or rear of the primary building at least ten (10) feet from side or rear lot lines or within the side-or-rear-yard setback, whichever is greater. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the primary building.
- (4) Garages and other accessory buildings shall meet the dimensional standard requirements of the zoning district where they are to be located.
- (5) When an accessory structure is attached to the primary building in any manner, it shall be deemed part of the primary structure and subject to all primary structure requirements.
- (6) No accessory structure shall be constructed upon a lot before the primary building.
- (7) The area of the accessory building's footprint may not exceed fifty (50) percent of the primary structure's footprint.
- (8) Swimming pools must be enclosed by a fence not less than six (6) feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
- (9) Heating and air conditioning units may encroach five (5) feet into the required rear or side setback.

(b) Non-residential and mixed-use districts:

- (1) Such structures and uses shall be located on the same lot as the primary building to which they are accessory.
- (2) No accessory structure shall be constructed upon a lot before the primary building.
- (3) Such structures and uses shall not be permitted in a required front or side yard.
- (4) Accessory uses and structures such as garages, greenhouses or workshops, shall not be rented or occupied for gain.
- (5) Where a corner lot adjoins in the rear a lot in a residential district, no accessory building shall be located closer to the side street right-of-way line than the primary building or closer than twenty-five (25) feet to the rear property line.
- (6) When an accessory building is attached to the primary building by breezeway, passageway or similar means, it shall comply with the yard requirements of the primary building to which it is accessory.

(c) Pools

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- (1) Accessory use swimming pools having a minimum depth of two (2) feet:
    - (i) Shall be permitted only upon written approval of the county health department to indicate compliance with applicable health department swimming pool regulations.
    - (ii) Shall be located a minimum of ten (10) feet from any property line.
    - (iii) Shall be completely enclosed with an adequate protective fence of not less than six (6) feet in height and with an appropriate closure.
  - (d) In all zoning districts, no accessory use shall be permitted in public rights-of-way except mailboxes, sidewalks, driveways, light posts, and decorative landscaping with the permission of the public works director.
  - (e) Accessory structures may not be used for residential purposes, except for accessory dwellings in conformance with Sec. 414 of this article.

## **DIVISION 4. ACCESSORY DWELLING UNIT**

### **Sec. 414. Accessory Dwelling Units**

Accessory dwellings. Where listed as a permitted accessory use in a district, an accessory structure may be constructed and used as a residential dwelling place if the structure and use comply with the following regulations:

- (a) Accessory dwellings. Where listed as a permitted accessory use in a district, an accessory structure may be constructed and used as a residential dwelling place if the structure and use comply with the following regulations:
- (b) Accessory Dwellings are only permitted on lots with single-family detached residential dwellings as the primary structure.
- (c) Accessory dwellings must include their own independent code-compliant kitchen and bathroom facilities.
- (d) Accessory dwellings shall be limited to one (1) such structure per qualified lot.
- (e) Accessory Dwellings shall be located either beside or behind the principal building. No portion of an accessory building may be located in the front yard of the primary structure.
- (f) Notwithstanding any provision of the zoning ordinance limiting the size of accessory structures generally, Accessory Dwellings shall be permitted to have a first floor (main floor) area of up to one thousand two hundred fifty (1,250) square feet or the area of the first floor of the primary residential structure on the same lot, whichever is smaller.
- (g) The maximum permitted height for an Accessory Dwelling is eighteen (18) feet from the finished first floor height, except that, if the ridge of the accessory dwelling's roof is pitched with a minimum slope of six (6) to twelve (12), then the maximum roof height may extend up to twenty-five (25) feet. All parts of the roof extending above eighteen (18) feet from finished first floor height shall be so pitched. This provision is intended to allow Accessory Dwellings to be a maximum of one and one-half (1½) stories in height.
- (h) Each accessory dwelling shall be provided with at least one (1) off-street parking space located on the same lot as the accessory dwelling. Such required parking space shall consist of a space adequate for parking an automobile of standard dimensions, with room for opening doors and entering or leaving on both sides and with safe and convenient access to a public street or alley. The

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ARTICLE IX. PLANNED DEVELOPMENTS

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required accessory dwelling parking space shall be positioned in such a way that a standard sized automobile has the ability to ingress and egress from the space without moving another vehicle.

- (i) Accessory dwellings shall comply with all applicable codes for residential buildings, including the Americans with Disabilities Act.

**DIVISION 5. TEMPORARY USES**

**Sec. 415. Temporary Uses**

- (a) Temporary uses are only permitted with the advance written approval of the city manager within fifteen (15)—thirty (30) days prior to the temporary use of the property. No permit for a temporary use shall be issued unless:
  - (1) Written permission of the property owner is presented.
  - (2) The temporary use is not located within twenty-five (25) feet of any public right-of-way.
  - (3) Adequate parking, ingress and egress are provided on site.
  - (4) All applicable provisions within this code are met.
- (b) No temporary use may last more than forty-five (45) consecutive days.
- (c) No more than two (2) temporary use permits may be obtained per parcel per year.
- (d) Temporary uses include festivals, farmer's markets, storage of construction equipment, tent sales or the sale of goods from any temporary location, including but not limited to, holiday sales, fireworks sales or Christmas tree sales, as well as other special events of community interest, and other uses that the city manager determines to fit within the intent and purpose of this section.
- (e) Food truck means a mobile conveyance equipped with facilities necessary to safely store and/or prepare food and/or drink for consumption, from which customers may directly purchase food and/or drink.
  - (1) Temporary use permits issued by the city manager or his/her designee for a temporary food truck use shall not count toward the limit of two (2) temporary use permits per parcel per year as set out in this section. Food trucks approved by the city manager or his/her designee may be located within twenty-five (25) feet of a public right of way if approved for such location by the city manager or his/her designee.
- (f) Temporary structures and storage of construction equipment
  - (1) A temporary structure(s) or sign(s) for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period if there is an active permit for the site.
  - (2) Storage of construction equipment is permitted if there is an active permit for the site.

***ARTICLE V. SITE DESIGN***

**DIVISION 1. GENERALLY**

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## **Sec. 501. General application.**

The following design standards shall apply to all zoning districts.

## **Sec. 502. Administrative variance.**

The City manager has the authority to modify certain provisions of this article pursuant to section 216.

## **Sec. 503. Removal of soil.**

No soil, mineral, or similar material may be removed from any lot except that which is purely incidental to construction of a building or structure. No excavation on any lot exceeding one (1) foot in depth, except for the purpose of constructing a fence, locating poles, or underground service connections of public utilities shall be permitted unless a building permit is first secured.

## **Sec. 504. Utilities location.**

Electrical transformer stations, telephone exchanges and gas regulating stations, may be located in any zoning district subject to compliance with the following conditions and requirements and approval by the mayor and city council.

- (a) Such facilities shall be essential for service to the area in which located or for the proper functioning of the total utility system of which the same is a part.
- (b) Such facility shall be enclosed by an opaque structure not less than ten feet (10) feet high.
- (c) Any building or structure, except an enclosing fence, shall be setback not less than fifty (50) feet from any property line, and shall meet all other applicable yard requirements of the district in which it is located.
- (d) Open spaces on the premises shall be suitably landscaped and maintained, and a planted buffer strip at least ten (10) feet wide shall be located along the side and rear property lines.
- (e) When such facilities are located within any residential district, the storage of vehicles and equipment on the premises shall be prohibited.
- (f) The area surrounding such a facility shall not be adversely affected by, and shall be protected from, noise, odor, glare, dust, fumes, gas, smoke, vibration, or any other obnoxious characteristics.

## **DIVISION 2. GENERAL LOT AND YARD REQUIREMENTS**

### **Sec. 505. Street frontage requirement.**

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

In the event a land locked lot exists, as of the effective date of this zoning ordinance, the property owner shall be entitled to only one (1) building permit, provided;

- (a) No other primary building exists or is being constructed on said property;
- (b) No other valid building permit has been issued prior to the effective date of this zoning ordinance and is currently valid;

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- (c) The property was and continues to be under single ownership since the effective date of this zoning ordinance;
  - (d) The property owner has acquired a twenty (20) foot access easement to a publicly maintained street, and said easement has been duly recorded and made part of the property deed; and
  - (e) In the event said property is divided, no additional permits will be issued.

#### **Sec. 506. Setback Averaging.**

- (a) When a vacant lot located in the NR-1 or NR-2 zoning district authorized for single-family detached dwellings is proposed for single-family development, and is located where at least 60 percent of the other lots on the same block face are occupied by single-family detached dwellings, then setback averaging shall apply.
- (b) Where setback averaging applies, the minimum front setback for the vacant lot to be developed shall be the average of the actual front setbacks of the existing dwellings adjacent to the vacant lot and on the same block face.
- (c) When the averaged calculation requires a proposed structure to be closer to the street than the otherwise applicable minimum front setback for the zoning district where the vacant lot is located, then setback averaging shall not be applied.
- (d) Where application of setback averaging would make it impossible for the proposed dwelling to comply with the applicable zoning district's rear yard setback requirement, then the proposed dwelling may be constructed closer to the street, up to the minimum front setback required in the subject zoning district, only to the extent necessary to satisfy the minimum rear yard setback requirement.

#### **Sec. 507. Lot reduction prohibited.**

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in size so that the minimum lot size, lot width, front, side or rear setbacks, or other requirements of this zoning ordinance are not maintained. Yards or lots created after the effective date of this zoning ordinance shall meet at least the minimum requirements established by this zoning ordinance. This section shall not apply when a portion of a lot is acquired for a public purpose.

#### **Sec. 508. One primary residential building per lot.**

Only one (1) permitted primary use, and its authorized accessory uses(s), shall be authorized per lot, unless multiple or mixed uses are specifically authorized on the same lot elsewhere in this zoning ordinance.

#### **Sec. 509. Requirements for moving a building.**

No building shall be relocated within the city unless, when relocated, it meets all requirements of this zoning ordinance and other City Code requirements, and prior to the transportation of the structure, the relocation has been approved by the City of Clarkston.

#### **Sec. 510. Building materials.**

- (a) Permitted exterior building materials
  - (1) Brick masonry;
  - (2) Stone masonry;
  - (3) Cement wood or fiber cement siding, including simulated half-timbering;

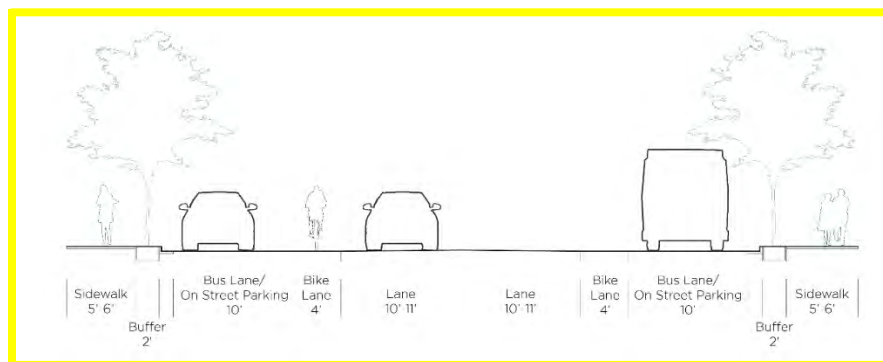
- (4) Hard coat stucco;
  - (5) Cedar shingles or fiber cement;
  - (6) Architectural concrete;
  - (7) Precast or tilt-up panel (for industrial buildings only)
  - (8) Glass;
  - (9) Material not listed in this section, which shall contribute to innovative design or green construction as determined by the planning and zoning director on a case by case basis; and/or
  - (10) Architectural accent materials as approved by the planning and development director.
- (b) Exterior building materials that are permitted on industrial buildings
- (1) EIFS
  - (2) Standing seam or corrugated metal (not more than 40% of the exterior of the structure).
- (c) Prohibited materials
- (1) Concrete block
  - (2) Vinyl siding

## **DIVISION 3. STREET REGULATIONS**

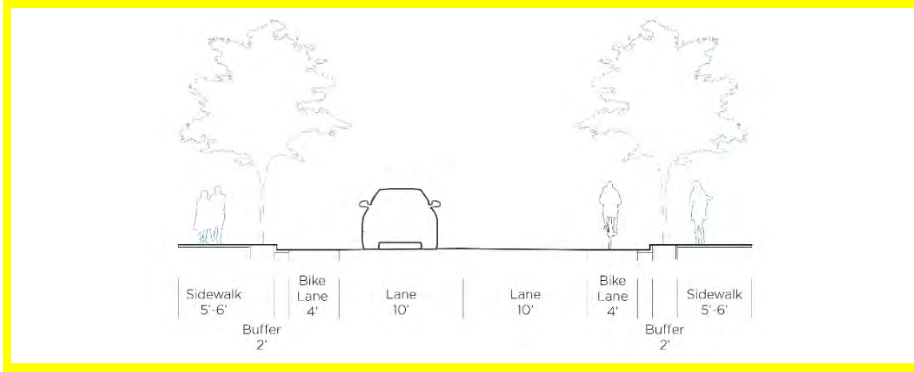
### **Sec. 511. Functional classification of streets.**

For purposes of this zoning ordinance, all of the streets, roads and highways in the City of Clarkston are classified according to the Georgia Department of Transportation. The following are typical street sections for each classification:

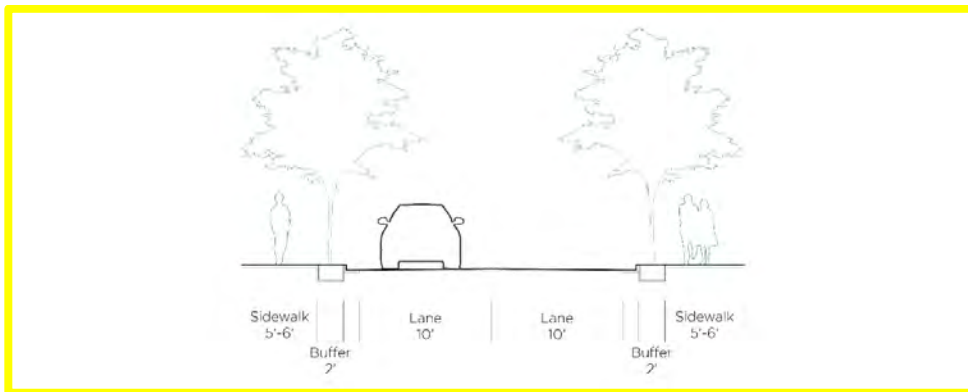
(a) Arterial



(b) Collector



(c) Residential



## Sec. 512. Street Connectivity

- (a) New streets shall be designed to create an interconnected system of grid-patterned roads, modified only to accommodate topographic conditions. Each new street shall connect to the existing street grid.

## Sec. 513. Vision clearance at intersections.

In all zoning districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of three (3) feet and fifteen (15) feet, except utility poles, light or street sign standards or tree trunks, shall be permitted within twenty-five (25) feet of the intersection of rights-of-ways of streets, highways and railroads. Streets without right-of-way shall be measured from the driving surface or curb at the intersection.

## Sec. 514. Yard and other spaces.

Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located. The required yard space for any building, structure, or use shall be contained on the same parcel as the building, structure or use and such required yard space shall fall entirely upon land in the district(s) in which the primary use is permitted.

No part of a yard or other open space or off-street parking or loading space(s) required for any one building shall be included as a part of the yard or off-street parking or loading space(s) required for another building, except as specifically provided for herein.

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### **Sec. 515. Permitted encroachments upon required setbacks.**

The following setback encroachments are permitted in all zoning districts:

- (a) Cornices, eaves, chimneys, porches, bay windows, or other similar architectural features may extend into the required front, side and rear yard provided such extensions do not exceed three (3) feet.
- (b) Steps and landings may extend into the required setbacks provided such extensions do not exceed ten (10) feet for the front yard, and three (3) feet for the side yard.

### **Sec. 516. Reduction in front yard setback.**

In the NC-1, NC-2, TC, NC-RD, and RC districts, fifty (50) percent reduction in the required front yard setback is allowed when all required parking is located exclusively in the rear yard of the parcel and an eighty (80) percent reduction in the required front yard setback is allowed when all parking is located in an underground parking structure, or a parking structure that is wrapped with commercial uses so that it is concealed.

### **Sec. 517. Front yard.**

- (a) Front yard general requirements.
  - (1) The square footage contained within the front yard which meets open space criteria established in section 705 may count towards the open space requirement as required by that zoning district.
  - (2) Automobile parking shall be prohibited from being located within the front yard, except where otherwise permitted in this zoning ordinance.
  - (3) Non-residential front yards shall permit and encourage pedestrians to walk on the surface of the front yard excluding fountains, pedestrian furniture, public art and similar elements.
  - (4) Residential front yards.
    - i. When sidewalk level residential units are provided, the front yard shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of 50% of the front yard area.
    - ii. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade, unless existing topographical considerations render this requirement unreasonable.
    - iii. Shall only permit automobile parking when located on the permitted accessory driveway asphalt or gravel surface. Said accessory driveway shall not exceed thirty-five (35) percent coverage of the total lot.

## **DIVISION 4. SITE DESIGN**

### **Sec. 518. Relationship of building to street.**

- (a) The primary pedestrian access to all sidewalk level uses and business establishments with public or private street frontage:
  - (1) Shall face and be visible from the public or private street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.

- (2) Shall be directly accessible and visible from the sidewalk adjacent to such street.
- (3) Shall remain unlocked during business hours for non-residential uses.
- (b) A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.
- (c) Buildings with residential uses at the sidewalk level shall meet the following regulations:
  - (1) All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of six (6) feet wide.
  - (2) All such buildings with more than four (4) residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one (1) adjacent unit.
  - (3) Such buildings shall have equal percentages of fenestration on all street frontages.

## Sec. 519. Storefront street requirements and fenestration.

- (a) The following table designates certain streets and roads in Clarkston as Storefront Streets.

Table 5.1 Storefront Street Requirements		
Street	Functional Classification (GDOT 2005)	Store Front Street Designation
East Ponce de Leon Avenue	Minor Arterial	from N. Indian Creek Dr. to West Smith Street
North Indian Creek Drive	Collector Street	from E. Ponce De Leon Ave. to Sams Rd.
Montreal Road (from N. Indian Creek Dr. to City Limit)		
Market Street	Local Street	from E Ponce De Leon Ave to N Indian Creek Dr
Street directly abutting a parking structure	Minor Arterial, Collector Street	Any than meet this requirement
Local Streets in Single-Family Residential Districts	Local Street	N/A
Local Streets in all other districts	Local Street	N/A

- (b) All uses that front Storefront Streets, with the exception of religious institutions and fire stations, shall meet the following sidewalk level requirements:
  - (1) The first floor shall have a minimum floor-to-ceiling height of fifteen (15) feet.
  - (2) Sidewalk level uses with street frontage on the Storefront Streets shall only be retail, office, or restaurant establishments with outdoor dining. Said uses shall have a minimum depth of twenty (20) feet from any building facade along the public sidewalk.
  - (3) The length of facade without intervening fenestration or entryway shall not exceed twenty (20) feet.
  - (4) Fenestration shall be provided for a minimum of sixty-five (65) percent of the length of all street frontages:

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- i. Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk; or
    - ii. Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk; or
    - iii. Beginning at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
  - (5) Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
    - i. Fenestration shall be provided for a minimum of fifty (50) percent of the length of the street frontage for residential uses on all streets and for non-residential uses.
    - ii. Parking decks and structures located along storefront streets shall meet all of the above requirements. See section 604 for additional requirements for parking decks.

#### **Sec. 520. Building facades and entrances:**

- (a) Building facades of commercial and mixed use structures shall be articulated to minimize the monotonous appearance of large buildings through the use of architectural elements such as recessed windows and entries, offset surfaces, differentiated piers and columns, offset planes, textured materials, or awnings,
  - (1) Variations in facade treatment shall be continued throughout the structure, including its roof line and front and rear facades.
- (b) Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
- (c) Franchise architecture: Buildings where the proposed architecture is the result of "corporate" or franchise style shall be prohibited. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant. Buildings shall be consistent with the local architectural vernacular, establish a sense of permanence, and avoid over-commercialization. Building design shall reflect local, unique, and traditional designs rather than chain or franchise designs.
- (d) Color: The overall exterior color scheme shall be compatible with those of surrounding properties and shall be primarily earth tones. Accents, like doors and shutters, can be non-earth tones.

#### **Sec. 521. Proportion and scale for multi-family and non-residential uses.**

The following requirements shall apply to all multi-family and non-residential development, including parking decks structures:

- (a) Building massing: All new development proposals shall incorporate means of reducing the apparent size and bulk of the building. The following methods for reducing the apparent size and mass of larger buildings shall be required.
  - (1) Discontinuous building massing: Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding one hundred (100) continuous linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative visual effect of a simple long wall.

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- (2) Variation in building silhouettes: Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding one hundred (100) continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown or dental moldings, brick soldier courses, or similar detail.
  - (3) Building step backs: Buildings in excess of fifty (50) feet in height shall be required to step back that portion of the building greater than fifty (50) feet in height a minimum linear distance of ten (10) feet away from the building facade located below the fifty (50) foot height plane as described in section 1004.

## **Sec. 522. Blocks and street infrastructure.**

- (a) Non-residential developments with more than six hundred (600) feet of frontage along a single street shall be divided by streets into blocks having a maximum length of six hundred (600) feet, as measured from street curb to street curb. Number and location of curb cuts shall be approved by the city manager.
- (b) Streets used to divide properties into blocks shall meet all of the street and sidewalk designations of this zoning ordinance.
- (c) Opportunities for inter-parcel vehicle access points between all contiguous commercial, office, industrial or multi-family residential tracts shall be provided.
- (d) Streets with greater than two hundred and fifty (250) total linear feet of un-intersected street frontage shall be prohibited from terminating with a cul-de-sac.
- (e) Gates and security arms shall be prohibited from crossing any public street or sidewalk.

## **Sec. 523. Pedestrian and bicycle pathways.**

- (a) Pathways shall form a logical, safe and convenient system for pedestrian access to all dwelling units and other buildings and facilities.
- (b) Pathways shall be so located and safeguarded as to minimize contact with automotive traffic.
- (c) Pathways that are appropriately located, designed and constructed may be combined with other easements and used by emergency and service vehicles, but shall not be used by other automotive traffic.
- (d) Pathways shall meet the width requirements depending on the street type described in Sec. 511.

## **Sec. 524. Lighting.**

- (a) General provisions.
  - (1) The purpose of these criteria are to create standards for outdoor lighting which will provide nighttime safety, security and utility, while reducing light pollution and light trespass, and increase conservation of energy.
  - (2) Any lighting used to illuminate parking areas, access drives or loading areas shall be of such a design or level of illumination so as to minimize the amount of ambient lighting perceptible from adjacent properties and that would impair the vision of motorists.
  - (3) The Illuminating Engineering Society of North America (IESNA) Lighting Handbook, Ninth Edition, shall be used as a guide for lighting installations. The definitions in this handbook shall be used for technical terminology unless otherwise specified in this code.
- (b) Lighting standards.

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- (1) Entrances into developments from a street may be lighted for traffic safety reasons provided such lighting does not exceed the foot candle requirements for lighting walkways and streets.
  - (2) Lighting poles mounted on private property within fifty (50) feet from the street right-of-way may not exceed a height of sixteen (16) feet.
  - (3) Accent lighting for building facades and other vertical structures shall be directed solely onto the building or structure and not toward the sky or onto adjacent properties. Direct light emissions shall not be visible above the roofline or beyond the building's edge. Shielding shall be provided to restrict light to the object being accented.
  - (4) All pole mounted fixtures shall be mounted parallel to the ground. Building mounted floodlights shall be direct cutoff type and set parallel to the ground.
  - (5) All interior lighting shall be designed to prevent the light source or high levels of light from being visible from the street.
  - (6) Lighting for uses adjacent to residentially zoned property shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candles along property lines. Lighting for uses adjacent to non-residentially zoned property shall be designed and maintained such that illumination levels do not exceed 3.0 foot-candles along property lines.
  - (7) The use of search lights, laser lighting, LED lighting in the forms of channel strips, ropes or similar configurations, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.
  - (8) All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:
    - i. Fixtures.
      - (a). Any wall or pole-mounted light fixture shall be a cutoff luminaire whose source is completely concealed with an opaque housing and shall not be visible from any street. The light output of the fixture shall be 2.5 percent or less of the total output at ninety (90) degrees from the vertical plane and ten percent or less of total output at eighty (80) degrees from the vertical plane.
      - (b). Light fixtures for canopies covering fueling stations and at individual drive-through facilities shall be mounted such that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy. The light output of the fixture shall be 2.5 percent or less of the total output at 90 degrees from the vertical plane and ten (10) percent or less of total output at eighty (80) degrees from the vertical plane.
    - ii. Lamps.
      - (a) For parking lot and site lighting, the same type of lamp must be used for the same or similar type of lighting on any one site or development. All exterior luminaires that operate at greater than one hundred (100) watts shall contain lamps having a minimum efficacy of sixty (60) lumens/watt unless the luminaire is controlled by a motion sensor.
      - (b). Illumination levels. All site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the following standards. Minimum and maximum levels are measured at any one point. Average level is not to exceed the specified limit by more than twenty (20) percent, and is derived using only the area of the site included to receive illumination. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic. Also, if the major

portion of the lighting design is to be in the front of a building, the average level should not be affected by additional lighting in the back of the same building, which would raise the average of the intended area for lighting. Illumination levels are as follows:

<b>Table 5.2 Lighting Requirements</b>			
Location or Type of Lighting	Minimum Level (fc)	Average Level (fc)	Maximum Level (fc)
Advertising Sign	N/A	N/A	20.0
Walkways and Streets	0.6	1.0	10.0
Areas for Display of Outdoor Merchandise	1.0	5.0	15.0
Commercial Parking Areas	1.0	5.0	15.0
Multi-family Residential Parking Areas	1.0	5.0	15.0
Building Entrance	2.0	10.0	50.0
Gas Station Pump Areas	6.0	15.0	50.0

- iii. Methods of measurement Horizontal illumination levels shall be measured at ground level by a light meter certified by its manufacturer as being calibrated in accordance with standards of the National Institute of Standards and Technology. Maximum illumination readings must be taken directly beneath the luminaire. Vertical illumination readings shall be taken on the surface of the object being lighted or at five (5) feet above the ground for pedestrian areas.
- iv. Exemptions.
  - (a) Decorative seasonal lighting for festivals and holidays with a power rating of seventy-five (75) watts or less.
  - (b) Temporary emergency lighting used by police, firefighters, or other emergency services.
  - (c) Hazard warning luminaires or safety or security lighting required by regulatory agencies or state or federal law.
- v. Requirements for submittals.
  - (a) Site lighting plans shall be submitted to the city manager for review and approval for any new lighting installations. Plans shall be at a scale to allow the reviewer to determine conformance with this chapter, such as 1" = 20' or 1" = 40'.
  - (b) Site lighting plans shall include:
    - 1. Location and mounting information for each light.
    - 2. Illumination calculations showing light levels in foot candles at points located on a ten-foot or smaller grid, including an illustration of the areas masked out per the requirements above regarding points of measurement.
    - 3. A fixture schedule listing fixture design, type of lamp, and wattage of each fixture, and number of lumens after using 85 percent depreciation of initial output for both metal halide and high pressure sodium.
    - 4. Manufacturer's photometric data for each type of light fixture.
    - 5. An illumination summary, including the minimum, average and maximum foot-candles calculations.

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**Sec. 525. Automobile uses.**

- (a) Drive-through service windows and drive-in facilities shall not be located between a building and the street.
- (b) Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.

**Sec. 526. Loading Bay Regulations**

- (a) Loading areas shall not face any public street.
- (b) Loading and dumping activities located within one hundred and fifty (150) feet of a single-family residential property shall only be permitted to undertake said activities during normal business hours (8:00 a.m.—5:00 p.m.).
- (c) Accessory mechanical systems and features including HVAC systems shall not be visible from the public right-of-way.

**DIVISION 5. PLANNED DEVELOPMENTS****Sec. 527. Standards applying to all planned unit developments.**

All planned unit developments (PUD) shall meet the following standards and such other requirements as are set forth with respect to each of the four (4) permitted types of planned unit developments:

- (a) Review of Planned Unit Developments
  - (1) Plans for all Planned Unit Developments must be designed and submitted for review and approval pursuant to Article II of this zoning ordinance.
- (b) Permitted locations.
  - (2) Planned Unit Developments shall be permitted as outlined in Table 4.1
- (c) Development standards.
  - (1) The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations.
  - (2) Site planning. Site planning in the proposed planned unit development shall give consideration to the topography; it shall be compatible with the topography of the land and shall preserve any unusual and valuable natural features.
  - (3) The development shall not adversely affect developed or undeveloped neighboring properties; it should consider the location of structures, screening, setbacks and street design in the evaluation of the relationship of the development to its surrounding areas.
  - (4) Service and emergency access. Access and circulation shall adequately provide for firefighting and other emergency equipment, service deliveries and refuse collection.
  - (5) Infrastructure. Provision shall be made for acceptable design and construction of storm sewers and stormwater retention facilities, as required by Chapter 19 of the City Code and by DeKalb County. Transportation and other infrastructure, such as schools, water and sewer shall be adequate for the proposed development or there shall be a definite proposal for making them so. All planned developments are required to connect to county water and sewer system.

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- (6) Covenants. The planned unit development shall include such covenants and legal provisions as will assure conformity to the achievement of the plan
- (i) *General private deed covenants.* The entire planned development shall be included within private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and development. No certificate of occupancy shall be issued until a copy of the recorded legal covenants has been submitted to the city.
- (d) Conformance with existing zoning.
- (1) Future land use map. Planned unit developments shall not violate the provisions of the future land use map.
- (2) Permitted Uses. Only those uses permitted in the zoning district in which the proposed development is located shall be permitted in the planned unit development.
- (3) Signs. Planned unit developments shall strictly comply with the signage provisions of Chapter 15.5 of the Clarkston City Code.
- (4) Off-street parking requirements. The off-street parking requirements of this zoning ordinance shall be met.
- (5) Yards. Along the exterior boundaries of a planned development, no yard shall be less than five (5) feet in width and buffer requirements of this ordinance shall be met.
- (6) Common open space requirements. The open space requirements for the underlying district shall be met unless otherwise stated in this section.
- (i) *Open space maintenance.* In the event the property owners' association for a planned residential or cottage housing development fails to maintain the common open space property, the city may serve written notice upon the property owners' association and upon the residents and owners of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fifteen (15) days of the notice.
- (a) If the deficiencies are not corrected within said thirty (30) days, the city, in order to preserve the taxable values of the properties within the planned development and to prevent the common open space from becoming a public nuisance, may enter upon said common open spaces and maintain the same for one (1) year and thereafter until the property owners' association is prepared to provide proper maintenance.
- (b) The cost of such maintenance by the city shall be assessed ratably against the properties within the planned residential or cottage development that have a right of enjoyment of the common open space and shall become a tax lien upon said properties. The city at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the county tax assessor upon the properties affected by such lien within the planned residential development.
- (ii) *Phased development projects.* Planned Unit Development applicants may propose construction phases (commencement and completion dates) for a planned residential development project that has identified, logical geographical sections or pods; a

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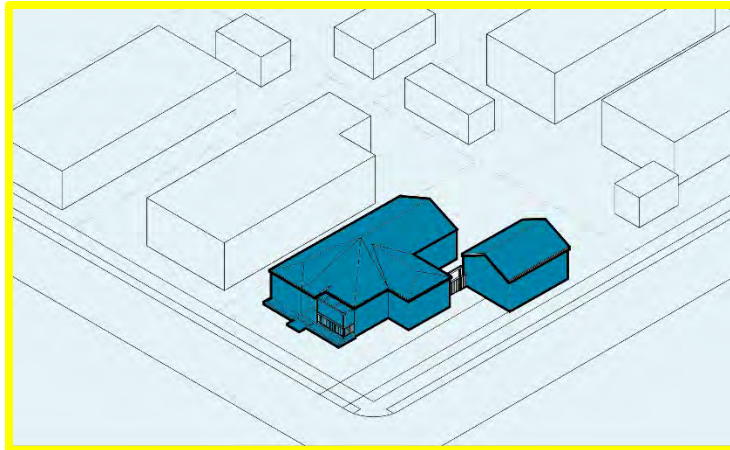
construction phasing plan shall be reviewed by the planning and zoning board and the mayor and city council for approval.

- (iii) *Performance bonds required.* The landowner shall furnish such bond(s) as may be recommended to the mayor and city council by the planning and zoning board and approved by the mayor and city council to be reasonably required to assure performance in accordance with the planned development plan and to protect the public interest in the event of abandonment of said plan before completion.

## **Sec. 528. Planned Residential Development**

The following regulations apply to planned residential developments:

- (a) Density
  - (1) The overall density for a development is determined by an approved overall concept plan for new development.
- (b) Permitted Uses. At least two types of residential structures can be permitted in a planned residential development.
  - (1) Single family detached homes
  - (2) Single family attached homes (townhomes)
  - (3) Duplexes
  - (4) Multi Family
- (c) Perimeter compatibility. Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.



Planned Residential Development

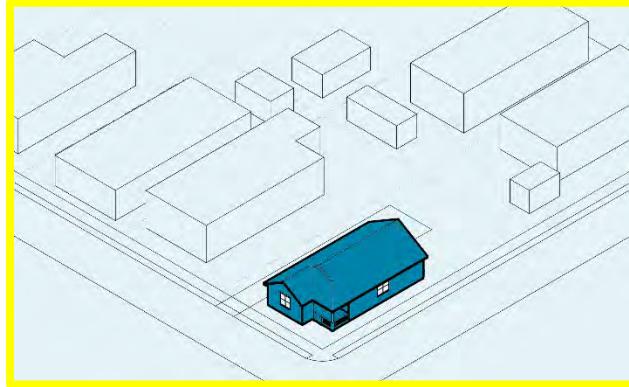
## **Sec. 529. Cottage Housing Development**

The following regulations apply to cottage housing developments (CHDs):

- (a) The following requirements shall apply to all CHDs:
  - (1) *Density and minimum lot area.*

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- i. In CHDs, the permitted density shall be one (1) dwelling unit per two thousand nine hundred four (2,904) square feet of lot area (fifteen (15)/acre).
  - ii. Cottage homes shall be developed in clusters of a minimum of two (2) homes to a maximum of twelve (12) homes.
- (2) *Lot coverage and floor area.* The maximum first floor or main floor area for an individual principal structure in a CHD shall be one thousand two hundred fifty (1,250) square feet.
- (3) *Front yard setbacks.* When fronting a public street, the front yard setback shall be at least fifteen (15) feet with an allowable seven (7) foot encroachment for a front porch. On non-public streets, the front yard setback shall be at least ten (10) feet with an allowable encroachment for a front porch of no greater than five (5) feet.
- (4) *Required open space.*
- i. A minimum of four hundred (400) square feet per unit of common open space is required.
  - ii. At least fifty (50) percent of the cottage home units shall be oriented around the common open space with their covered porches or main entry facing the common open space.
  - iii. All of the cottage units shall be located within one-hundred (100) feet walking distance of the common open space.
  - iv. The common open space shall have cottages abutting at least two (2) sides.
- (5) *Parking.* Parking spaces for each cottage home unit shall be provided as follows;
- i. Units that exceed six hundred fifty (650) square feet on main floor: two (2) spaces. Units that do not exceed six hundred fifty (650) square feet on main floor: one and one half (1.5) spaces.
  - ii. Location. Parking shall be located on the CHD property. It may be located in a structure, under a structure, or outside a structure provided that:
    - (a) Parking is screened from direct view from street by one or more building facades, by garage doors, or by a fence and landscaping;
    - (b) Parking is not located in the front yard;
    - (c) Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line which is not a street side lot line.
- (6) *Additional requirements.*
- i. Cottage homes shall have a covered porch at least sixty (60) square feet in size.
  - ii. All structures shall maintain ten (10) feet of separation between houses.
  - iii. The condominium association or homeowners' association shall maintain the required open space and all common areas.
  - iv. Each cottage home shall have access to clothes washers and dryer facilities, either through installation of connections to clothes washers and dryers in the cottage home, or access to clothes washers and dryers in a building located off the common open space.
  - v. Developers of cottage homes are encouraged to provide pervious parking areas. In any event, every cottage home development shall comply with Chapter 22 of the Clarkston City Code regarding stormwater management.

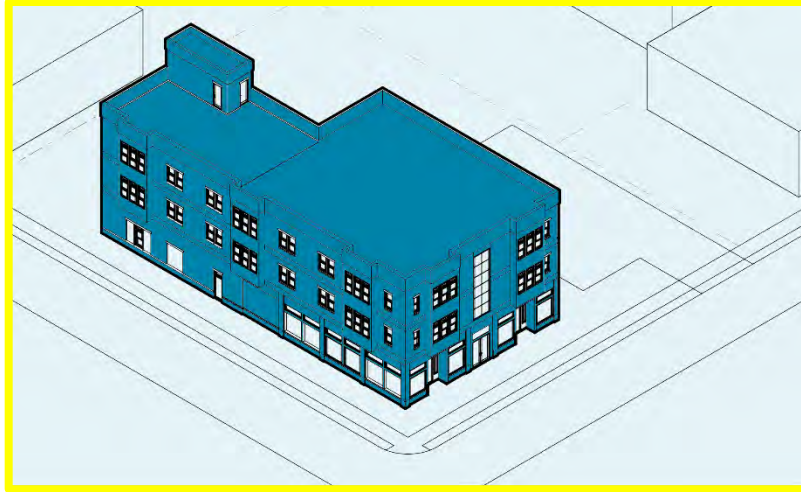
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- (b) Lots may be reduced in size, as would otherwise be prohibited by section 507, in order to develop cottage housing in compliance with this section.
  - (c) Common areas shall be required for four or more homes and owned by a condominium association, homeowners' association or jointly by the owners of the individual parcels within the planned development. (Sec. 902).



Cottage home

## **Sec. 530. Planned Mixed-Use Development**

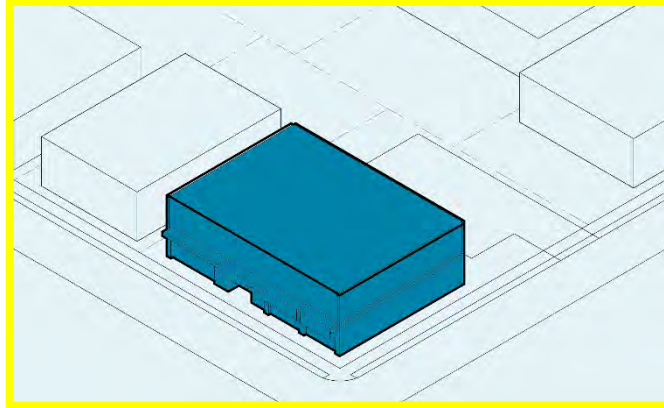
- (a) Density
  - (1) The overall density for a development is determined by an approved overall concept plan for new development.
- (b) Permitted Uses.
  - (1) Single family attached (townhomes)
  - (2) Multi-family (duplex, triplex, and apartment buildings)
  - (3) Commercial
  - (4) Office
  - (5) Retail
- (c) Land Use Mix. A Planned Mixed-Use Development (PMU) must contain at least two types of land use that are not otherwise allowed together in another zoning district. Each Planned Mixed-Use development is anticipated to include a mix of land uses. Non-residential development must be at a scale and type that is compatible with the residential component of the development
- (d) Perimeter compatibility. Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.



Planned Mixed Use Development

### **Sec. 531. Planned Commercial Development**

- (a) Density
  - (1) The overall density for a development is determined by an approved overall concept plan for new development.
- (b) Permitted Uses.
  - (1) Commercial
  - (2) Office
  - (3) Retail
- (c) Land Use Mix. A Planned Commercial Development must contain at least two types of land use that are not otherwise allowed together in another zoning district. Each Planned Commercial development is anticipated to include a mix of commercial land uses.
- (d) Perimeter compatibility. Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.



Planned Mixed-Use Development

## **DIVISION 6: OPEN SPACE**

### **Sec. 532. Open space.**

The following provisions shall apply to all open space required by the Clarkston Zoning Ordinance:

(a) Open space requirement.

- (1) Required yards and, sidewalk clear zones and landscape strips which are constructed on private property may be counted towards this requirement.
- (2) Open space may also include balconies, roof-top terraces, landscaped areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property.
- (3) Open space shall not include areas devoted to public or private vehicular access.
- (4) Where open space is held in common ownership, covenants or other legal arrangements shall specify ownership of the open space; method of and responsibility for maintenance; taxes and insurance; compulsory membership and assessment provisions; and shall be incorporated into legal instruments sufficient to ensure that the open space criteria are maintained.
- (5) 10% of the required open space shall be green space
  - a. Green space is left natural or undeveloped.
  - b. Can be activated or non-activated.

(b) Open space implementation and maintenance.

- (1) Implementation. All open space including buffers, setbacks, and sidewalk clear zones, shall be fully implemented prior to occupancy and if not completed, the occupancy permit shall not be issued.
- (2) Maintenance. The owner of the open space improvements shall provide adequate maintenance of the open space improvements for a minimum of one (1) year from the date of issuance of the certificate of occupancy. The city shall inspect landscape improvements at least once during this period to ensure that the approved plan has been fully implemented and maintained. When a private property owner provides landscaping within the public right-of-way and the landscaping dies

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within a one-year period, such landscaping shall be replaced within a reasonable time not to exceed six (6) months for planting by the owner at the owner's sole expense.

- (c) Relocation of open space. Relocation of minimum open space requirements: Up to twenty (20) percent of a development's required open space may be relocated to an offsite location provided:
- (1) The city council has reviewed and approved the transfer request;
  - (2) A written agreement among all owners of record shall be provided with the request and held on file with the planning and development director. All renewed or terminated leases shall be filed with the planning and development director.
  - (3) The receiving site(s) is designated as a park open space in the comprehensive plan;
  - (4) The receiving site(s) is located within one thousand three hundred and twenty (1,320) linear feet of the donating property (.25 miles);
  - (5) Designated open space sites shall comply with the following:
    - (i) The open space shall provide active or passive recreational amenities;
    - (ii) The open space shall be no greater than twenty-four (24) inches above or below the adjacent public sidewalk for a minimum distance of fifteen (15) feet from the beginning of the adjacent sidewalk;
    - (iii) The open space shall be visible and accessible from any point along ninety (90) percent of any adjacent sidewalk; and
    - (iv) The open space shall permit and encourage pedestrians to walk on a minimum of eighty (80) percent of the surface of the parcel.
- (d) Additional square footage can be obtained through a density bonus in the TC,
- (1) For every one (1) square foot of additional open space provided in excess of the minimum open space requirement in this section the maximum floor area for the development shall increase by five (5) square feet.
  - (2) For every one (1) square foot of additional green space provided in excess of the minimum green space requirement in this section the maximum floor area for the development shall increase by ten (10) square feet.
  - (3) To receive density bonus for additional open space requires that at least 25% of the total open space for the project be open to the public.

## **DIVISION 7: BUFFERS, SCREENING, AND LANDSCAPING**

The purpose of this section is to ensure and facilitate the preservation and/or replacement of trees and landscaping as part of the land development process within Clarkston and to provide minimum landscape, buffer and screening standards for development in the city so as to enhance architectural features, improve energy efficiency, improve water quality, reduce environmental damage, reduce urban heat island effect, provide quality wildlife habitat, control of soil erosion and aesthetics and to provide a scenic amenity within Clarkston. In addition to the regulations set forth herein, the regulations in The Clarkston Tree Protection Plan shall also apply. All tree protection plans and landscape plans submitted to meet city requirements shall be prepared and stamped by a

Georgia licensed landscape architect, provided however that an architect or engineer may also provide such plans if knowledgeable in landscape architectural design and/or tree protection plan preparation.

### Sec. 533. Buffers

A planted or natural buffer strip is required to protect single-family, and multiple-family residential land uses from negative impacts such as litter, dust, wind, light spill, noise, unsightly views, and other characteristics commonly associated with non-residential land uses and related vehicular and pedestrian traffic which adversely impact the quality of residential life. The required buffer shall provide necessary visual and acoustical privacy for the conduct of residential uses in an undisturbed environment and shall assist in the protection and preservation of property values in residential districts.

- (a) General Requirements. Required buffer strips shall be established and maintained by the owner of the non-residential land use. The required buffer strip shall:
- (1) Be depicted in detail on each site plan or plat prior to final approval. Type and location of natural and planted vegetation shall be included.
  - (2) Not be disturbed by grading, property improvements or construction activities except where necessary to prevent a nuisance, or to thin such natural growth where too dense to permit normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers, or any similar city approved enhancement. Any contemplated disturbance shall first be brought to the attention of the city and formal approval secured prior to initiating activity within the required buffer areas.
  - (3) Utilize existing vegetation where the city has determined that existing vegetation is appropriate for inclusion within the buffer strip, or when required, be supplemented with approved, additional plantings.
  - (4) Be completely installed in accordance with the approved plan prior to issuance of a certificate of occupancy.
  - (5) Not be used for temporary or permanent parking or loading other than for provision of drainage improvements as mandated by local law, or for a structure other than a fence.
  - (6) Be planted and maintained in a healthy, growing condition by the property owner.
  - (7) Not extend nearer to a street right-of-way line than the established primary building setback line of the nearest adjoining lot.
  - (8) Preserve the natural topography of the land and shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin such natural growth where too dense for normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers. However, a slope easement may be cleared and graded where required to prevent soil erosion; provided such easement shall be immediately replanted upon completion of easement improvements.

### Sec. 534. Buffer dimensions

Transitional buffers are intended to create a visual screen in order to diminish the potential negative impacts of nonresidential and mixed land uses on adjacent residential land uses. Similarly, transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses.

Table 5.3 Required Transitional Buffers (feet)										
	NR-1	NR-2	NR-3	NC-1	NC-2	TC	I	R-OS	NR-CD	RC
NR-1	10	10	10	10	10	10	10	10	10	10

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NR-2	0	-	-	-	-	-	-	-	-	-
NR-3	15	10	-	-	-	-	-	-	-	-
NC-1	30	30	30	-	-	-	-	-	-	-
NC-2	30	30	30	0	-	-	-	-	-	-
TC	20	20	15	15	15	-	-	-	-	-
I	50	50	50	30	30	50	-	-	-	-
R-OS	20	20	20	20	20	20	30	-	-	-
NR-CD	20-30	20-30	20-30	20	20	20	50	20	-	-
RC	20	20	20	15	15	15	50	20	0	-

### Sec. 535. Buffers and landscaping.

(a) Existing conditions.

- (1) In those instances where the existing natural vegetation and topography are insufficient to achieve the desired level of screening as required by this article, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an opaque acoustical and visual screen having a height of not less than six (6) feet at the time of planting and planted in a minimum of two (2) rows, with staggered on center spacing such that a continuous opaque screen is created within two (2) years of planting.
- (2) Existing natural vegetation and topography within a buffer shall be preserved and protected with a five-foot setback required between the vegetated and planted buffer.

(b) Materials and ratios.

- (1) Plant materials. Buffers shall contain a minimum of seventy-five (75) percent of evergreen plant materials comprised of at least three (3) different species for every fifty (50) linear feet and a maximum of twenty-five (25) percent of deciduous plant materials. Plant species shall be native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and obtained from nurseries in USDA hardiness zones 6 or 7.
- (2) Planting ratios. One (1) tree and five (5) shrubs shall be planted for every fifty (50) square feet of buffer area.

- (c) The following plants shall be approved for such purpose but shall not be exclusive of other plants which may be suitable, provided that they can form a hardy screen, dense enough and high enough both to interrupt vision and to diffuse the transmission of sound:

Table 5.4 Plants and Shrubs	
Common Name	Scientific Name
Glossy or common Abelia	<i>Abelia grandiflora</i>
Andromeda varieties	<i>Pieris species</i>
Jap Aucuba	<i>Aucuba Japonica</i>
Indicum, Piedmont, Flame, and other large or native azalea species	<i>Azalea indicum, calendulaceum</i>
Wintergreen Barberry	<i>Berberis juliana</i>
Camellia varieties	<i>Camellia japonica or sassanqua</i>

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Eastern Red Cedar or other large juniper species	<i>Juniperus virginiana</i>
Yoshino Cryptomeria	<i>Cryptomeria japonica</i>
Leyland Cypress	<i>Cupressocyparis x leylandii</i>
American Holly varieties	<i>Ilex opaca</i>
Burford Holly	<i>Ilex Burfordi</i>
Yaupon Holly varieties other than dwarf	<i>Ilex vomitoria</i>
Cherry Laurel	<i>Prunus Caroliniana</i>
Loropetalum chinese	<i>Chinese Loropetalum</i>
Southern Magnolia	<i>Magnolia Grandiflora</i>
Leatherleaf Mahonia or Oregon Hollygrape	<i>Mahonia bealeii or aquifolium</i>
Fragrant Tea Olive	<i>Osmanthas Fragens</i>
Raphiolepis umbellata	<i>Yeddo Hawthorn</i>
Native Rhododendron varieties	<i>Rhododendron carolinianum or maximum</i>
White Pine	<i>Pinus Strobus</i>

- (d) Substitute materials. Other evergreen plant materials having the same growth characteristics as the aforementioned may be substituted, subject to approval by the city prior to installation.
- (e) Invasive species are prohibited. Bamboo, Eleagnus, Privet, Kudzu, English Ivy, Japanese Honey Suckle and Wisteria shall be prohibited from being planted.
- (f) Detention ponds. In addition to the screening requirements regulated by this article, the following additional regulations shall apply:
- (1) The bottom and sides of detention ponds shall be planted with fast-germinating erosion-controlling vegetation, continuous over the entire surface of disturbed soils both inside and outside of the pond.
  - (2) Larger-growing species of perennial plants shall be interplanted in the wet areas of the pond (up to the 25-year storm inundation line) on minimum ten (10) foot centers, that are capable of thriving in intermittently wet and dry soils and will provide food and habitat for birds and other wildlife.
  - (3) Trees are prohibited within or on the outer slopes of detention ponds in order to prevent damage to the pond structure.

## Sec. 536. Screening

The setback requirements of this zoning ordinance shall not prohibit any necessary retaining wall or fence except those which cause a public or safety hazard. Additionally, retaining walls and fences in a residential zoning district shall adhere to the following requirements:

- (a) Fences and walls shall meet the height and location standards in Table 5.2

Table 5.5 Screening Requirements				
		Fence	Retaining wall	Maximum fence height with a variance
Front Yard	Maximum Height	4 ft.	3.5 ft.	N/A
	Distance from property line (minimum)	.5 ft.	.5 ft.	N/A
Side and Rear Yard	Maximum height	8 ft.	8 ft.	10 ft.

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Along a public street	Maximum height	5 ft.	2 ft.	6 ft.
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(b) Fences and walls shall meet the following material standards:

- (1) Front yard fences shall be made of brick, stone, stucco, split rail, wood, wrought iron. Side and rear yard fences may be vinyl-coated chain link.

(c) Fence foundations and frames shall be on the interior facing of the fence only.

### **Sec. 537. Fences in buffers.**

Fences within required buffer strips shall meet the following requirements:

- (a) Fences shall be constructed of solid materials. Use of cyclone fencing which utilizes inserts as screening shall be prohibited.
- (b) Painted or stained wood shall be maintained.
- (c) Metal fencing shall be painted or vinyl coated.
- (d) Fence supports shall face inwards.
- (e) Posts shall be anchored in concrete when the fence will be over 6 feet.
- (f) Fences may step down a slope, however supports shall be vertical and plumb.

### **Sec. 538. Other fence standards**

(a) Site visibility

- (1) On corner lots within all zoning districts, no wall, fence, foliage, or other obstruction to traffic line of sight vision shall exceed a height of two and one-half (2½) feet within the triangular area formed by the intersection of right-of-way lines at two (2) points measured twenty (20) feet along the property line from the intersection. Within said triangle there shall be no sight obscuring wall, fence or foliage higher than thirty (30) inches above grade or in the case of trees, foliage lower than eight (8) feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

(b) Fences measurement rule.

- (1) Heights of fences, hedges, and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley, or the official established grade thereof, whichever is higher. Along interior lot lines, the measurement shall be from the average grade of the lot line of the parcel on which the fence is located.

(c) Fences and hedges, exceptions.

- (1) The city manager may approve that fences or plantings of a height in excess of these regulations be placed as shielding between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

### **Sec. 539. Screening of dumpsters, loading areas and mechanical systems.**

- (a) All dumpsters, trash, and recycling receptacles shall be enclosed with a wall of equal or greater height on three (3) sides, the material of which shall be similar to the material on the outside of the primary building.

- (b) Dumpsters shall be placed in the rear yard and may be located five (5) feet from the property line if the adjoining property is zoned non-residential and five (5) feet from all applicable buffers if the adjoining property is zoned residential.
- (c) Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
- (d) Pursuant to section 5-44 of this Code of Ordinances, temporary construction trash and recycling dumpsters which are not enclosed shall be permitted from the time a building or land disturbance permit is issued, until the certificate of occupancy is granted.

## Sec. 540. Sidewalks and street trees.

In addition to the requirements below, the city may provide developers with adopted typical streetscape designs for designated areas. Such design may include additional materials, details and specifications regarding street trees, street lights, litter containers, benches and similar sidewalk-related items. Conformity with the city bike and pedestrian plan is also required where applicable. In addition, properties with required landscape strip or sidewalk clear zones which are located on private property shall provide a permanent easement arrangement with the city to ensure public access to said zones.

- (a) Public sidewalks shall be located along both sides of all streets and shall have minimum widths as specified in the Street Type Dimensions Table. Sidewalks shall consist of two (2) zones: a landscape strip and a sidewalk clear zone.

Table 5.6 Streetscape Dimensions			
	Local Streets (NR-1, NR-2, NR-3 Districts)	Local Streets (All Other Districts)	Arterials & Collectors
Landscape Strip (minimum, ft)	5-6'	5-6'	5-6'
Sidewalk Clear Zone (minimum, ft)	2'	5'	2'

- (b) Landscape strip requirements.
  - (1) Minimum landscape strip dimensions for front yards along the street frontage for each lot in any zoning district shall be ten (10) linear feet.
  - (2) Permanent structures shall be prohibited within landscape strips (such as buildings, parking spaces, dumpsters, drainage structures and detention facilities). Exceptions include driveways, sidewalks foot paths, necessary retaining walls, signs, and the deposition of storm water runoff or drainage swales through landscape strips perpendicular to the strip.
  - (3) Signs within landscape strips may only be located in areas of turf or ground cover and must not conflict with the growth potential of trees and shrubs.
  - (4) Design standards: All required landscape strips must be designed with at least sixty (60) percent coverage in trees and shrubs, and no more than forty (40) percent coverage in grass and ground cover. Landscape strip coverage will be calculated as follows:
    - (i) Calculate the total spatial area of the landscape strip.
    - (ii) Count the number of trees within the landscape strip and multiply by fifty (50) square feet for trees less than six (6) inch caliper and one hundred and fifty (150) square feet for trees greater than six-inch caliper. (This will allow some credit for the spatial coverage of the tree canopy).

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- (iii) Measure the spatial coverage of the proposed shrub beds and add to the tree coverage.
    - 1. Twelve (12) square feet for each five-gallon shrub;
    - 2. Nine (9) square feet for each three-gallon shrub;
    - 3. Six (6) square feet for each two-gallon shrub or ground cover; or
    - 4. Three (3) square feet for each one-gallon shrub or ground cover.
    - 5. This total area shall be greater than or equal to sixty (60) percent of the total area of the strip.
  - (5) The required overstory trees within the front landscape strip(s) shall be a minimum of three-inch caliper or twelve (12) feet to fourteen (14) feet tall at the time of planting.
  - (6) The required understory trees within the front landscape strip(s) shall be a minimum of two-inch caliper or eight (8) feet to ten (10) feet tall at the time of planting.
  - (7) Any exposed ground shall be planted with a living ground cover or lawn, with an appropriate mulching material.
  - (8) All trees and landscape materials should be planted at the proper planting times, preferably in the fall, winter or spring and maintained in perpetuity. The city may require performance bonds be posted if planting is delayed due to seasonality.
  - (9) Trees within required landscape strips shall be provided as follows:
    - (i) Landscape strips shall have a minimum of one (1) tree for every thirty (30) linear feet of a landscape strip to the nearest whole number.
    - (ii) Clumping is permitted provided that adequate spacing is allowed for future growth.
  - (10) Landscape strips shall be shown on the landscape plan for review and approval as part of the building permit process.
  - (c) Landscape strip requirements.
    - (1) Said zone shall be located immediately adjacent to the curb and shall be continuous.
    - (2) This zone may be used for street trees, street lights, benches, planters, trash receptacles, bicycle parking racks and other street furniture, pedestrian lights, landscaping, or sod. Additional pavement or other similar elements shall be permitted only as approved by the planning and development director.
  - (d) Sidewalk clear zone requirements.
    - (1) Said zone shall be located immediately contiguous to the landscape zone and shall be continuous.
    - (2) Said zone shall be hardscape, and shall be unobstructed for a minimum height of eight (8) feet. Special paving within the sidewalk clear zone shall be permitted only as approved by the planning and development director.
    - (3) Where newly constructed sidewalks abut narrower existing adjacent sidewalks, the newly constructed sidewalk shall provide an adequate transitional clear zone width for the purposes of providing a safe facilitation of pedestrian traffic flow between the adjacent sidewalks, as approved by the planning and development director.
    - (4) Utilities, including telephone, electric power and cable television in both public and private rights-of-way, shall be placed underground except when extreme conditions of underlying rock or other

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conditions prevent this requirement from being met and only as approved by the planning and development director.

(e) *Street tree planting requirements:*

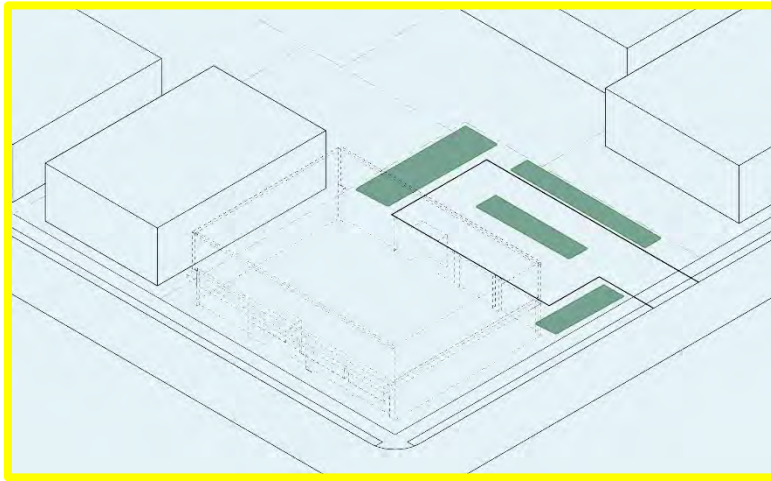
- (1) Street trees are required and shall be planted in the ground a maximum of fifty (50) feet on center or grouped one hundred and twenty (120) feet on-center within the landscape zone and spaced equal distance between street lights.
  - (2) All newly planted trees shall be a minimum of four (4) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of sixteen (16) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of ten (10) feet. Said trees shall be in proportion in height to the first floor of building.
  - (3) Trees shall have a minimum planting area of thirty-six (36) square feet and shall have a three-inch raised curb provided along the perimeter of the planting area. All plantings, planting replacement and planting removal shall be approved by the designated City manager , in keeping with the City of Clarkston's tree ordinance replacement values.
  - (4) Tree planting areas shall provide porous drainage systems that allow for drainage of the planting area.
  - (5) The area between required plantings shall either be mulched, planted with sod or shall be paved as approved by the city manager. Paving within the landscape strip shall be limited to a maximum of fifty (50) percent of the total area within the landscape zone.
  - (6) Physical permanent root barriers shall be required along the required street curbs to prevent roots from damaging the curbs.
  - (7) Required tree plantings may be permitted to be planted in the adjacent front yard when extreme conditions like topography prevent the planting of street trees within the landscape zone and only as approved by the city manager.
  - (8) Street tree species shall be consistent for an entire block length. Similar species shall be permitted to change on individual block faces and only when approved by the planning and zoning board.
  - (9) Street lights or pedestrian lights in the landscape zone shall be spaced equidistant between all required street trees.
- (f) *Sidewalks disturbed by development.* Any development that disturbs existing city-funded sidewalks including the clear zone and landscape zone shall be replaced by the property owner to its pre-disturbance state and condition.

## **Sec. 541. Parking areas.**

Parking lots designed with fifteen (15) or more parking spaces shall be designed as follows:

- (a) Where parking bays exceed fifteen (15) continuous spaces, a planter island meeting the following criteria is required. The planting islands shall be located no farther apart than every ten (10) parking spaces and at the terminus of all rows of parking.
  - (1) Each separated planter island shall contain a minimum of two hundred fifty (250) square feet per tree.

- (2) Each planter island area shall include at least one (1) shade tree. The remaining area may be planted with shrubs, lawn or living ground cover not to exceed three (3) feet in height with mulch of pine straw, bark, wood chips, turf grass, rocks and the like.
- (3) All planter islands must be curbed to prevent vehicular encroachment.
- (b) To promote better growth of trees and shrubs and to encourage flexibility in parking design, the area of not more than four (4) planter islands may be combined into one (1) large island, provided that the large island include one (1) shade tree per two hundred (200) square feet, with a minimum distance of thirty (30) feet exists between shade trees.



Parking islands required.

## Sec. 542. Tree requirements.

- (a) Existing tree cover and natural vegetation shall be preserved and/or replaced with suitable vegetation. All existing, healthy hardwood or softwood trees with a caliper of two (2) or more inches at a point three (3) feet above the ground shall be retained whenever feasible; if not feasible, the tree shall be replaced.
- (b) A minimum of one (1) overstory tree and one (1) understory tree shall be required for each five hundred (500) square feet of the total minimum required open space outside the parking areas. All other existing trees of at least twenty (20) feet in canopy diameter and height shall be counted. Trees required for screening purposes shall not be included in the aforementioned calculation.
- (c) Except as required by this section and to meet specific community design policies established for various areas of Clarkston, trees shall be planted and/or retained in areas of the site to enhance the overall project design and provide such amenities as visual attractiveness, natural resources preservation, energy conservation, etc.
- (d) All retained or planted trees shall be protected or situated as to prevent damage from environmental changes, particularly grading and other contractor operations, resulting from any building or other improvements as stipulated in the Clarkston Tree Protection Plan.
- (e) Tree replacement and all tree plantings shall be submitted and approved coincident with the landscaping plan for the site.
- (f) The following trees shall be permitted:

Table 5.7 Permitted Trees
Canopy (Overstory) Trees

Common Name	Scientific Name
Green Ash (seedless)	Fraxinus pennsylvanica
White Ash	Fraxinus americana
American Beech	Fagus grandifolia
River Birch	Betula nigra
Bald Cypress	Taxodium distichum
Chinese Elm	Ulmus parvifolia
Ginkgo (male only)	Ginkgo biloba
Thornless Honeylocust	Gleditsia triacanthos "inermis"
European Hornbeam	Carpinus betulus
Katsura Tree	Cercidiphyllum japonicum
Florida or Southern Sugar Maple	Acer barbatum
Red Maple and varieties	Acer rubrum
Sugar Maple (heat-adapted varieties)	Acer saccharum
Southern Magnolia	Magnolia grandiflora
Chestnut Oak	Quercus prinus
Laurel Oak	Quercus laurifolia
Overcup Oak	Quercus lyrata
Pin Oak	Quercus palustris
Red Oak	Quercus rubra
Sawtooth Oak	Quercus accutissima
Scarlet Oak	Quercus coccinea
Southern Red Oak	Quercus falcate
Willow Oak	Quercus phellos
Japanese Pagodatree	Sophora japonica
Loblolly Pine	Pinus taeda
Dawn Redwood	Metasequoia glyptostroboides
Japanese Zelkova	Zelkova serrata

Understory Trees	
Common Name	Scientific Name
Kwanzan Cherry	Prunus cerasifera
Yoshino Cherry	Prunus x yedoensis
Crabapple (disease resistant varieties)	Malus spp.
Flowering Dogwood	Cornus florida
Kousa Dogwood	Cornus kousa
'Brown Turkey' Fig	Ficus carica
Lilac Chaste Tree	Vitex agnus-castus
Little Gem Magnolia	Magnolia grandiflora 'Little Gem'
Saucer Magnolia	Magnolia soulangeana
Star Magnolia	Magnolia stellata
Japanese Maple	Acer palmatum
Paperbark Maple	Acer griseum
Trident Maple	Acer buergerianum
Crepe Myrtle (disease resistant)	Lagerstroemia indica
Hybrid Crepe Myrtles (disease resistant)	Lagerstroemia faureii

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Wax Myrtle	Myrica cerifera
Redbud	Cercis Canadensis
Sassafrass Tree	Sassafrass albidum
Carolina Silverbell	Halesia caroliniana
American or European Smoke Tree	Cottinus obovatus or coggygia
Sourwood	Oxydendron arborum

Other trees may be approved on a case by case basis. The general criteria for overstory replacement trees are large growing (forty (40) feet tall or greater), and ecologically compatible with the site. The general criteria for understory replacement trees are medium growing (ten (10) to thirty-five (35) in height), and ecologically compatible with the site. All planting and replanting plans are subject to the city arborist's approval.

### **Sec. 543. Installation and maintenance.**

- (a) Installation. All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures. The city arborist shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements provided in this zoning ordinance.
- (b) Agreement and bonding. Prior to issuance of a certificate of occupancy, the developer or owner shall post a performance bond or cash escrow guaranteeing all landscaping materials and work for a period of two (2) years after approval or acceptance thereof by the city in a sum established by the city arborist. The bond will be in the amount of one hundred (100) percent of the estimated cost of replacing all of the landscaping required by these specifications. At the end of two (2) years, the building inspector shall make an inspection and notify the owner or developer and the bond company of any corrections to be made.
- (c) Maintenance. The owner, occupant, tenant and respective agent of each, if any, shall be jointly and severally responsible for the maintenance and protection of all required landscaping in perpetuity, in accordance with the following standards:
  - (1) Keep landscaping reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition;
  - (2) Mow or trim landscaping in a manner and at a frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Growth of plant material at maturity shall be considered where future conflicts such as view, signage, street lighting, utilities and circulation might arise;
  - (3) Maintain all landscaping to minimize property damage and public safety hazards, including removal of dead or decaying plant material, and removal of low hanging branches next to sidewalks and walkways obstructing street lighting;
  - (4) Plantings in the buffer area shall be replaced unless the city arborist deems such replacement unnecessary;
  - (5) Pruning, trimming, and maintenance shall be performed to maintaining healthy plant matter in accordance with the specifications set forth by the American Forestry Association, the National Arborist Association, or other professional arboricultural organizations; and
  - (6) See Article VI, District Regulations for additional maintenance requirements.

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## **ARTICLE VI. PARKING AND LOADING REQUIREMENTS**

### **DIVISION 1. GENERAL PROVISIONS**

#### **Sec. 601. Off-street parking and loading spaces required.**

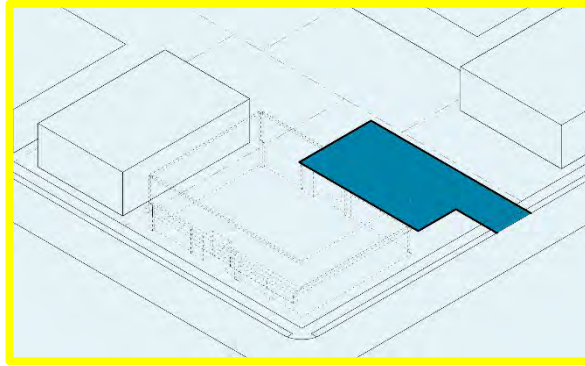
- (a) It is the intent of this zoning ordinance that all buildings, structures, and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces are so oriented that they are readily useable for such purposes.
- (a) Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. When an addition is proposed to a building that is nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.
- (b) No addition to an existing building shall be constructed which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein, except when the reduced number of parking spaces still meets the requirements of this article.
- (c) Off-street parking shall incorporate handicapped spaces into the design of parking facilities.

### **DIVISION 2. DESIGN STANDARDS**

#### **Sec. 602. General standards.**

The following design requirements shall apply to all off-street parking spaces, driveways, and loading spaces.

- (a) Parking Spaces.
  - (1) Off-street surface parking shall not be located between a building and the street without an intervening building, except where otherwise permitted in this zoning ordinance.
  - (2) Required dimensions for each parking space. Each automobile parking space shall be not less than nine (9) feet wide and twenty (20) feet deep.
  - (3) Surfacing, drainage and lighting. All off-street parking spaces, access and interior driveways shall be provided with a paved, dust free surface. If the off-street parking facilities are used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. The lighting shall be designed so as not to reflect onto or cause glare in any adjacent residential district.
  - (4) Adequate interior driveways shall connect each parking space with a public right-of-way.
  - (5) Striping and marking.
    - (i) All pavement markings intended to delineate off-street parking spaces shall be striped with durable reflective striping designed for that purpose.
    - (iii) All handicapped spaces shall be striped and marked in accordance with applicable federal and state standards.



Parking must be behind the building.

(b) Compact parking spaces.

- (1) No more than 20% of the required parking spaces for industrial, commercial, institutional, or multi-family uses can be designated for compact cars.
- (2) Compact parking spaces shall be identified by pavement markings and/or by appropriate signage.
- (3) Parking spaces for compact cars shall not be less than eight (8) feet wide and fifteen (15) feet deep.

(c) Bicycle parking.

- (1) Developments in all NR-CD, RC, TC, NC-1, and NC-2 districts shall provide bicycle parking racks at a ratio of at least one (1) bicycle parking space for every twenty (20) automobile parking spaces.
- (2) No development shall have fewer than three (3) bicycle parking spaces nor be required to exceed a maximum of thirty (30) spaces.
- (3) Bicycle parking spaces shall be located within the landscape zone a maximum distance of one hundred (100) feet from the building entrance, or shall be located at least as close as the closest automobile space and shall provide a concrete pad upon which the bicycle parking space shall be firmly rooted.

(d) Additional requirements for non single-family districts.

All required off-street parking facilities (other than those for single-family dwellings), including entrances, exits, and maneuvering areas, shall comply with the following provisions. Each parking facility:

- (1) Shall have access to a public street;
- (2) Shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control;
- (3) Shall have all spaces marked with paint lines, curb stones or other similar devices;
- (4) Shall be drained so as to prevent damage to abutting properties or public streets and where possible shall be drained towards infiltration swales located in the five-foot head-to-head landscape strips required between vehicles in section 1205(f).
- (5) To the extent practicable, adjacent parking lots serving nonresidential or mixed-use buildings shall be interconnected and shall provide for future interconnectivity.

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- (6) Shall have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties;
  - (7) Shall be designed to conform to the geometric design standards of the institute of traffic engineers;
  - (8) Wheel bumpers shall be placed at the head of all parking spaces that abut a landscape strip or sidewalk. When wheel bumpers are adjacent to a sidewalk, a two-foot extension of the sidewalk shall be permitted to be substituted in the place of the required wheel bumpers.
  - (9) No parking area may be used for the sale, repair, dismantling, servicing or long term storage of any vehicles or equipment unless such use is permitted within the district in which the parking area is located.
  - (10) Location on other property. If the required automobile parking spaces cannot be reasonably provided on the same lot on which the primary use is conducted, such spaces may be provided on adjacent or nearby property within the same zoning district, provided a major portion lies within one thousand (1,000) feet of the main entrance to the primary use for which such parking is provided. A written agreement among all owners of record shall be provided and held on file with the Planning and Development Director. All renewed or terminated leases shall be filed with the Planning and Development Director.

### **Sec. 603. Driveways and curb cuts.**

Driveways and curb cuts shall meet the following criteria:

- (a) Interior driveway. Where ninety (90) degree parking is utilized, all interior driveways shall be a minimum of twenty two (22) feet in width. If forty five (45) or sixty (60) degree angle parking is used, then interior driveways shall be at least twelve (12) feet in width for one-way traffic and twenty two (22) feet in width for two-way traffic. Where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of ten (10) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic.
- (b) All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone. A corresponding interior sign or painted bar on the driveway shall be provided adjacent to the sidewalk paving as it intersects the driveway which shall communicate that vehicles must stop or yield for the intervening sidewalk.
- (c) Driveway curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances, unless otherwise permitted by the Georgia Department of Transportation. For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one (1) curb cut provided that each curb cut does not exceed one (1) lane in width.
- (d) Driveway curb cuts on any street that functions as an arterial street or collector street are permitted only when access cannot be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron drop-off drives.
- (e) Driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.
- (f) No more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut located on each street frontage. However, developments on properties with a single street frontage greater than four hundred (400) feet shall be permitted two (2) curb cuts along one street frontage provided that each curb is at least 300 feet apart.
- (g) A common or joint driveway may be authorized by the City manager pursuant to Sec. 216 of this zoning ordinance.

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- (h) All developments shall have pedestrian walkways a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.

#### **Sec. 604. Parking decks and parking structures.**

The following regulations shall apply to parking decks and parking structures:

- (a) Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public and shall have the appearance of a horizontal storied building.
- (b) All parking decks and parking structures shall have pedestrian walkways a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.
- (c) All parking decks and parking structures shall have a landscape strip a minimum area of 250 square feet per tree immediately contiguous to the parking facility for the whole of the exterior perimeter of the parking facility containing at least one (1) understory or overstory tree, as appropriate, and ten (10) shrubs per fifty (50) linear feet, and a minimum of ninety (90) percent living groundcover, sod, and/or annual or perennial color in the landscape strip surface area.
- (d) Parking structures directly adjacent to a minor arterial or collector street shall have a use on the first floor that meets the requirements in Sec. 519.

#### **Sec. 605. Parking in residential districts.**

Parking any automobile, motorcycle, motor vehicle or trailer shall not be allowed in the front yard, side yard or rear yard of a residence unless said automobile, motorcycle, motor vehicle or trailer is parked on a concrete, asphalt or gravel driveway or parking area. It shall be unlawful to park any automobile, motorcycle, motor vehicle or trailer on the grass, lawn or dirt areas in the yard of any residence located within the corporate boundaries of the City of Clarkston.

#### **Sec. 606. Parking area landscaping requirements.**

Interior landscaping for parking areas shall be required for all parking lots designed for according to the requirements of Sec. 537.

### **DIVISION 3. OFF-STREET PARKING REQUIREMENTS**

#### **Sec. 607. Minimum off-street parking requirements.**

The following are the minimum number of off-street parking spaces required by type of permitted use. The square footage is the gross square footage unless otherwise indicated.

- (a) The total number of permitted parking spaces shall not exceed one hundred (100) percent of the minimum number of off-street parking spaces required by type of permitted use.
- (b) The number of off-street parking spaces required by use are as follows:

<b>Table 6.1 Parking Requirements</b>	
Use	Maximum Number of Spaces Per Unit
<b>Commercial:</b>	
Government, Office, Retail, Service Establishment, Restaurant, and Similar Commercial Uses	1.5 per 300 square feet of gross floor
Vehicle Repair Garages, Paint and Body Shops, Welding Shops, and Similar Establishments	1 per 200 square feet of gross floor area

Vehicle rental establishment	1 per 200 square feet of gross floor area plus one space for every vehicle for rent
Vehicle service garages	3 spaces per service bay
Hotel and motel	.75 spaces per guest room
Recreation—Subdivision recreation area	1 space per 10 dwelling units
Recreation—Commercial and public	1 space per 200 sq. ft. of recreational space
Wholesale stores	1 space per 600 sq. ft. of gross floor area, plus 1 space 2000 sq. ft. of gross storage area
<b>Institutional:</b>	
Places of worship and other places of assembly	1 per each 8 seats in the sanctuary or meeting room where seating is fixed or 1 per 50 square feet of gross floor area of sanctuary or meeting room where seating is not fixed
Theaters, Auditoriums, Funeral Homes, Community Centers and Other Places of Assembly	1 per each 4 seats where seating is fixed; 1 per 25 square feet of gross floor area of assembly area where seating is not fixed
Social organizations including lodges and fraternal organizations	1 space per 250 sq. ft.
Hospitals or group homes	1 space per 2 beds
Libraries, galleries, and similar uses	1 space per each 400 sq. ft. of gross space to which the public has access
Schools (elementary, middle, high schools)	2 per classroom, plus 1 space per each 8 seats in auditorium or assembly area where seating is fixed or 1 per 50 square feet of gross floor area of auditorium or assembly area where seating is not fixed
Schools (colleges, universities or adult education facilities)	As determined as part of the design approval
Daycare or nursery	2 spaces per classroom
<b>Offices:</b>	
Offices—Government, banks, professional, medical, general	1.5 per 300 square feet of gross floor
<b>Residential:</b>	
Apartments, townhomes, condominiums, and other multi-family attached uses	1 space per dwelling unit
Boarding or rooming houses	1 space per 2 bedrooms
Cottage housing	1.25 to 2.0 spaces per dwelling unit as regulated in section 529
Residences including single-family, duplexes, triplexes	2 spaces per dwelling unit
Senior citizen independent living facility	.75 space per unit

## DIVISION 4. SHARED OR REDUCED PARKING STANDARDS

### Sec. 608. Shared parking standards.

Reduced parking for NR-1, NR-2, and NR-3 districts shall be prohibited. For all other districts, the applicant may request a reduction to parking standards based on the following criteria:

- (a) Reduction of parking requirements through a shared parking arrangement may be permissible only through the permission of the mayor and city council provided the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.
- (b) A to-scale map indicating location of proposed parking spaces shall be provided.
- (c) A shared parking calculation projection shall be provided that demonstrates that each use will have adequate parking provisions at all times. The process for determining the minimum parking requirements for a mixed-use development or for contiguous properties containing multiple uses is:
  - (1) Determine the minimum number of parking spaces required for each use category from section 607 of this article.
  - (2) Multiply each parking requirement by the corresponding percentage for each of the time periods shown on the table below.
  - (3) Total the number of parking spaces for each of the time periods.
  - (4) The largest column total is the minimum shared parking requirement for the development or collectively for the contiguous properties.

<b>Table 6.2 Shared Parking Space Requirements</b>				
Use	Weekdays (M-F)		Weekends (Sat. & Sun.)	
	Daytime 6 a.m.—5 p.m.	Evening 5 p.m.—1 a.m.	Daytime 6 a.m.—5 p.m.	Evening 5 p.m.—1 a.m.
Residential	80%	100%	80%	100%
Office	100%	10%	20%	5%
Retail	95%	85%	100%	70%
Hotel	60%	100%	60%	100%
Restaurant	75%	100%	60%	100%
Entertainment	50%	85%	70%	100%
Church	50%	50%	100%	60%

- (d) For contiguous properties sharing parking spaces under this provision, cross-easements shall be filed establishing access to the parking spaces in perpetuity.
- (e) A reduction in the number of parking spaces that would otherwise be required for each of the various uses on a mixed-use development must be clearly shown on the development plan. If shared parking is proposed for a combination of contiguous properties, a plan must be submitted covering all of the properties that will be sharing the parking spaces.
- (f) A written agreement among all owners of record shall be provided and held on file with the city clerk. All renewed or terminated leases shall be filed with the city clerk.
- (g) One-half (½) of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be shared with a use that will be closed at night or on Sundays.

## **Sec. 610. Pervious parking bonus.**

In the TC, NC-1, and NC-2 district, for every full size parking space required by section 607 of this article that is paved with pervious paving as defined in Article IV, an additional fifty (50) square feet of floor area shall be permitted.

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## DIVISION 5. OFF-STREET LOADING REQUIREMENTS

### Sec. 611. Minimum off-street loading requirements.

When required, one (1) or more off-street loading stalls shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building or structure. A loading berth shall have minimum dimensions of twelve (12) feet wide and thirty five (35) feet deep with an overhead clearance of fourteen (14) feet. A loading space need not be a full berth but shall be sufficient to allow normal loading of a magnitude appropriate to the use served. However, in no case shall such space or its use hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk or alley.

- (a) The following design requirements shall apply to all off-street loading stalls.
- (1) *Access.* All off-street loading stalls shall have access from an alley, or if there is no alley, from a public street.
  - (2) *Surfacing, drainage and lighting.* All off-street loading stalls and access shall be provided with a paved, dust free surface. Loading stalls shall be properly illuminated for the safety of pedestrians, vehicles and for security. Lighting shall be designed to preclude light spill onto adjacent properties.
  - (3) *Location.* The off-street loading and unloading stalls shall be located to cause a minimum of interference with the free movement of vehicles and pedestrians over a street, sidewalk or alley.
- (b) The following are the minimum number of off-street loading stalls required by type of permitted use. Square footage is the gross amount unless otherwise indicated.
- (1) Retail operations, and all first floor nonresidential uses, with a gross floor area of less than 20,000 square feet, and all wholesale and light industrial operations with a gross floor area of less than ten thousand (10,000) square feet: One (1) loading space.
  - (2) Retail operations, including restaurant and dining facilities within hotels and office buildings, with a total usable floor area of twenty thousand (20,000) square feet or more devoted to such purposes: One (1) loading space for every twenty thousand (20,000) square feet of floor area or fraction thereof and one (1) loading berth for every forty thousand (40,000) square feet of floor area or fraction thereof.
  - (3) Office buildings and hotels with total usable floor area of one hundred thousand (100,000) square feet or more devoted to such purposes: One (1) loading berth for every one hundred thousand (100,000) square feet of floor area or fraction thereof.
  - (4) Industrial and wholesale operations with a gross floor area of ten thousand (10,000) square feet or over shall conform to the following schedule:

Table 6.3 Required Loading Berths	
Gross Floor Area	Required Loading Berths
10,000—49,000 square feet	1
49,000—100,000 square feet	2
100,000—160,000 square feet	3
160,000—240,000 square feet	4
240,000—320,000 square feet	5
320,000—400,000 square feet	6
Each 90,000 above 400,000 square feet	1

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- (c) This space may be shared by up to four (4) adjacent users by contractual arrangement specifying details of the sharing. A written agreement among all owners of record shall be provided and held on file with the city clerk. All renewed or terminated leases shall be filed with the city clerk.
  - (d) Applicants may request a reduction to or exemption from loading requirements. The reduction of loading requirements may be permissible through the permission of the City manager pursuant to Sec. 216 of this zoning ordinance provided the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access. When loading berths are shared by numerous users a written agreement among all owners of record shall be provided and held on file with the city clerk. All renewed or terminated leases shall be filed with the city clerk..

## **DIVISION 6. PARKING AND STORAGE OF CERTAIN VEHICLES**

### **Sec. 612. Parking and storage of certain vehicles.**

In all residential zoning districts the parking or storage of any commercial truck or vehicle in excess of eight tons (other than recreational vehicles) is prohibited except when the following provisions apply:

- (a) Such vehicle may park within a fully enclosed structure that meets all other criteria of the zoning district.
- (b) Such vehicle may park on the side or to the rear of the primary residential structure on the lot, but in no case may be closer than one hundred (100) feet from any property line.

This section shall not apply to vehicles that park or stand in residential zoning districts for less than eight (8) hours engaged in the loading or unloading of the vehicle.

### **Sec. 613. Multi-wheeled vehicle and bus parking.**

Automotive vehicles having more than four (4) wheels, major recreational equipment, school, and other buses are prohibited from parking on residential streets or within public rights-of-way. This section shall not apply to vehicles that park or stand in residential districts for less than eight (8) hours engaged in the loading or unloading of the vehicle nor shall it apply to franchised or regulated utility vehicles. See also Ch. 18, Traffic of this Code.

### **Sec. 614. Parking, storage, or use of major recreational equipment.**

Major recreational equipment may be parked or stored in side or rear yards or in a carport or enclosed buildings, provided:

- (a) The equipment may be parked anywhere on residential premises for a period of not more than twenty four (24) hours during loading or unloading.
- (b) In the case of a corner lot, no such equipment may be parked or stored in the side yard on the street side of the lot.
- (c) No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

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## Sec. 615. Handicapped parking requirements.

The minimum number of and dimensions for handicapped parking spaces shall comply with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136), the state building code, and the American National Standards Institute, and any other applicable state or federal law.

## DIVISION 7. INTERPRETATIONS

### Sec. 616. Interpretations.

- (a) Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.
- (b) Where the parking requirement for a particular use is not described in this article, and where no similar use is listed, the City manager or his/her designee shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, and other expected demand and traffic generated by the proposed use. In making any such determination, the City manager or his/her designee shall follow the principles set forth in the statement of purpose at the beginning of this article.

## **ARTICLE VII. DEFINITIONS<sup>13</sup>**

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purposes of this ordinance certain words or terms used herein shall be defined as follows:

- Words used in the singular include the plural and words used in the plural include the singular.
- Words used in the present tense include the future tense.
- The word "erected" includes the words "constructed" "moved" "located" or "relocated".
- The word "lot" includes the words "plot" or "parcel".
- The word "map" or "zoning map" means the zoning map of Clarkston, Georgia.
- The word, "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.
- The word "shall" is always mandatory and never discretionary.
- The word "structure" includes the word "building".
- The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied".

**Accessory building:** A structure that is incidental and subordinate to the primary structure, located on the same lot, and operated or maintained under the same ownership as the primary structure."

**Accessory use:** A land use that is incidental and subordinate to the primary use.

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<sup>13</sup>~~Editor's note(s) — Ord. No. 375, § 4(Attach.) repealed former Art. IV in its entirety and enacted new provisions as herein set out. Former Art. IV pertained to similar subject matter and derived from Ord. No. 325, § 1, 4-23-2007; Ord. No. 341, § 1, 2-2-10; Ord. No. 367, § 1, 8-9-12.~~

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**Adult day care center:** An "adult day care center" as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 49-6-82 currently defines an "adult day care center" as a facility serving aging adults that provides adult day care or adult day health services (as such terms are defined by O.C.G.A. Section 49-6-82) for compensation, to three or more persons. The term "adult day care center" shall not include a respite care services program. This definition shall automatically be updated if the State of Georgia amends its definition of "adult day care center."

**Agriculture:** The production, rearing or storage of crops and/or livestock for sale, lease or personal use, or lands devoted to a soil conservation or forestry management program.

**Alley:** A public street which ordinarily affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**Alteration:** A change or rearrangement in the exterior walls or structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing the height, or the moving of said building or structure from one location or position to another. In addition to the foregoing, any building or structure shall be considered as being altered whenever it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty (50) percent of its fair sales value immediately prior to the beginning of such repairs, renovation, remodeling, or rebuilding.

**Assisted living:** A profit or nonprofit facility, home, or structure, licensed by the state, for the protective care of two or more adults who need a watchful environment, but do not have an illness, injury, or disability, which requires chronic or convalescent care, including medical and nursing services. Protective care and watchful oversight includes, but is not limited to, a daily awareness by management of the residents' whereabouts, the asking and reminding of residents of their appointments for medical checkups, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care, with a 24-hour responsibility for the well-being of residents of the facility. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, halfway house, a treatment center for alcoholism or drug abuse, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**Automobile repair center or garage:** General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating.

**Automobile service center:** Any building, structure or land used for the dispensing or sale of any automobile fuels, oils, or accessories and where general automotive servicing is performed, such as replacement of mufflers, shocks and tires and motor tune-ups, as distinguished from major automotive repairs.

**Automobile service station (filling station):** A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation or minor services, customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.

**Automobile storage yard or used car lot:** A lot or group of continuous lots used for the storage, display or sale of operable automobiles where no repair work is done. This would include secondhand car lots.

**Automobile sales:** The use of any building, land area or other premise for the display and sale of new or used motor vehicles, and including any warranty repair work or other repair service; provided, however, that such definition shall not include the sale by an individual of motor vehicles acquired for such individual's own use and actually so used.

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**Automobile storage yard and wrecker service:** An establishment used for the short-term storage of damaged or confiscated vehicles.

**Basement (daylight):** A story partly underground and having at least one-half (½) of its height above the average level of the adjoining ground. A basement shall be counted as one-half (½) story for the purpose of height measurement if used for dwelling or business purposes.

**Bed and breakfast inn:** A business establishment operated within a dwelling by the owner-occupant, offering temporary lodging and one or more meals to the traveling public while away from their normal places of residence.

**Boarding house:** A dwelling in which meals or lodging or both are furnished for compensation to more than two (2) but not more than ten (10) non-transient persons.

**Buffer:** An undisturbed area that shall remain in its natural state and enhanced with additional landscaping in order to provide separation and screening for adjacent properties and adjacent rights-of-way.

**Buffer area:** A strip of land established to protect 1 type of land use from another with which it is incompatible containing a continuous visual screening of vegetation and fencing.

**Buffer, landscape:** An area using transitional screening elements such as fences, walls, and/or landscape plantings to separate and partially screen adjacent properties and adjacent rights-of-way.

**Building:** Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

**Building coverage:** The horizontal area measured from the outside of the exterior walls of the ground floor of all primary and accessory buildings on a lot.

**Building facade:** The portion of any exterior elevation of a building extended from grade to the top of the parapet wall or eaves and the entire width of the building elevation fronting a public street, excluding alleys and lanes, and which may also be referred to as the building face.

**Building height, residential:** For all single-family residential detached buildings and structures, building heights shall be the vertical distance measured from the highest point of the front door threshold of the existing or previously existing house on the property, to the highest point of the roof. See "threshold, front door" definition.

**Building height, non-residential:** For all buildings and structures not classified as residential, building heights shall be the vertical distance measured from the finished front yard grade to the highest point of the roof.

**Building line or front yard set back line:** A line, usually fixed parallel to the lot line, beyond which a building, or any projection thereof, cannot extend, excluding uncovered steps, terraces, stoops or similar fixtures.

**Canopy:** A roof-like covering that projects from the wall of a building, or is freestanding, for the purpose of shielding from the elements.

**Canopy, gas station:** A permanent structure above gasoline pumps supported independently or partially by other means, such as via a connection to the main building at the gas station location.

**Carport or garage, private:** An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of main building. A carport would be considered a private garage.

**Car wash:** A building, or portion thereof, where automobiles are washed by mechanical or high pressure water devices.

(1) *Automatic car wash* means a car wash where the labor is not supplied by the patron.

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(2) *Coin operated car wash* means a car wash where the patron supplies the labor.

**Child care learning center:** "Child care learning center" as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 20-1A-2 currently defines a "child care learning center" as any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than twenty-four (24) hours per day, without transfer of legal custody, seven or more children under eighteen (18) years of age; provided, however, that this term shall not include a private school which provides kindergarten through grade 12 education, meets the requirements of O.C.G.A. Section 20-2-690, and is accredited by one or more of the entities listed in subparagraph (A) of paragraph (6) of O.C.G.A. Section 20-3-519 and which provides care before, after, or both before and after the customary school day to its students as an auxiliary service to such students during the regular school year only. This definition shall automatically be updated if the State of Georgia amends its definition of "child care learning center."

**Child day care:** The use of a premises for the care and supervision of children who do not reside on the property for periods less than 24 hours. A child day care facility or center may also be a day nursery, kindergarten or preschool. Child day cares must be licensed by the state where required and shall receive all necessary county board of health and fire marshal approvals prior to issuance of a permit for construction and/or operation and follow the provisions of Section 407 of this Zoning Code.

**City:** The City of Clarkston, Georgia.

**City council:** The City Council of Clarkston, Georgia.

**Club:** Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.

**Comprehensive plan:** A policy guideline including the future land use map adopted by the mayor and council representing issues, goals, policies, and actions for the growth and development of the city. While adopted by the mayor and council, it does not serve as a development ordinance nor does it carry the force of law, but rather serves as a guide to desired and/or continued growth and development citywide.

**Conditional use:** A use permitted in a particular zoning district only upon showing that such use would not be detrimental to public health, safety or general welfare. Such uses may be required to meet additional standards and may be controlled as to the number, area and spacing from other uses and each other.

**Condominium:** Individual ownership units in a multi-family residential, commercial, and/or industrial structure(s), combined with joint ownership of common areas and facilities.

**Convalescent home:** An intermediate care facility primarily engaged in providing inpatient nursing or rehabilitative services to residents who require watchful care or medical attention or treatment, but not on a continuous basis, although staff is on duty 24-hours per day.

**Convenience store:** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than two thousand (2,000) square feet.

**Cottage housing development:** Planned unit developments comprised of cottage housing residential units, organized in clusters. Cottage housing is a style of small lot/home development designed for single-family dwelling, and is restricted in square footage, density, and architectural standards as defined within section 904. CHDs are characterized by a shared central open space.

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**Density:** The number of families, individuals, dwelling units, or housing structures per unit of land. The standard for density shall be the gross density which includes all the land within the boundaries of the area excluding floodplains, wetlands and standing bodies of water.

**Developed floor area:** The enclosed areas of a building that are heated or cooled.

**Development:** The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

**Driveway:** A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

**Dwelling:** A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multifamily dwellings, but not including hotels, boarding and lodging houses.

**Dwelling, multiple family:** A building designed to be occupied by three (3) or more families living independently of each other, and doing their cooking in the said building. Also known as 'multi-family.'

**Dwelling, single-family:** A building containing but one (1) housekeeping unit designed to be occupied by not more than one (1) family.

**Dwelling, triplex:** A building containing not more than three (3) kitchens, designed to be occupied by not more than three (3) families living independently of each other.

**Dwelling, two-family (duplex):** A building containing not more than two (2) kitchens, designed to be occupied by not more than two (2) families living independently of each other.

**Dwelling unit:** One (1) or more rooms designed for the occupancy, cooking, and sleeping of one (1) or more persons living as a family.

**Easement:** An incorporeal interest in land owned and legally titled by another, permitting its limited use or enjoyment on, over, or under said land without actual occupancy.

**Economic Impact Study:** A report which measures and analyzes data pertinent to the size and impacts of large scale commercial development to determine impact on the citizens within a neighborhood or affected area.

**Erect:** To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

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

**Family:** One (1) or more related persons or four (4) or fewer unrelated persons occupying a dwelling and living as a single housekeeping unit. The term "family" shall not be construed to mean fraternity, sorority, club, student center, group care homes, foster homes and is to be distinguished from persons occupying a boarding house, rooming house, hotel, or apartment unit as herein defined.

**Family child care learning home:** "Family child care learning home" as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 20-1A-2 currently defines a "family child care learning home" as a private residence operated by any person who receives therein for pay for supervision and care less than (24) hours per day, without transfer of legal custody, at least three (3) but not more than six (6) children under thirteen (13) years of age who are not related to such person and whose parents or guardians are not residents in the same private residence; provided, however, that the total number of unrelated children cared for in such home, for pay and not for pay, may not exceed six (6) children under thirteen (13) years of age at one time. This definition shall automatically be updated if the State of Georgia amends its definition of "family child care learning home."

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**Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**Floodplain:** That area within the intermediate regional flood contour elevations subject to periodic flooding as designated by the DeKalb County Roads and Bridges Director based upon the U.S. Corps of Engineers' Floodplain Information Reports and other federal, state or county hydraulic studies.

**Floor area:** The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, excluding attached garages, porches, balconies and unfinished basements.

**Floor area ratio (FAR):** A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located as:  $\text{Floor area/Lot area} = \text{Floor area ratio}$ .

**Frontage:** The length of any property line of a premises which abuts public rights-of-way.

**Future land use map:** Adopted as part of the comprehensive plan, the future land use map establishes future development areas in the City of Clarkston. The intent for future land use and development in each area is established by supporting text in the comprehensive plan.

**Garage apartment:** An accessory or subordinate building, not a part of or attached to the main building where a portion thereof contains for not more than one (1) family and the enclosed space for at least one (1) automobile is attached to such living quarters.

**Garage, commercial:** A commercial structure or any portion thereof in which one (1) or more automobiles are housed, or kept or repaired; not including exhibition or showrooms or storage of cars for sale.

**Garage, private residential:** A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.

**Grade:** An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**Greenspace:** The portion of a property which is left undeveloped or natural and occupied with naturally occurring native species.

**Gross leasable area (GLA):** The total gross floor area within building(s) which is occupied exclusively by individual tenants and upon which the tenants pay rent.

**Guest cottage:** Living quarters within a detached accessory building located on the same premises as the main building to be used exclusively for housing members of the family occupying the main building and their non-paying guests; such quarters having no kitchen facilities and not to be rented or otherwise used as a separate dwelling.

**Home occupation:** Any occupation or activity carried on by a member of the family residing on the premises, in connection with which there is no group instruction, assembly or activity; there is no commodity stored on the premises or held for sale to the public from the premises; no more than three (3) total persons (including residents) may be employed by the home occupation at any given time; and no mechanical or electronic equipment is used for commercial purposes. See Sec. 408 for supplemental provisions.

**Hotel or motel:** Any building or group of buildings containing principally sleeping rooms in which transient guests are lodged with or without meals with payment on a daily or weekly basis.

**Junkyard:** Property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk, including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking

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and structural steel materials and equipment, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**Landfill:** See "sanitary landfill."

**Landscaping:** The installation and permanent maintenance of trees, shrubs, ground covers, mulch, grass and other planting materials.

**Landscape strip:** A ground area installed with landscape materials such as street trees, shrubs, ground cover, etc. (Paving material such as gravel and concrete pavers may be used in combination with plant material.)

**Laundry, self-service:** A business rendering a retail service by renting to the individual customer equipment for the washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management, and does not include processing the laundry by the management on behalf of the customer.

**Live-work unit:** A single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

**Livestock:** Any animal with hooves, including but not limited to, cattle, horses, goats, mules, pigs, and sheep.

**Loading space, off-street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

**Lot:** A portion or parcel of land devoted to a common use or occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

**Corner lot:** A lot fronting on two (2) streets or their intersection, provided that the interior angle formed by the intersection is less than one hundred thirty-five (135) degrees. When the frontage on one (1) street exceeds the frontage on the other, the one with the least frontage shall be deemed the front of the lot.

**Interior lot:** A lot other than a corner lot.

**Through lot:** An "interior lot" having frontage on two (2) parallel or approximately parallel streets. When the frontage on one (1) street exceeds the frontage on the other, the one with the least frontage shall be deemed the front of the lot.

**Lot depth:** The distance measured in a mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite rear line of the lot.

**Lot of record:** A part of land subdivision, the map of which has been recorded in the office of the clerk of DeKalb County, Georgia.

**Lot width:** The horizontal distance between the side lines of a lot measured at the front building line.

**Major recreational equipment:** Boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automobile vehicles), motorized dwellings tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

**Microbrewery:** An establishment primarily engaged in manufacturing (i.e., brewing) beer and/or malt beverage in an amount not to exceed two million gallons per calendar year.

**Mixed-use development:** Development projects that incorporate new residential and non-residential (commercial, community facility and light industrial) uses and are permitted as-of-right in certain zoning districts.

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**Modular home:** A modular home is a factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes.

**Nursing home:** A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision, maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical or dental emergency and who will be responsible for the general medical and dental supervision of the home.

**Official zoning map:** A legally adopted map that conclusively shows the location and boundaries of zoned districts.

**Open space:** An open, unoccupied, unobstructed space that provides a usable amenity area on the same lot as a building. Required yards and requirements for sidewalk zones and landscape zones which are constructed on private property may be counted towards this requirement. Open space may also include balconies, roof-top terraces, front yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property. Open space shall not include areas devoted to public or private vehicular access.

**Outdoor storage:** The location of any goods, wares, merchandise, commodities, junk, debris or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.

**Parking lot:** An area or plot of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.

**Permitted use:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Personal care home:** Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. This term shall not include host homes, as defined in paragraph (18) of subsection (b) of O.C.G.A. Section 37-1-20.

**Pervious paving:** A surface that allows water to pass through voids in or between paving materials while providing a stable, load bearing surface for vehicles.

**Planned unit development (PUD):** A provision that allows more flexibility to development projects that incorporate two (2) or more buildings on a tract or several tracts of land than would otherwise be allowed by the underlying zoning district regulations. The following types of PUDs are allowed by this ordinance: Planned Residential Developments; Cottage Housing Developments, and Planned Mixed-use Developments; Planned Commercial Development.

**Planning and zoning board:** Refers to the planning and zoning board of the City of Clarkston as described in Chapter 15 of the Clarkston Code of Ordinances.

**Poultry:** Any domesticated fowl whether kept for the production of eggs, meat, feathers, or otherwise.

**Private deed restrictions or covenants:** Private deed restrictions or covenants are imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the city or other public agency.

**Quasi-judicial officers, boards, or agencies:** Quasi-judicial officers, boards, or agencies shall have the same meaning as defined in O.C.G.A. § 36-6-3.

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**Restaurant, carry-out:** A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building.

**Restaurant, dine-in:** A retail establishment where food and beverages are offered for sale to the public for either on-site consumption or for carry out to consume off-site.

**Restaurant, drive-through:** Any restaurant where all or a portion of the business activity is dedicated to serving customers by way of a drive-through window that allows customers to be served while inside an automobile.

**Retail services:** Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

**Retail trade:** Establishments engaged in selling goods or merchandise to the general public and for personal or household consumption and rendering services incidental to the sale of such.

**Right-of-way:** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

**Sanitary landfill:** An area of land utilized for sanitary disposal by filling with solid waste refuse and garbage, then covering with layers of earth.

**Setback:** The required space between a property line and a building or specified structure.

**Sidewalk clear zone:** An unobstructed walkway with a minimum width of seven (7) feet and hardscaped located between the building face and landscape strip.

**Story:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above. Attic or daylight basement space is construed as one-half (½) story. A fully underground basement is not a story.

**Street:** A thoroughfare that affords the principal means of access to abutting property.

**Street grade:** The established grade of the front street or other higher street upon which the lot abuts at the midpoint of the frontage of the plot thereon.

**Street line or highway margin:** The dividing line between a lot, tract or plot of land and a contiguous street, road or highway right-of-way.

**Structure:** Anything constructed or erected on the ground or attached to something on the ground.

**Structural alterations:** Any change, except for repair or replacement, in the supporting members of a building such as load-bearing walls, columns, beams or girders, floor joists or roof joists.

**Structural trim:** The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to any structure, including signs.

**Subdivision:** All divisions of a tract or parcel of for the purpose (whether immediate or future) of sale, lease, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether private or public) or change in an existing street, and includes re-subdivision. Subdivision is also the process (and the result) of dividing a parcel of raw land into smaller buildable sites, blocks, streets, open space and public areas and the designation of the location of utilities and other improvements.

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**Temporary housing:** Any tent, trailer, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities systems and which is not on the same premises for more than thirty (30) consecutive days.

**Threshold, front door:** Establishes location of new residential construction for purposes of controlling proportion of mass and building height to lot size.

**Traffic Impact Study:** A report which measures and analyzes data pertinent to the flow, rate of speed and density of traffic, to determine its impact on the safety of citizens within a neighborhood or affected area.

**Variance:** A grant of relief that modifies the strict dimensional or numerical requirements of this ordinance to permit construction in a manner that would otherwise be prohibited by this Code. A variance from the terms of this ordinance may be granted per criteria established here within and provided that the variance not be contrary to the public interest.

**Yard:** An open space on a lot situated between the primary building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein.

**Yard, front:** An open, unoccupied space on the same lot with a primary building or use, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.

**Yard, rear:** An open, unoccupied space not including parking on the same lot with a primary building or use or an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

**Yard, side:** An open, unoccupied space on the same lot with a primary building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

**Zoning decision:** Zoning decision shall have the same meaning as defined in O.C.G.A. § 36-6-3.

### How to use this document:

**This document is a side-by-side comparison of the existing Clarkston Zoning Code with the proposed Clarkston Zoning Code.**

- Sections and words in **red** indicate new language.
- Sections and words in **blue** indicate that the section or words are in the existing code but have been moved to a new location within the proposed code.
- Sections and words in **black** indicate no change.

EXISTING CODE	PROPOSED CODE
<p><b>Article I</b></p> <p><b>Sec. 100. - Title.</b></p> <p>This Appendix A to the City of Clarkston, Georgia Code of Ordinances shall be known and may be cited as the "Clarkston Zoning Ordinance."</p> <p><b>Sec. 101. - Applicability.</b></p> <p>These regulations shall apply to all present and future land development located within the incorporated area of Clarkston, Georgia. The requirements contained herein are declared to be minimum requirements necessary to carry out the purpose of this article. This article shall regulate the height, number of stories, and the size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density and distribution of population; the location and use of buildings and other structures: and the use, condition of use or occupancy of land and trade, industry, housing, recreation, transportation, agriculture or for any other purpose; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, enforcement and amendment; creating a planning and zoning board and defining the powers and duties thereof; providing penalties and resolutions and for other purposes.</p>	<p><b>ARTICLE I. GENERAL</b></p> <p><b>DIVISION 1. TITLE, APPLICABILITY AND PURPOSE</b></p> <p><b>Sec. 100. Title.</b></p> <p>This Appendix A to the City of Clarkston, Georgia Code of Ordinances shall be known and may be cited as the "Clarkston zoning ordinance."</p> <p><b>Sec. 101. Applicability.</b></p> <p>These regulations shall apply to all present and future land development located within the incorporated area of Clarkston, Georgia. The requirements contained herein are declared to be minimum requirements necessary to carry out the purpose of this article. This article shall regulate the height, number of stories, and the size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density and distribution of dwelling units; the location and use of buildings and other structures; the use, condition of use, or occupancy of land by trade, industry, housing, recreation, transportation, agriculture, or for any other purpose; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, enforcement and amendment; creating a planning and zoning board and defining the powers and duties thereof; providing penalties and resolutions; and for other purposes.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 102. - Purpose.</b></p> <p>The purpose of the Clarkston Zoning Ordinance shall be to improve and protect the aesthetic values of land and property, public health, and the following purposes listed below:</p> <ul style="list-style-type: none"> <li>(a) To protect existing development in the city.</li> <li>(b) To improve the property within the city through redevelopment, where appropriate.</li> <li>(c) To prevent damage to improved property by way of natural disasters.</li> <li>(d) To prevent overcrowding of schools and other public facilities.</li> <li>(e) To achieve such timing, density, and distribution of land development and use as will prevent overloading public infrastructure systems for providing water supply, sewage disposal, drainage, sanitation, police and fire protection, and other public services.</li> <li>(f) To achieve such density, distribution and design of land development and use as will protect the traffic movement capabilities of streets within the city and prevent traffic hazards.</li> <li>(g) To encourage such distribution of population, land development and use as will facilitate the efficient and adequate provision of public services and facilities.</li> <li>(h) To achieve such density, design, and distribution of housing as will protect and enhance residential property values and facilitate the provision of adequate housing for every citizen.</li> <li>(i) To secure such accessibility, design and density of land development and use as will reduce fire hazards and fire losses.</li> <li>(j) To promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the City of Clarkston.</li> </ul>	<p><b>Sec. 102. Purpose.</b></p> <p>The purpose of the Clarkston zoning ordinance shall be to:</p> <ul style="list-style-type: none"> <li>(a) To protect existing development in the city.</li> <li>(b) To improve the property within the city through redevelopment, where appropriate.</li> <li>(c) To prevent damage to improved property by natural disaster.</li> <li>(d) To prevent overcrowding of schools and other public facilities.</li> <li>(e) To achieve such timing, density, and distribution of <b>population</b>, land development and use as will prevent overloading public infrastructure systems for providing water supply, sewage disposal, drainage, sanitation, police and fire protection, and other public services, will protect the <b>traffic movement capabilities of streets within the city and prevent traffic hazards, an will facilitate the efficient and adequate provision of public services and facilities.</b></li> <li>(f) To achieve such density, design, and distribution of housing as will protect and enhance residential property values and facilitate the provision of adequate housing for every citizen.</li> <li>(g) To secure such accessibility, design and density of land development and use as will reduce fire hazards and fire losses.</li> <li>(h) To promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the city.</li> <li>(i) To encourage greater efficiency and economy of land development through natural resource conservation.</li> <li>(j) To preserve the city's natural beauty and encourage architecturally pleasing development.</li> <li>(k) To improve the quality of life through</li> </ul>

EXISTING CODE	PROPOSED CODE
<p>(k) To encourage greater efficiency and economy of land development through natural resource conservation.</p> <p>(l) To preserve the city's natural beauty and encourage architecturally pleasing .development.</p> <p>(m) To improve the quality of life through protection of the city's total environment including the prevention of air, visual, water and noise pollution.</p>	<p>protection of the city's total environment</p> <p>including the prevention of air, visual, water and noise pollution.</p> <p>(l) To implement the vision, goals, and policies of the comprehensive plan.</p>
<p><b>Sec. 103. - General use regulations.</b></p> <p>No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered, except in conformity with the regulations of this Clarkston Zoning Ordinance. Any use of property not expressly permitted by this Clarkston Zoning Ordinance shall be deemed to be prohibited.</p>	<p>Existing Sec. 103 moved <u>to</u> Sec. 107.</p>

EXISTING CODE	PROPOSED CODE
	<p><b>Sec. 103. Relationship to Comprehensive Plan</b></p> <p>The comprehensive plan, consisting of its future land use map and related policies, as may be amended from time to time, is hereby established as the official policy of the city concerning designated future land uses, and as a guide to decisions regarding the appropriate manner in which property may be zoned in the incorporated areas of the city. A copy of the comprehensive plan, as may be amended from time to time, shall be maintained at city hall and be available for inspection by the public.</p> <p>(a) <i>Relationship between the comprehensive plan and zoning.</i> The comprehensive plan does not change the existing zoning districts in the city and does not itself permit or prohibit any existing or future land uses. Instead, the comprehensive plan establishes broad planning policy for current and future land uses and will be consulted as a guideline for making decisions about applications to amend the official zoning map and text of the zoning ordinance.</p> <p>(b) <i>Consistency with comprehensive plan character areas.</i> Any applicant seeking to rezone property to a classification that is inconsistent with the adopted comprehensive plan must first obtain approval of an amendment to the comprehensive plan from the mayor and city council, following the procedures in this zoning ordinance.</p> <p>(c) <i>Amendments to the comprehensive plan.</i> The Comprehensive Plan shall be reviewed and updated or amended (as appropriate) according to a schedule approved by the mayor and city council, and as required by the DCA in compliance with the Rules of DCA, Chapter 110-12-1, Minimum Standards and Procedures for Local Comprehensive</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 501. Official zoning map.</b></p> <p>The City of Clarkston is hereby divided into zoning districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this zoning ordinance.</p> <p>The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in the Clarkston zoning ordinance" together with the date of adoption of this zoning ordinance.</p>	<p>Planning.</p> <p><b>Sec. 104. Duties to administer, interpret, and enforce the zoning ordinance.</b></p> <ul style="list-style-type: none"> <li>(a) Unless otherwise specified in any article, chapter, or section of this zoning ordinance, it shall be the duty of the city manager to administer, interpret, and enforce this zoning ordinance.</li> <li>(b) Unless otherwise specified, where this zoning ordinance refers to "the manager" or "the city manager," it shall mean the city manager or their designee.</li> <li>(c) The city manager shall also enforce all adopted codes relating to ADA Compliance, as adopted by the State.</li> <li>(d) It shall be the duty of the county fire marshal to enforce all State, County, and City fire codes.</li> </ul> <p><b>Proposed Sec. 105 moved <u>from</u> existing sec. 501.</b></p> <p><b>Sec. 105. Official zoning map.</b></p> <p>The city is hereby divided into zoning districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this zoning ordinance.</p> <p>The official zoning map shall be identified by the signature of the mayor and city council, attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning map referred to in the zoning ordinance" together with the date of adoption of this zoning ordinance.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 503. Replacement of official zoning map.</b></p> <p>In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the mayor and city council may by zoning ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map, and shall be identified by the signature of the mayor attested by the city clerk and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted the date of (date) _____ as part of the Clarkston zoning ordinance."</p> <p>Unless the previous official zoning map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.</p> <p><b>Sec. 103. - General use regulations.</b></p> <p>No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered, except in conformity with the regulations of this Clarkston Zoning Ordinance. Any use of property not expressly permitted by this Clarkston Zoning Ordinance shall be deemed to be prohibited.</p>	<p><b>Proposed Sec. 106 moved <u>from</u> existing sec. 503:</b></p> <p><b>Sec. 106. Replacement of official zoning map.</b></p> <p>In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the mayor and city council may by zoning ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map, and shall be identified by the signature of the mayor attested by the city clerk and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted the date of (date) _____ as part of the zoning ordinance."</p> <p>Unless the previous official zoning map has been lost, or has been destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.</p> <p><b>Proposed Sec. 107 moved <u>from</u> Existing Sec. 103. Revised language is in red.</b></p> <p><b>Sec. 107. General use regulations.</b></p> <p>No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or altered, except in conformity with the regulations of this <b>zoning ordinance</b>. Any use of property not expressly permitted by this <b>zoning ordinance</b> shall be deemed to be prohibited.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 104. - Development projects under construction.</b></p> <p>Nothing in this article shall require any change in the development or proposed use of properties which are legally under construction or for which a development plan or preliminary plat has been approved within five (5) years of the effective date of this article and the development of which shall be commenced within one (1) year after the effective date of this article. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.</p>	<p>Existing Sec. 104 moved <u>to</u> Sec. 108. Revised language is in red.</p> <p><b>Sec. 108. Development projects under construction.</b></p> <p>Nothing in this article shall require any change in the development or proposed use of properties which are legally under construction or for which a complete application for a building permit has been received and/or approved by the city upon the date of adoption of this ordinance, so long as actual construction is commenced within one (1) year of the effective date of adoption of this ordinance and carried out diligently.</p>
<p><b>Sec. 617. Unsafe buildings.</b></p> <p>Nothing in this zoning ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.</p>	<p>Proposed Sec. 109 moved <u>from</u> Existing Sec. 617:</p> <p><b>Sec. 109. Unsafe buildings.</b></p> <p>Nothing in this zoning ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.</p>

EXISTING CODE	PROPOSED CODE
<p><b>ARTICLE XIV. LEGAL STATUS PROVISIONS</b></p> <p><b>Sec. 1401. Conflict with other laws.</b></p> <p>Whenever the regulations of this ordinance require a greater lot width or depth or size or yard or impose other more restrictive standards than are required in or under any other ordinance, statute or covenants, the requirements of this ordinance shall govern. Whenever the provisions of any other ordinance, statute, or covenants require more restrictive standards than those of this ordinance, the provisions of such other ordinance, statutes or covenants shall govern.</p> <p><b>Sec. 1402. Severability clause.</b></p> <p>Should any section or provision of this zoning ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the zoning ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. The mayor and city council hereby declares that it would have adopted the remaining parts of the zoning ordinance if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.</p>	<p>Existing Article XIV moved <u>to</u> proposed Division 2. Changed language is red.</p> <p><b>DIVISION 2. LEGAL STATUS PROVISIONS</b></p> <p><b>Sec. 110. Conflict with other laws.</b></p> <p>Whenever the regulations of this ordinance require <b>more restrictive standards than those of</b> any other ordinance, statute or covenants, the requirements of this ordinance shall govern. Whenever the provisions of any other ordinance, statute, or covenants require more restrictive standards than those of this ordinance, the provisions of such other ordinance, statute, or covenants shall govern.</p> <p><b>Sec. 111. Severability clause.</b></p> <p>Should any section or provision of this zoning ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the zoning ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. The mayor and city council hereby declares that it would have adopted the remaining parts of the zoning ordinance if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1403. Repeal of conflicting ordinances.</b></p> <p>All resolutions and ordinances and parts of resolutions and ordinances in conflict with this ordinance are hereby repealed; provided however, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of sight development accompanying those zoning approvals or use permits issued under previous zoning ordinances or resolutions, provided however, modification or repeal of such past conditions of approval may be accomplished as provided by this ordinance.</p> <p>All variances and exceptions heretofore granted by the mayor and city council shall remain in full force and effect and all terms, conditions, and obligations imposed by the mayor and city council with respect thereto shall remain in effect and be binding. Prior ordinances shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations and for the prosecution of any violations heretofore commended.</p> <p><b>Sec. 1404. Effective date.</b></p> <p>This ordinance shall take effect and shall be in force from and after the date of its adoption [April 23, 2007], the public welfare demanding it.</p>	<p><b>Sec. 112. Repeal of conflicting ordinances.</b></p> <p>All resolutions and ordinances and parts of resolutions and ordinances in conflict with this zoning ordinance are hereby repealed; provided however, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of development accompanying those zoning approvals or use permits issued under previous zoning ordinances or resolutions; provided however, modification or repeal of such past conditions of approval may be accomplished as provided by this zoning ordinance.</p> <p>All quasi-judicial actions, zoning decisions, and exceptions heretofore granted by the mayor and city council shall remain in full force and effect. All terms, conditions, and obligations imposed by the mayor and city council with respect to quasi-judicial actions and zoning decisions shall remain in effect and be binding. Prior zoning ordinances shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations and for the prosecution of any violations heretofore commended.</p> <p><b>Sec. 113. Effective date.</b></p> <p>This ordinance shall take effect and shall be in force from and after the date of its adoption, the public welfare demanding it.</p>

EXISTING CODE	PROPOSED CODE
<p style="text-align: center;"><b>Article III ADMINISTRATION</b></p> <p><b>Sec. 301. - Administration of ordinance.</b> It shall be the duty of the city manager or his designee, and he is hereby given the authority, to administer and enforce the provisions of this ordinance.</p> <p><b>Sec. 320. - Zoning of annexed property.</b> (a) Upon annexation of property, the city council shall assign the annexed property a zoning designation. Based on the DeKalb County zoning of the annexation property, the city council will assign the corresponding city zoning designation listed in subsection (b) unless the city council determines that a different zoning designation is more appropriate based on the criteria set forth in section 305. (b) DeKalb County to City Of Clarkston zoning conversion table.</p>	<p><b>ARTICLE II. ADMINISTRATION</b></p> <p>Existing Article Sec. 301 moved <u>to</u> proposed Section 104.</p> <p><b>Sec. 201. Applications</b> This division establishes procedures that apply to all application submittals and procedures for public hearings required by this zoning ordinance. Prior to the processing of any application for an amendment to the official zoning map, commonly referred to as a rezoning, variance, future land use map amendment, conditional use permit, or modification to conditions of zoning, the applicant shall be required to file documentation and follow certain procedures as set forth in this division. Additional regulations that apply to specific application types may be found in subsequent sections of this chapter.</p> <p>Existing Article Sec. 320 moved <u>to</u> proposed Division Section 202. Changed language is red.</p> <p><b>Sec. 202. Zoning of annexed property.</b> (a) Upon annexation of property, the <b>mayor and</b> city council shall assign the annexed property a zoning designation. Based on the DeKalb County zoning of the annexation property, the <b>mayor and</b> city council will assign the corresponding city zoning designation listed in subsection (b) unless mayor and city council determines that a different zoning designation is more appropriate based on the criteria set forth in <b>Sec. 210. Procedures for the zoning of annexed property shall meet the requirements of O.C.G.A. § 36-66-4.</b> (b) DeKalb County to City of Clarkston zoning conversion table.</p>

EXISTING CODE		PROPOSED CODE	
City of Clarkston Zoning District	DeKalb County Zoning District	<b>Table 2.1 Zoning Conversion Table</b>	
		City of Clarkston Zoning District	DeKalb County Zoning District
NR-1	RE	NR-1	RE
	RLG	NR-1	RLG
	R-100	NR-1	R-100
	R-78	NR-1	R-78
	R-85	NR-1	R-85
NR-2	R-75	NR-2	R-75
NR-3	RSM	NR-2	R-60
	MR-1	NR-2	MHP
	MR-2	NR-2	RNC
	HR-1	NR-3	RSM
	HR-2	NR-3	MR-1
	HR-3	NR-3	MR-2
NR-CD	MU-1	NR-3	HR-1
	MU-2	NR-3	HR-2
	MU-3	NR-3	HR-2
	MU-4	NR-3	HR-3
	MU-5	NR-CD	MU-1
RC	OIT	NR-CD	MU-2
NC-1	C-I	NR-CD	MU-3
	OI	NR-CD	MU-4
NC-2	C-2	NR-CD	MU-5
	NS	RC	OIT
I	M	NC-1	C-I
	M-2	NC-1	OI
		I	OD
		NC-2	C-2
		NC-2	NS
		I	M
		I	M-2

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 302. - Application requirements.</b></p> <p>(a) All applications to amend the zoning map (rezoning) shall, as part of the application, include a site analysis at a readable scale (1" = 100' minimum). Such site analysis shall include a depiction of:</p> <ol style="list-style-type: none"> <li>(1) Existing shape and dimensions of each lot that is the subject of the application, including the size, measurement and location of any existing buildings or structures on the lot(s).</li> <li>(2) Existing location of utilities.</li> <li>(3) Streams, creeks, lakes and ponds.</li> <li>(4) Easements and rights of way.</li> </ol> <p>(b) All applications seeking any of the actions listed (1)—(4) below shall include a set of development plans, as defined in subsection (c), with the application:</p> <ol style="list-style-type: none"> <li>(1) Applications to rezone property to NC-1, NC-2, NR-CD, RC or TC.</li> <li>(2) Applications to amend the future development map.</li> <li>(3) Applications to approve a planned development.</li> <li>(4) Applications for issuance of a building permit.</li> </ol> <p>(c) <i>Development plans.</i> When required by subsection (b), development plans shall be at a readable scale (1" = 100' minimum), contain the required number of sets (specified on each application) and shall demonstrate compliance with all regulations and calculations required by the zoning ordinance. Unless waived by the building official as inapplicable in the case of minor building permits, development plans shall include but not be limited to the following information:</p> <ol style="list-style-type: none"> <li>(1) Boundary survey completed by a certified surveyor and depicting, at a</li> </ol>	<p><b>Sec. 203. Application requirements.</b></p> <p>Applications seeking approval of a rezoning, future land use map amendment, variance, or conditional use permit, or planned unit development shall include the following:</p> <ol style="list-style-type: none"> <li>(a) <i>Pre-application meeting.</i> Prior to the submittal of an application, the applicant shall meet with the city manager for a preliminary conference on the location, scope, and nature of the proposed development. A written report on the pre-application meeting shall be prepared and transmitted to the applicant and to the mayor and city council.</li> <li>(b) A legal description of the tract(s) that are the subject of the application.</li> <li>(c) The owner of the property that is the subject of an application shall certify by notarized signature that they are the applicant or have given authority to the applicant to file the application. When properties have more than one (1) owner, the notarized signature of all property owners shall be required.</li> <li>(d) An application fee established by the city.</li> <li>(e) A written analysis of the impact of the proposed application with respect to the applicable criteria established in this article.</li> <li>(f) A boundary survey completed by a certified surveyor depicting the following: <ol style="list-style-type: none"> <li>(1) Existing shape and dimensions of each lot that is the subject of the application, including the size, measurement and location of any existing buildings or structures on the lot(s).</li> <li>(2) Existing location of utilities.</li> </ol> </li> </ol>

EXISTING CODE	PROPOSED CODE
<p>minimum, the features listed in subsection (a).</p> <ul style="list-style-type: none"> <li>(2) A correct scale and north arrow.</li> <li>(3) The present zoning classification of the subject and all adjacent parcels.</li> <li>(4) Proposed land use and building footprints with door locations.</li> <li>(5) The gross square footage of proposed buildings.</li> <li>(6) Required yard setbacks appropriately dimensioned.</li> <li>(7) Densities.</li> <li>(8) The location of required off-street parking and loading spaces including total number of spaces, space and driveway dimensions.</li> <li>(9) Internal circulation including the proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement.</li> <li>(10) Building height.</li> <li>(11) Sidewalks.</li> <li>(12) Utilities, grading, drainage, amenities, and similar details including their respective measurements.</li> <li>(13) Any applicable buffer boundaries such as: streams, or other planted buffers as required by zoning district,</li> <li>(14) <i>Landscape and tree plan.</i> This plan shall demonstrate compliance with all regulations and calculations required by the zoning ordinance related to landscaping and trees by depicting: <ul style="list-style-type: none"> <li>(i) Landscaping, including tree species, the number of all plantings, and landscaping that is replacing what is being removed.</li> <li>(ii) The location and extent of required buffers and screened areas, depicting extent of natural vegetation</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(3) Streams, creeks, lakes, and ponds.</li> <li>(4) Easements and rights of way.</li> </ul> <p>(g) <b>A site plan</b> at a readable scale (1" = 100' minimum). The site plan shall contain the required number of sets (specified on each application) and shall demonstrate compliance with all regulations and calculations required by this zoning ordinance. Unless waived by the city manager as inapplicable in the case of minor building permits, site plans shall include but not be limited to the following information:</p> <ul style="list-style-type: none"> <li>(1) A correct scale and north arrow.</li> <li>(2) The present zoning <b>classification and future land use category</b> of the subject and all adjacent parcels.</li> <li>(3) <b>The name and address of the owner(s) of the subject and all adjacent parcels.</b></li> <li>(3) Proposed land use and building footprints with door locations.</li> <li>(4) The gross square footage of proposed buildings.</li> <li>(5) Required yard setbacks appropriately dimensioned.</li> <li>(6) Densities.</li> <li>(7) The location of required off-street parking and loading spaces including total number of spaces; and space and driveway dimensions.</li> <li>(8) Internal circulation including the proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement.</li> <li>(9) Building height.</li> <li>(10) Sidewalks.</li> <li>(11) Utilities, grading, drainage, amenities, and similar details including their respective measurements.</li> </ul>

EXISTING CODE	PROPOSED CODE
<p>and type and location of additional vegetation if required.</p> <p>(iii) Open space.</p> <p>(15) <i>Architectural design.</i> The architectural design elements showing compliance with all regulations and calculations required by the zoning ordinance which shall include but not be limited to:</p> <p>(i) Scaled elevation drawings of proposed structures.</p> <p>(ii) Information on building materials, features, exterior finish, windows, doors, colors, and items affecting exterior appearance, such as signs, air conditioning, grills, compressors, and similar details including their respective measurements.</p>	<p>(12) Any applicable buffer boundaries such as: including streams or other planted buffers as required by zoning district.</p> <p>(13) <i>Landscape and tree plan.</i> This plan shall demonstrate compliance with all regulations and calculations required by the zoning ordinance related to landscaping and trees and shall include but not be limited to the following information:</p> <p>(i) Landscaping, including tree species, the number of all plantings, and landscaping that is replacing what is being removed.</p> <p>(ii) The location and extent of required buffers and screened areas, depicting extent of natural vegetation and type and location of additional vegetation if required.</p> <p>(iii) Open space.</p> <p>(14) <i>Architectural design.</i> The architectural design elements showing compliance with all regulations and calculations required by the zoning ordinance which shall include but not be limited to the following information:</p> <p>(i) Scaled elevation drawings of proposed structures.</p> <p>(ii) Information on building materials, features, exterior finishes, windows, doors, colors, and items affecting exterior appearance, such as signs, HVAC equipment, and similar details including their respective measurements.</p> <p>(h) Applications seeking approval of a rezoning, conditional use permit, or planned unit development that meet any of the following criteria shall be required to include a traffic impact study (TIS) before</p>

EXISTING CODE	PROPOSED CODE
	<p>the application can be considered complete. <u>The report shall include but not be limited to the following information:</u></p> <ul style="list-style-type: none"> <li>(1) The proposed development has at least thirty (30) dwelling units, fifteen thousand (15,000) square feet of office space, and/or ten thousand (10,000) square feet of commercial space.</li> <li>(2) The proposed development is a public or private school with a capacity of at least one hundred (100) students.</li> <li>(3) The proposed development is expected to generate forty (40) or more new vehicle trips during an AM or PM peak hour or three hundred (300) or more new vehicle trips in an average day.</li> </ul> <p>Trip generation shall be calculated based on the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Trip estimates developed to identify the need for a TIS should not include trip reductions below ITE rates.</p> <ul style="list-style-type: none"> <li>(i) Applications seeking approval of a rezoning, conditional use permit, or planned unit development that meet any of the following criteria shall be required to include an economic impact study before the application can be considered complete: <ul style="list-style-type: none"> <li>(1) Large scale commercial development with over thirty thousand (30,000) square feet gross floor area.</li> </ul> <p>The economic impact study shall include an analysis of job creation, employment opportunities for residents, tax generation, and other fiscal impacts on the city.</p> </li> <li>(j) Applications seeking approval of a rezoning, conditional use permit, or planned unit development that includes any industrial uses or structures shall be required to include an environmental impact report before the application can</li> </ul>

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	<p>be considered complete. The report shall include but not be limited to the following information:</p> <ul style="list-style-type: none"> <li>(1) Impacts on noise levels of the surrounding area.</li> <li>(2) Impacts on air quality of the surrounding area.</li> <li>(3) Impacts on water quality/resources including surface water, groundwater, floodplains, and wetlands.</li> <li>(4) Impacts on vegetation, fish, and wildlife species and habitats.</li> <li>(5) Impacts of thermal and explosive hazards on the surrounding area.</li> <li>(6) Impacts of hazardous wastes on the surrounding area.</li> <li>(7) Uses and quantities of any agents listed on the Federal Environmental Protection Agency Lists of Hazardous Wastes.</li> <li>(8) Strategies to mitigate or avoid impacts listed in this section as applicable.</li> </ul>

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<p><b>Sec. 303. - Application submittal and completeness.</b></p> <p>No application shall be deemed accepted and filed until all required forms have been completed and all required materials have been submitted, including fees. The date an application is complete and hence accepted and filed shall be noted on the application form by the city planner or other designee as appointed by the city manager. Any subsequent deadlines tied to date of application shall begin to run as of said date.</p> <p><b>Sec. 304. Procedure for rezoning, text amendment, variance or conditional use zoning decisions.</b></p> <p>The city zoning ordinance, including the zoning map, may be amended from time to time by the mayor and city council, but no amendment shall become effective unless it shall have been first submitted to the planning and zoning board for review and recommendation.</p> <p>(a) <i>Community open house meetings.</i> When an application meets the criteria set forth in this subsection, the applicant shall comply with the following requirements:</p> <p>(1) <i>Applicability.</i> Filing of any of the following applications shall trigger the requirement for the applicant to hold a community open house meeting:</p> <p>(i) An application seeking rezoning of more than five thousand (5,000) sq. ft. of property;</p> <p>(ii) An application seeking approval of a planned unit developments;</p>	<p><b>Sec. 204. Application submittal and completeness.</b></p> <p>(a) No application shall be deemed accepted and filed until <b>all required fees have been paid</b>, all required forms have been <b>submitted</b> and all required materials, <b>including any study that may be required at the discretion of the city manager, have been submitted</b>. The date an application is complete and hence accepted and filed shall be noted on the application form by the <b>city manager</b>. Any subsequent deadlines tied to date of application shall begin to run as of said date.</p> <p><b>Sec. 205. Common procedures</b></p> <p>(a) <b>City manager review.</b> Upon receipt of an application for a <b>rezoning, future land use map amendment, variance, conditional use permit, planned unit development, or upon notice from two (2) or more mayor and city council members of a proposed text amendment, and within thirty (30) days of receipt of the formal application and all required information, the city manager</b> shall review the application (<b>or proposed text amendment</b>) and prepare a written analysis of the application (<b>or proposed text amendment</b>), which shall be provided to the planning and zoning board as well as the <b>mayor and city council</b>.</p> <p>(b) <b>Planning and zoning board review.</b></p> <p>(1) All applications <b>for rezoning, future land use map amendment, variance, conditional use permit, planned unit development, and all proposed amendments to the text of the zoning ordinance</b> shall be submitted to the planning and zoning board for review. Such review shall be conducted based upon the standards set forth in <b>the appropriate section of this zoning ordinance, depending on the type(s)</b></p>

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<p>(iii) Any application that is deemed to have a significant public impact by the city planner.</p> <p>(2) <i>Requirements for meeting.</i> The purpose of the meeting is for the applicant and interested community members to have dialogue about the proposed project. Community open house meetings, when required, shall be held as close as reasonably possible to the subject property within the city. The required meeting shall take place at least fifteen (15) days prior to the date of the planning and zoning public hearing on the subject application. Any cost associated with holding a community open house meeting shall be paid by the applicant.</p> <p>(3) <i>Notice of meeting.</i> In order to properly notify interested neighbors of the community open house meeting, the applicant required to hold a community open house meeting shall mail a letter to every property owner within three hundred (300) feet of the subject property providing notice of the time, date and place of the community open house meeting. The applicant shall also provide to the city planner the following:</p> <p>(i) A copy of the mailing list of all property owners within three hundred (300) feet of the subject property, including name, street address, and tax parcel identification number;</p> <p>(ii) A copy of the form letter mailed to the property owners within three hundred (300) feet of the subject property informing them of the</p>	<p>of the applications. When a complete application is received, the planning and zoning board shall consider the application at its next regularly scheduled meeting, unless deferred pursuant to this section. Such meeting shall include a public hearing and follow procedures required in Sec. 206 of this article.</p> <p>(2) The city clerk shall cause notice of the time, place, and purpose of the public hearing and a copy of the city manager's report on the application to be published on the city's website at least fifteen (15) days prior to the public hearing.</p> <p>(3) Upon motion, the planning and zoning board may defer any application which it deems to be incomplete. The fact that a required community open house meeting has not yet been held shall cause the application to be deemed incomplete and necessitate a deferral. A complete application may be deferred on only one occasion.</p> <p>(4) The planning and zoning board shall make a recommendation to the mayor and city council with respect to its findings. The recommendations shall be a part of the permanent record of the application and shall be reported at any meeting of the mayor and city council which considers the application. In addition, the city clerk shall cause the planning and zoning board's recommendation to be posted on the city's website from the time that it is available until a final decision on the application is made by the mayor and city council.</p> <p>(5) Failure to act.</p>

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<p>community open house meeting.</p> <p>(4) <i>Post-meeting reporting.</i> The applicant required to hold a community open house meeting shall provide the city planner with a written meeting summary within five (5) days of the meeting. Such summary shall include a list of all meeting attendees, a summary of the concerns and issues expressed during the meeting, and a summary of the applicant's responses to the concerns and issues expressed. The city planner shall consider such report when preparing his/her written analysis of the subject application. A meeting summary report does not constitute a recommendation on the application discussed at this meeting.</p> <p>(5) Applicants that comply with all requirements of the community open house meeting under this zoning ordinance, regardless of how many participants attend the scheduled meeting, are deemed to have met the community open house meeting requirement of this subsection.</p> <p>(b) <i>City planner review.</i> Upon receipt of an application for rezoning, variance or conditional use permit, or upon notice from two or more city council members of a proposed text amendment to the zoning ordinance, the city planner shall review the application (or proposed text amendment) and prepare a written analysis of the application (or proposed text amendment), which shall be provided to the planning and zoning board as well as the city council.</p> <p>(c) <i>Planning and zoning board review.</i></p> <p>(1) All applications for rezoning, variance or conditional use permit</p>	<p>i. Failure by the planning and zoning board to act upon any application shall not cause delay of process unless such failure is due to incomplete data or information in an application. Should the planning and zoning board fail to act upon any complete application, it shall pass to the <b>mayor and</b> city council with a notation thereon that the planning and zoning board has reviewed but failed to act upon the application.</p> <p>ii. If the planning and zoning board fails to submit a report within thirty (30) days of its first meeting after it has <b>considered</b> an application that is complete in all respects, it shall be deemed to have recommended approval of the proposed amendment. However, the planning and zoning board and the applicant for an amendment may jointly agree to postpone action for a thirty-day period.</p> <p>(6) The <b>mayor and</b> city council shall hear the application at its next meeting which complies with <b>O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter.</b></p> <p>(7) Provisions for application withdrawal shall be as established in <b>Sec. 206.</b></p>

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<p>and all proposed amendments to the text of the zoning ordinance shall be submitted to the planning and zoning board for review. Such review shall be conducted based upon the standards set forth in the appropriate section of this zoning ordinance, depending on the nature of the application or proposal. When a complete application is received, the planning and zoning board shall consider the application at its next regularly scheduled meeting, unless deferred pursuant to this section. Such meeting shall include a public hearing and the planning and zoning board shall take comment from the applicant and the public with regard to the application. All required and relevant documents shall be presented by the applicant to the public and planning and zoning board at the public hearing. Following the public input and comment, the planning and zoning board shall, upon appropriate motion, vote to recommend approval or denial of the application. It may make such recommendations as it deems appropriate in the best interests of the city, including the specification of certain conditions to its recommendation of approval of any proposed zoning action.</p> <p>(2) The city clerk shall cause notice of the date, place and time of the public hearing and a copy of the city planner's staff report on the application to be published on the City's website at least fifteen (15) days prior to the public hearing.</p> <p>(3) Upon motion, the planning and zoning board may defer any application which it deems to be</p>	

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<p>incomplete. The fact that a required community open house meeting has not yet been held shall cause the application to be deemed incomplete and necessitate a deferral. A complete application may be deferred on only one occasion. An applicant may withdraw his application at any time until a final recommendation on the application is issued by the planning and zoning board.</p> <p>(4) The planning and zoning board shall make a written report of its recommendation to the city council and mayor with respect to its findings. Such written report shall be a part of the permanent record of the application and shall be reported at any meeting of the city council which considers the application. In addition, the city clerk shall cause the planning and zoning board's written report to be posted on the city's website from the time that it is available until a final decision on the application is made by the city council.</p> <p>(5) <i>Failure to act.</i></p> <p>a. Failure by the planning and zoning board to act upon any application shall not cause delay of process unless such failure is due to incomplete data or information in an application. Should the planning and zoning board fail to act upon any complete application, it shall pass to the city council with a notation thereon that the planning and zoning board has reviewed but failed to act upon the application.</p>	

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<p>b. If the planning and zoning board fails to submit a report within thirty (30) days of its first meeting after it has considered an application that is complete in all respects, it shall be deemed to have recommended approval of the proposed amendment. However, the planning and zoning board and the applicant for an amendment may jointly agree to postpone action for a thirty-day period.</p> <p>(6) The city council shall hear the application at its next meeting which complies with the Zoning Procedures Act of the State of Georgia.</p> <p>(7) Provisions for application withdrawal shall be as established in section 310.</p> <p>(d) <i>City council and mayor.</i></p> <p>(1) <i>Public hearing procedures.</i> Before the mayor and city council shall approve any rezoning, text amendment to the city's zoning ordinance, conditional use permit or variance, they shall hold a public hearing thereon, to be conducted pursuant to procedures for public hearings on zoning matters established by resolution.</p> <p>a. The notice of such hearing shall be published at least fifteen (15) but not more than forty-five (45) days prior to the hearing on the proposed action, such publication to be in the legal organ for DeKalb County, Georgia. The notice shall state the date, time, place, and purpose of the hearing.</p>	<p>(d) <i>Mayor and city council.</i></p> <p>(1) Before the mayor and city council shall approve <u>or deny any rezoning, future land use map amendment, variance, conditional use permit, planned unit development, or text</u> amendment they shall hold a public hearing thereon, to be conducted pursuant to procedures <u>outlined in this zoning ordinance and those provided in O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter.</u></p> <p>(2) <u>Notwithstanding any other provisions of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or</u></p>

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<p>b. Said public hearing may be continued to the next regular city council meeting date and for additional consecutive regular meeting dates, or such other date as directed by the mayor, without further legal notice as good planning requirements dictate and the mayor and city council deem necessary, provided that the date on the sign advertising the hearing be changed to reflect the continued hearing date.</p> <p>c. If the requested zoning action is for the rezoning of property and is initiated by a party (applicant) other than the city, then:</p> <p>(i) The applicant shall erect on the subject property, not less than fifteen (15) days prior to the hearing, a sign giving the date, place and time of the city council public hearing. Applicant shall provide photographic evidence of the sign placement to the city planner. City staff shall be responsible for providing the signs to the applicant and ensuring that such sign stays where placed and in legible condition until a final decision is made on the zoning matter by the city council.</p> <p>(ii) The notice to the legal organ as required above shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification for the property.</p> <p>(iii) The applicant shall also cause written notice of the date, place and time of the city council</p>	<p>to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:</p> <p>i. The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart.</p> <p>ii. Prior to the first meeting provided for in subparagraph (i) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection (i) of this Code section.</p> <p>iii. Notice requirements for such hearings are in Sec. (e)(9).</p> <p>(3) <i>Final action.</i></p> <p>i. The mayor and city council shall approve, approve with conditions, or deny the request. Such final zoning action may occur at the time of the public hearing or at the next regularly scheduled mayor and city council meeting.</p> <p>ii. The mayor and city council shall not be bound by but shall consider the recommendations of the</p>

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<p>public hearing to be given by certified mail, with mailings placed in the mail with sufficient postage affixed at least fourteen (14) days prior to the hearing. Such letters shall be addressed and mailed to property owners (as ownership and address appears on the tax records of DeKalb County) of all property within three hundred (300) feet of the property that is the subject of the application. When property owners have provided the city planner with an email address for such purpose, the applicant shall also give notice of the public hearing via email to those property owners as an additional courtesy. Applicant must provide the city planner with documentation of the required certified mailing.</p> <p>(iv) The city clerk shall cause notice of the date, place and time of the public hearing and a copy of the city planner's staff report on the application to be published on the City's website at least fifteen (15) days prior to the public hearing.</p> <p>(2) <i>Final action.</i></p> <p>a. The city council shall approve, approve with conditions, or deny the request. Such final zoning action may occur at the time of the public hearing or at the next regularly scheduled city council meeting.</p> <p>b. The city council shall not be bound by, but shall consider the recommendations of the planning and zoning board in</p>	<p>planning and zoning board in its deliberations on the application.</p> <p>(4) Provisions for application withdrawal shall be as established in Sec. 207.</p> <p>(e) <i>Public notice of public hearings.</i></p> <p>(1) Legal notice. Notice of a hearing pursuant to this ordinance shall be published in the legal organ of the city in which the legal advertisements of the city are published. Where the proposed action includes any combination of zoning decisions under subparagraphs (C), (E), or (F) of paragraph (4) of O.C.G.A. § 36-66-3 for the same property, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing at least 15 but not more than 45 days prior to the date of the hearing. The notice shall state the time, place, and purpose of the hearing. Notices announcing public hearing for considering an application to rezone property or an application for a special use shall also include the location of the property, and the present and proposed zoning classification or the proposed special use of the property, as appropriate.</p> <p>(2) <i>Property posting.</i> The applicant shall post a sign or signs provided by the city in a conspicuous place on the property a minimum of 15 calendar days prior to a public hearing that shall comply with the following requirements:</p> <p>i. Be readable from each street on which the property fronts, or if the property has no street frontage, from each street from which access will be gained;</p> <p>ii. Clearly indicate the following information</p>

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its deliberations on the application.	<p>(a) Present zoning classification of the property;</p> <p>(b) Proposed zoning classification or special use; date and time; and</p> <p>(c) Location of the public hearing.</p> <p>iii. Be maintained by applicant to prevent removal from the property or destruction for the period commencing on the date the public notice appears in the newspaper through the date of the public hearing.</p> <p>(3) <i>Written notice to adjacent and nearby property owners.</i> The applicant shall give written notice by certified mail return receipt requested to all property owners within 300 feet of the boundaries of the property as appear in DeKalb County tax records. The measurement shall be performed from each boundary of the property that is the subject of a zoning petition or special use application. Public notices shall be mailed such that they are received a minimum of 15 calendar days and a maximum of 45 calendar days prior to the public hearing. The return receipts shall be provided to the community development director within one week of receipt.</p> <p>(4) A quasi-judicial officer, board, or agency shall provide for a hearing on each proposed action. Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing, with such notice being made as provided for in subsection (1) of this Code section and with additional notice being mailed to the owner of the property that is the subject of the proposed action.</p> <p>(5) The local government shall give notice of such hearings outlined in Sec. (d)(2) by:</p>

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	<p>i. Posting notice on each affected premises in the manner prescribed by subsection (b) of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and</p> <p>ii. Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.</p> <p>iii. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.</p>

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	<p>(6) The provisions of paragraph (5) of this section shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.</p> <p>(7) This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.</p> <p>(8) Posting of property associated with an amendment to the official zoning map initiated by the City of Clarkston shall not be required.</p> <p>All hearings of any quasi-judicial officer, board or agency and city council shall be open to the public and shall comply with the Georgia Open Meetings Act.</p>

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<p><b>Sec. 324. - Procedure for public hearings required by the Zoning Procedures Act.</b></p> <p>Whenever the city council conducts a public hearing in connection with a zoning decision, as required by O.C.G.A. Section 36-66-4, the following procedures shall be observed:</p> <ol style="list-style-type: none"> <li>(1) Speaker registration. The applicant for rezoning (or other zoning decision) will automatically be registered to speak in support of the application. Any other person wishing to speak, either in support or opposition to the application, shall register with the city clerk. Registration may be accomplished through the city website between 9:00 a.m. and 4:00 p.m. on the day of the hearing, or in person at City Hall beginning one (1) hour prior to the start of the meeting during which the public hearing will be held ending five minutes prior to the start of the public hearing. The speaker's registration shall indicate whether the person registering to speak wishes to speak in support or opposition to the application. The city clerk shall create and maintain a list of proponents and opponents registered to speak at a public hearing and the order in which they registered.</li> <li>(2) Total time allotted for public hearing. Before the public hearing is opened for public comments, the mayor (or presiding officer) shall announce a total time allotted for the public hearing. The total time allotted shall be no less than twenty (20) minutes (ten (10) minutes per side) and no longer than one (1) hour (thirty (30) minutes per side). At all public hearings, the proponents and opponents of the application shall collectively be allotted equal time to present their views to the city council.</li> </ol>	<p><b>Existing Sec. 324 was moved <u>to</u> proposed Sec. 206. Changed language is in red.</b></p> <p><b>Sec. 206. Procedure for public hearings</b></p> <p>Whenever the mayor and city council conducts a public hearing in connection with a zoning decision <b>or quasi-judicial action</b>, as required by O.C.G.A. Section 36-66-4, <b>as it now exists and may be amended hereafter</b>, the following procedures shall be observed:</p> <ol style="list-style-type: none"> <li>(a) <i>Speaker registration.</i> The applicant <b>in favor</b> will automatically be registered to speak in support of the application. Any other person wishing to speak, either in support or opposition to the application, shall register with the city clerk. Registration may be accomplished through the city website between 9:00 a.m. and 4:00 p.m. on the day of the hearing, or in person at city hall beginning one (1) hour prior to the start of the meeting during which the public hearing will be held ending five (5) minutes prior to the start of <b>the meeting</b>. The speaker's registration shall indicate whether the person registering to speak wishes to speak in support or opposition to the application. The city clerk shall create and maintain a list of proponents and opponents registered to speak at a public hearing and the order in which they registered.</li> <li>(b) <i>Total time allotted for public hearing.</i> Before the public hearing is opened for public comments, the mayor (or presiding officer) shall announce a total time allotted for the public hearing. The total time allotted shall be no less than twenty (20) minutes (ten (10) minutes per side) and no longer than one (1) hour (thirty (30) minutes per side). At all public hearings, the proponents and opponents of the application shall collectively be allotted</li> </ol>

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<p>(3) Time allotted to each registered speaker. The total time per side allotted for the public hearing (per subsection (2)) shall be equally divided among registered speakers. Except for the applicant, each speaker shall initially be limited to a maximum of three minutes to speak. In the event that all registered speakers on one side of an application have had an opportunity to speak and a portion of the total time for that side (proponents or opponents) remains unused, registered speakers will have an opportunity to speak again within the total time allotted for their side, restarting at the beginning of the registration list.</p> <p>(4) Order of public comment at hearing.</p> <p>(a) Proponents. The city council shall first hear from the proponents of the application. The applicant will have the first opportunity to speak. Then individuals that registered to speak in support of the application shall have the opportunity to speak, in the order that they registered.</p> <p>(b) Opponents. After the proponents' comments are complete, the opponents shall have the opportunity to speak. Individuals that registered to speak in opposition to the application shall have the opportunity to speak, in the order that they registered.</p> <p>(5) Public hearing not an opportunity for dialogue. The public hearing is strictly for proponents and opponents to express their opinions regarding the application to the city council. Speakers shall not direct questions to the applicant, mayor, council members or city staff during the public hearing. City council members may wish to question the applicant and/or proponent(s) and/or opponent(s) of the application as part of the council's consideration of the application. However, any such dialogue</p>	<p>equal time to present their views to the <b>mayor and</b> city council.</p> <p>(c) Time allotted to each registered speaker. The total time per side allotted for the public hearing (<b>per Sec. 206(b)</b>) shall be equally divided among registered speakers. Except for the applicant, each speaker shall initially be limited to a maximum of three (3) minutes to speak. In the event that all registered speakers on one side of an application have had an opportunity to speak and a portion of the total time for that side (proponents or opponents) remains unused, registered speakers will have an opportunity to speak again within the total time allotted for their side, restarting at the beginning of the registration list.</p> <p>(d) Order of public comment at hearing.</p> <p>(1) <i>Proponents</i>. The mayor and city council shall first hear from the proponents of the application. The applicant will have the first opportunity to speak. Then individuals that registered to speak in support of the application shall have the opportunity to speak, in the order that they registered.</p> <p>(2) <i>Opponents</i>. After the proponents' comments are complete, the opponents shall have the opportunity to speak. Individuals that registered to speak in opposition to the application shall have the opportunity to speak, in the order that they registered.</p> <p>(e) <i>Public hearing is not an opportunity for dialogue</i>. The public hearing is strictly for proponents and opponents to express their opinions regarding the application to the mayor and city council. Speakers shall not direct questions to the applicant, mayor and city council members or city staff during the public hearing. <b>Mayor and</b> city council members may wish to question the applicant and/or <b>proponent</b> and/or <b>opponent</b> of the application as part</p>

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will be conducted outside of the public hearing portion of the meeting.	<div>of the council's consideration of the application. However, any such dialogue will be conducted outside of the public hearing portion of the meeting.</div> <div><table><tr><th colspan="4">Table 2.2 Review and Approval Review and Approval Authority</th></tr><tr><td></td><td>City Manager</td><td>Planning &amp; Zoning Board</td><td>City Council</td></tr><tr><td>Rezoning</td><td>R</td><td>R</td><td>D-PH</td></tr><tr><td>Future Land Use Map Amendment</td><td>R</td><td>R</td><td>D-PH</td></tr><tr><td>Text Amendment to Zoning Ordinance</td><td>R</td><td>R</td><td>D-PH</td></tr><tr><td>Administrative Variance</td><td>R-D</td><td></td><td></td></tr><tr><td>Planned Unit Developments</td><td>R</td><td>R</td><td>D-PH</td></tr><tr><td>Variance</td><td>R</td><td>R</td><td>D-PH</td></tr><tr><td>Conditional Use Permit</td><td>R</td><td>R</td><td>D-PH</td></tr><tr><td>Temporary Use Approval</td><td>R-D</td><td></td><td></td></tr><tr><td colspan="4">Key - R: Review and Recommendation PH: Public Hearing D: Final Decision</td></tr></table></div>	Table 2.2 Review and Approval Review and Approval Authority					City Manager	Planning & Zoning Board	City Council	Rezoning	R	R	D-PH	Future Land Use Map Amendment	R	R	D-PH	Text Amendment to Zoning Ordinance	R	R	D-PH	Administrative Variance	R-D			Planned Unit Developments	R	R	D-PH	Variance	R	R	D-PH	Conditional Use Permit	R	R	D-PH	Temporary Use Approval	R-D			Key - R: Review and Recommendation PH: Public Hearing D: Final Decision			
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EXISTING CODE	PROPOSED CODE
<p><b>Sec. 305. - Zoning proposal review standards.</b></p> <p>When any request is made for a change in the zoning for any parcel of property, or when an amendment is requested to the zoning map, the planning and zoning board and the city council shall make their recommendations and ultimate decision with regard to such request after due and diligent consideration of the following:</p> <ol style="list-style-type: none"> <li>(1) The effect upon the health, safety, morals or general welfare of the public compared to any hardship imposed upon the individual property owner seeking rezoning should rezoning be denied;</li> <li>(2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;</li> <li>(3) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;</li> <li>(4) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;</li> <li>(5) Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;</li> <li>(6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;</li> <li>(7) Whether the zoning proposal is compatible with the principals of the city's long range plan as set forth in the Conceptual Master Land Use and Connectivity Plan for the City of Clarkston, a part of the Clarkston Livable Centers Initiative Study as adopted in March 2005, adopted as the city's comprehensive plan.</li> </ol>	<p>Existing Sec. 305 was moved <u>to</u> proposed Sec. 211.</p>

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<p>(8) Whether the zoning proposal is compatible with the most current adopted version of the Future Development Map of the Clarkston Comprehensive Plan.</p> <p><b>Sec. 310. - Reapplication to the mayor and city council for variance or zoning amendments.</b>          If an application for a variance or rezoning is denied by the mayor and city council, then such variance or rezoning of the same property may not again be considered until the expiration of at least twelve (12) months from the date of the original application. This limitation shall not apply to a rezoning initiated by the City of Clarkston or to cases where the city, by majority vote of the city council, waives the one-year limitation.</p>	<p>Existing Sec. 310 was moved to proposed Sec. 207. Changed language is in red.</p> <p><b>Sec. 207. Withdrawal from and reapplication for rezoning, future land use map amendment, variance, conditional use permit, or planned unit development.</b></p> <p>(a) Once an application for a rezoning, future land use map amendment, variance, conditional use permit, or planned unit development has been made, the applicant may withdraw the application without prejudice only until the legal advertisement of the public hearing is published by the legal organ. An application may not be withdrawn by an applicant or property owner under any circumstance after the legal advertisement of the public hearing has been placed. All applications, having been advertised, shall be considered by the planning and zoning board and mayor and city council as appropriate and shall receive final action.</p> <p>(b) No application or reapplication for the same type of application rezoning, future land use map amendment, variance, conditional use permit, or planned unit development affecting the same land or any portion thereof shall be acted upon within twelve (12) months from the date of denial of the last application by the mayor and city council, unless such twelve (12) month period is waived by the city council and in no case may such an application or reapplication be reconsidered in less than six (6) months from the date of last action by the city council. Administrative variances shall</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 306. - Conditional rezonings.</b></p> <p>With the consent of the applicant for rezoning, the city council may attach conditions to the rezoning of property. Such conditions of zoning shall be in writing and included with the motion to approve rezoning of the property. When a property is so zoned, the official zoning map shall denote that the property is zoned "conditional." The written conditions associated with a rezoning shall be maintained by and copies of such conditional ordinances may be obtained from the City Clerk. Any conditions imposed by the city council in connection with a rezoning shall remain in effect until and unless they are removed by a subsequent rezoning by the city council.</p>	<p>not be subject to this time lapse requirement.</p> <p><b>Sec. 208. Conditional approvals.</b></p> <p>In approving a rezoning, future land use map amendment, variance, conditional use permit, or planned unit development the mayor and city council may impose special conditions which they deem necessary to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the comprehensive plan. Should the mayor and city council impose special conditions, the following conditional zoning standards shall apply:</p> <ul style="list-style-type: none"> <li>(a) Each general district established in this chapter shall have a subclassification thereunder known as "conditional" for that classification.</li> <li>(b) All zoning districts as shown on the official zoning map with a suffix "C" after the district designation (i.e. NC-1-C) denote that the parcel is zoned "conditional" under previous ordinance amendments by the council. Such conditions shall remain in effect, and copies of such conditional ordinances may be obtained from the clerk of council.</li> <li>(c) After conditions are approved by the mayor and council, a request for a building permit shall be submitted to the city manager, who shall make the determination that the final building and site plans are in conformance with the approved site plan and with any conditions attached by the council.</li> <li>(1) Minor changes in the approved site plan may be authorized by the city manager. For the purposes of this chapter, a minor change in the approved site plan means a change to a site plan that was approved by the city council as a condition of a</li> </ul>

EXISTING CODE	PROPOSED CODE
	<p>zoning ordinance, provided that the change in layout does not result in the visible intrusion of any building, structure, driveway, walkway, parking lot, plaza, wall, or similar built element into any open space, yard, landscaped buffer, undeveloped space, or any similar space, when any such space is shown on the site plan as being next to and visible from a property line or street. The term "minor change" does not include any increase in the height in feet of any building or structure, any increase in the number of parking spaces, any increase in total square footage of any heated and/or livable space of any buildings and/or structures, or the addition of any buildings or structures, driveways, roads, or parking lots into any open space, yard, landscaped buffer, undeveloped space, or any similar space when any such space is shown on the approved site plan as lying next to and visible from a property line or street.</p> <p>If for any reason, development and use of property approved in accordance with the procedure outlined above cannot be accomplished, the plans shall not be altered, changed or varied, except after approval by the council.</p>



EXISTING CODE	PROPOSED CODE
<p><b>Sec. 305. - Zoning proposal review standards.</b></p> <p>When any request is made for a change in the zoning for any parcel of property, or when an amendment is requested to the zoning map, the planning and zoning board and the city council shall make their recommendations and ultimate decision with regard to such request after due and diligent consideration of the following:</p> <ol style="list-style-type: none"> <li>(1) The effect upon the health, safety, morals or general welfare of the public compared to any hardship imposed upon the individual property owner seeking rezoning should rezoning be denied;</li> <li>(2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;</li> <li>(3) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;</li> <li>(4) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;</li> <li>(5) Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;</li> <li>(6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;</li> <li>(7) Whether the zoning proposal is compatible with the principals of the city's long range plan as set forth in the Conceptual Master Land Use and Connectivity Plan for the City of Clarkston, a part of the Clarkston Livable Centers Initiative Study as adopted in</li> </ol>	<p><b>Existing Sec. 305 was moved to proposed Sec. 211 and Sec. 212. Changed language is in red.</b></p> <p><b>Sec. 211. Initiation of amendments.</b></p> <p>Rezoning applications can be initiated by one of the following:</p> <ol style="list-style-type: none"> <li>(a) The mayor and city council may initiate amendments to the official zoning map. The requirements for applications in Sec. 203 and 212(b) shall not apply to amendments initiated by the mayor and city council.</li> <li>(b) Any person, firm, corporation, or agency may initiate applications to amend the official zoning map, provided that said person, firm, corporation or agency is the owner or the authorized agent of the owner of all of the property involved.</li> </ol> <p><b>Sec. 212. Procedures for rezoning applications.</b></p> <p>The official zoning map may be amended by the mayor and city council. Rezoning applications shall be filed with the city manager. Amendments to the official zoning map shall meet the following procedures and criteria:</p> <ol style="list-style-type: none"> <li>(a) Procedures and application requirements for rezoning applications shall comply with Sec. 204 and Sec. 205 of this article.</li> <li>(b) <i>Community open house meetings.</i> <ol style="list-style-type: none"> <li>(2) <i>Applicability.</i> Filing of any of the following applications shall trigger the requirement for the applicant to hold a community open house meeting: <ol style="list-style-type: none"> <li>(i) An application seeking rezoning of more than five thousand (5,000) square feet of property;</li> <li>(ii) An application seeking approval of a planned unit developments;</li> </ol> </li> <li>(3) <i>Requirements for meeting.</i> The purpose of the meeting is for the</li> </ol> </li> </ol>

EXISTING CODE	PROPOSED CODE
<p>March 2005, adopted as the city's comprehensive plan.</p> <p>(8) Whether the zoning proposal is compatible with the most current adopted version of the Future Development Map of the Clarkston Comprehensive Plan.</p>	<p>applicant and interested community members to have dialogue about the proposed project. Community open house meetings, when required, shall be held as close as reasonably possible to the subject property within the city. The required meeting shall take place prior to the applicant submitting their application to the city manager. Any cost associated with holding a community open house meeting shall be paid by the applicant.</p> <p>(4) <i>Notice of meeting.</i> To properly notify interested neighbors of the community open house meeting, the applicant required to hold a community open house meeting shall mail a letter to every property owner within three hundred (300) feet of the subject property providing notice of the time, place, and purpose of the community open house meeting.</p> <p>(5) <i>Post-meeting reporting.</i> The applicant required to hold a community open house meeting shall provide, with their application to the planning and development director, the following:</p> <ul style="list-style-type: none"> <li>(i) A written summary of the community open house meeting.</li> <li>(ii) A list of all meeting attendees.</li> <li>(iii) A summary of the concerns and issues expressed during the meeting.</li> <li>(iv) A summary of the applicant's responses to the concerns and issues expressed.</li> <li>(v) A copy of the mailing list of all property owners within three hundred (300) feet of the subject property, including name, street address, and parcel identification number.</li> </ul>

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	<p>(vi) A copy of the form letter mailed to the property owners within three hundred (300) feet of the subject property informing them of the community open house meeting.</p> <p>Applicants that comply with all requirements of the community open house meeting under this subsection, regardless of how many participants attend the scheduled meeting, are deemed to have met the community open house meeting requirement of this subsection.</p> <p>(c) <i>Review.</i> With respect to each application for a rezoning the planning and zoning board and mayor and city council shall investigate and make a recommendation based on the following criteria:</p> <ol style="list-style-type: none"> <li>(1) The effect upon the health, safety, or general welfare of the public compared to any hardship imposed upon the individual property owner seeking rezoning should rezoning be denied.</li> <li>(2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.</li> <li>(3) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.</li> <li>(4) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.</li> <li>(5) Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing <u>transportation facilities and other infrastructure, such as schools, water, and sewer.</u></li> </ol>

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<p><b>Sec. 321. Future development map amendments.</b></p> <p>The future development map of the comprehensive plan may be amended by the mayor and city council. Future development map amendment applications shall be filed with the city clerk. All filed applications shall be reviewed in accordance with the procedures established in sections 304(a) and 304(b) of this article. Amendments to the future development map shall meet the following procedures and criteria:</p> <p>(a) <i>Initiation of amendments.</i> Future development map amendments may be initiated by one of the following:</p> <ol style="list-style-type: none"> <li>(1) The mayor and city council may initiate amendments to the future development map. The requirements for applications in section 302 shall not apply to amendments initiated by the mayor and city council.</li> <li>(2) Any person, firm, corporation or agency may initiate applications to amend the future development map, provided that said person, firm, corporation or agency is the owner or the authorized agent of the owner of all of the property involved.</li> </ol>	<ol style="list-style-type: none"> <li>(6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.</li> <li>(7) Whether the zoning proposal is compatible with the principles of the city's comprehensive plan.</li> <li>(8) Whether the zoning proposal is compatible with the most current adopted version of the future land use map of the comprehensive plan.</li> </ol> <p><b>DIVISION 3. FUTURE LAND USE AMENDMENTS</b></p> <p><b>Sec. 213. Initiation of Amendments</b></p> <p>Initiation of amendments. Future land use map amendments may be initiated by one of the following:</p> <ol style="list-style-type: none"> <li>(a) The mayor and city council may initiate amendments to the future land use map. The requirements for applications in section 202 shall not apply to amendments initiated by the mayor and city council.</li> <li>(b) Any person, firm, corporation or agency may initiate applications to amend the future land use map, provided that said person, firm, corporation or agency is the owner or the authorized agent of the owner of all of the property involved.</li> </ol>

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<p>(b) <i>Applications to amend the future development map.</i></p> <p>(1) Each application to amend the future development map shall be filed with the city clerk and shall include the following information:</p> <ol style="list-style-type: none"> <li>A legal description of the tract(s) that are the subject of the application.</li> <li>The name and address of the owner(s) of the tract and agent(s), if any.</li> <li>Whenever the applicant is not the property owner, the owner shall certify by notarized signature that (s)he has given authority to the applicant to file the application. When properties have more than one (1) owner, the notarized signature of all property owners shall be required.</li> <li>An application fee established by the city.</li> <li>The land use classification for the tract(s), as shown on the future development map and when necessary, the present and proposed zoning classification.</li> <li>A written analysis of the impact of the proposed amendment with respect to the criteria established in subsection (d) of this section 321.</li> <li>Other materials reasonably required by the city necessary to the analysis of the application.</li> </ol> <p>(c) <i>Review.</i> With respect to each application for a future development map amendment, the review commissions shall investigate and</p>	<p><b>Sec. 214. Procedures for future land use amendments</b></p> <p>The future land use map of the comprehensive plan may be amended by the mayor and city council. Future land use map amendment applications shall be filed with the planning and development director. Amendments to the future land use map shall meet the following procedures and criteria:</p> <ol style="list-style-type: none"> <li>Procedures and application requirements for future land use map amendment applications shall comply with Sec. 204 and Sec. 205 of this article.</li> <li><i>Review.</i> With respect to each application for a future land use map amendment, Planning and Zoning Board and City Council shall investigate and make a recommendation based on the following criteria: <ol style="list-style-type: none"> <li>Whether the future land use map amendment proposal is compatible with the surrounding future land uses as identified in the future land use map.</li> <li>Whether the future land use map amendment proposal can be adequately served by existing transportation facilities and other infrastructure, such as schools, water and sewer.</li> <li>Whether the future land use map amendment proposal negatively impacts natural and historic resources identified by the city.</li> <li>Whether the future land use map amendment proposal is in the best interest of the city and the public good and whether the proposal protects the health and welfare of its citizens.</li> </ol> </li> <li>Whether the property to be affected by the future land use map amendment proposal has a reasonable economic use as</li> </ol>

EXISTING CODE	PROPOSED CODE
<p>make a recommendation based on the following criteria:</p> <ol style="list-style-type: none"> <li>(1) Whether the future development map amendment proposal is compatible with the surrounding future land uses as identified in the future development map.</li> <li>(2) Whether the future development map amendment proposal can be adequately served by existing transportation facilities and other infrastructure, such as schools, water and sewer.</li> <li>(3) Whether the future development map amendment proposal negatively impacts natural and historic resources identified by the city.</li> <li>(4) Whether the future development map amendment proposal is in the best interest of the city and the public good and whether the proposal protects the health and welfare of its citizens.</li> <li>(5) Whether the property to be affected by the future development map amendment proposal has a reasonable economic use as currently designated on the future development map.</li> <li>(6) Whether the future development map proposal meets the policies and intent established in the comprehensive plan.</li> </ol> <p>(d) <i>Re-submittal of land use amendment application.</i> An application for an amendment affecting the same property shall not be submitted more often than once every six (6) months; however, this provision shall not apply to those properties affected by an amendment filed by the mayor and city council or by the city clerk.</p>	<p>currently designated on the future land use map.</p> <ol style="list-style-type: none"> <li>(6) Whether the future land use map proposal meets the policies and intent established in the comprehensive plan.</li> <li>(c) <i>Re-submittal of land use amendment application.</i> An application for an amendment affecting the same property shall not be submitted more often than once every six (6) months; however, this provision shall not apply to those properties affected by an amendment filed by the mayor and city council.</li> </ol>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 307. - Variance procedures.</b></p> <p>The mayor and city council may authorize upon proper application in specific cases, variance from the terms of this zoning ordinance. Applications should be submitted and reviewed by the designated city planner for technical review and recommendation in the form of a written staff report. The staff report shall be forwarded to the planning and zoning board for their consideration. In the absence of a designated city planner, once reviewed for completion by the public works director, applications shall be forwarded directly to the planning and zoning board, which shall review the application and conduct a public hearing in accordance with section 304(b) of this appendix.</p> <p>(a) Before the mayor and city council act upon an application for a variance, they shall hold a public hearing thereon. The notice of the time and place of such hearing shall be published at least fifteen (15) days prior to the hearing in the inspector legal organ of the city or in the inspector legal organ of DeKalb County. At the hearing any party may appear in person or by agent or attorney.</p> <p>(b) In addition, city staff shall erect, at least fifteen (15) days prior to the hearing, in a conspicuous place on the property involved, a sign which shall contain: information as to the variance applied for and the time and place of hearing. However, failure to erect and maintain the sign as specified above shall not invalidate the subsequent determination of the mayor and city council.</p> <p>(c) <i>Mayor and city council decision.</i></p> <p>(1) The mayor and city council shall make a "variance decision" for each application. For purposes of this article the term "variance decision" means final action by the mayor and city council which results in a</p>	<p><b>DIVISION 4. VARIANCES AND ADMINISTRATIVE VARIANCES</b></p> <p><b>Sec. 215. Variance procedures.</b></p> <p>The mayor and city council may authorize <b>variances from the terms of this zoning ordinance</b> upon proper application and in specific cases. Applications should be submitted and reviewed by the designated <b>planning and development</b> director for technical review and recommendation in the form of a written staff report. <b>Variance applications shall meet the following procedures and criteria:</b></p> <p>(a) <b>Procedures and application requirements for variance applications shall comply with Sec. 204 and Sec. 205 of this article.</b></p> <p>(b) <i>Mayor and city council decision.</i></p> <p>(1) Final action shall be made no later than sixty (60) days following filing of a complete application, unless extended by agreement of the applicant.</p> <p>(2) The mayor and city council may require accompanying written requirements as part of a "variance decision," thereby approving the variance as "conditional."</p> <p>(3) Appeals of a "variance decision" of the mayor and city council by an aggrieved party shall be available by writ of certiorari to the DeKalb County superior court.</p> <p>(a) The existence of a nonconforming use of neighboring land, buildings, or structures in the same or in other districts shall not constitute a reason for a variance.</p> <p>(b) <b>Review. With respect to each application for a variance, the review commissions shall investigate and make a recommendation based on the following criteria. A variance may be granted in an</b></p>

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<p>variance approval, approval with conditions, or a variance denial.</p> <p>(2) The "variance decision" shall be made based upon an evaluation of the variance criteria provided in section 308 of this article.</p> <p>(3) Said final action shall be made no later than sixty (60) days following filing of a complete application, unless extended by agreement of the applicant.</p> <p>(4) The mayor and city council may require accompanying written requirements as part of a "variance decision," thereby approving the variance as "conditional."</p> <p>(5) An application may be withdrawn by the applicant prior to the "variance decision."</p> <p>(6) Appeals of a "variance decision" of the mayor and city council by an aggrieved party shall be available by writ of certiorari to the DeKalb County superior court.</p>	<p>individual case of unnecessary hardship upon a finding by the city council that all of the following conditions exist:</p> <p>(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.</p> <p>(2) Such conditions are peculiar to the particular piece of property involved.</p> <p>(3) Such conditions are not the result of the actions of the applicant.</p> <p>(4) A literal interpretation of the provisions of this ordinance would create an unnecessary hardship.</p> <p>(5) The variance requested will not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.</p> <p>(6) The variance is not a request to permit a structure or use of land not authorized in the applicable district.</p>
<p><b>Sec. 308. - Variance criteria.</b></p> <p>A variance from the terms of this ordinance must not be contrary to the public interest. Thus, the mayor and council may attach thereto any conditions which may be deemed advisable to the extent that the purpose of this ordinance will be served, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings, or structures in the same or in other districts shall not constitute a reason for a variance. A variance may be granted in an individual case of unnecessary hardship upon a finding by the city council that all of the following conditions exist:</p> <p>Variance criteria:</p> <p>(1) There are extraordinary and exceptional conditions pertaining to the particular</p>	

EXISTING CODE	PROPOSED CODE
<p>piece of property in question because of its size, shape or topography.</p> <ul style="list-style-type: none"> <li>(2) Such conditions are peculiar to the particular piece of property involved.</li> <li>(3) Such conditions are not the result of the actions of the applicant.</li> <li>(4) A literal interpretation of the provisions of this ordinance would create an unnecessary hardship.</li> <li>(5) The variance requested will not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.</li> <li>(6) The variance is not a request to permit a structure or use of land not authorized in the applicable district.</li> </ul>	
<p><b>Sec. 309. - Administrative variances.</b></p> <p>The city manager or his designee shall have the option to grant variances from the development and design standards of this ordinance, where, in his/her opinion, the intent of the ordinance can be achieved and equal performance obtained by granting a variance. All applicants for administrative variances must complete the forms and follow procedures as required by the city in section 307. Each request for an administrative variance must be reviewed in accordance with the criteria established in section 308 of this ordinance. The authority to grant such variances shall be limited to variance from the following requirements:</p> <ul style="list-style-type: none"> <li>(1) Front yard or yard adjacent to public street—Reduction not to exceed ten percent of that required.</li> <li>(2) Side yard—Variance not to exceed three (3) feet reduction.</li> <li>(3) Rear yard—Variance not to exceed five (5) feet reduction.</li> <li>(4) Height of building—Variance not to exceed five (5) feet reduction.</li> </ul>	<p><b>Sec. 216. Administrative variances.</b></p> <p>The city manager or his/her designee shall have the option to grant variances from the development and design standards of this ordinance, where the intent of the ordinance can be achieved and equal performance obtained by granting a variance.</p> <ul style="list-style-type: none"> <li>(a) <b>Review.</b> With respect to each application for an administrative variance, the city manager shall review and make a decision based on the following criteria. <ul style="list-style-type: none"> <li>(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.</li> <li>(2) Such conditions are peculiar to the particular piece of property involved.</li> <li>(3) Such conditions are not the result of the actions of the applicant.</li> <li>(4) A literal interpretation of the provisions of this ordinance would create an unnecessary hardship.</li> <li>(5) The variance requested will not cause substantial detriment to the public</li> </ul> </li> </ul>

EXISTING CODE	PROPOSED CODE
<p>(5) Fenestration—Not to exceed twenty (20) percent deducted from the requirement.</p> <p>(6) Landscape zone—Variance not to exceed two (2) feet deduction.</p> <p>(7) Sidewalk zone—Not to exceed two (2) feet deduction.</p>	<p>good nor impair the purposes or intent of this zoning ordinance.</p> <p>(6) The variance is not a request to permit a structure or use of land not authorized in the applicable district.</p>
<p><b>Sec. 310. - Reapplication to the mayor and city council for variance or zoning amendments.</b></p> <p>If an application for a variance or rezoning is denied by the mayor and city council, then such variance or rezoning of the same property may not again be considered until the expiration of at least twelve (12) months from the date of the original application. This limitation shall not apply to a rezoning initiated by the City of Clarkston or to cases where the city, by majority vote of the city council, waives the one-year limitation.</p>	<p>(b) The authority to grant such variances shall be limited to variance from the following requirements:</p> <p>(1) Front yard or yard adjacent to public street—Reduction not to exceed ten percent of that required.</p> <p>(2) Side yard—Reduction not to exceed three (3) feet <u>of that required</u>.</p> <p>(3) Rear yard—Reduction not to exceed five (5) feet <u>of that required</u>.</p> <p>(4) Height of building—Reduction not to exceed five (5) feet <u>of that required</u>.</p> <p>(5) Fenestration—Reduction not to exceed twenty (20) percent deducted from <u>that required</u>.</p> <p>(6) Landscape zone—Reduction not to exceed two (2) feet <u>of that required</u>.</p> <p>(7) Sidewalk zone—Reduction not to exceed two (2) feet <u>of that required</u>.</p> <p>(c) Procedures for applications</p> <p>(1) The planning and zoning director shall review and decide upon each complete application pursuant to the standards referred to in Sec. 216(a). A written decision on each such application shall be issued no later than 30 days from the date a complete application was filed unless an extension is agreed to by the applicant and planning and development director.</p> <p>(2) The application for an administrative variance shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 311. - Zoning and sign fees.</b></p> <p>The zoning and sign fees designated by the mayor and city council of Clarkston shall be established by separate ordinance or resolution, to be updated as necessary. However, no fee shall be charged for the construction of new fences.</p> <p>Any application or permit filed pursuant to this ordinance for which the subject matter has been partially or wholly undertaken prior to approval or permit by the mayor and city council of Clarkston, the fee charged for said application or permit shall be double the amount listed in the fees ordinance (Number 297).</p> <p><b>Sec. 312. - Conditional use permit.</b></p> <p>Certain uses of property, designated as conditional uses, Article VII this Zoning Ordinance, are declared to possess characteristics that may be incompatible with other uses in the district within which they are proposed for location. No conditional use shall be constructed, erected, enlarged, performed, or otherwise undertaken without first obtaining a conditional use permit.</p> <p>In addition, any use that may be compatible with existing uses in the area where it is proposed and is consistent with the purpose and intent of the zoning district wherein it is proposed to be located, but does not expressly fit into the list of permitted uses for such zoning district shall require the approval of a conditional use permit.</p> <p>The mayor and city council shall hear applications for conditional use permits. the mayor and city council shall issue a conditional use permit to an applicant upon a finding that the proposed</p>	<p>information as the planning and zoning director deems necessary to evaluate the request.</p> <p>(3) Appeals from a final decision on an administrative variance by an aggrieved party shall follow the appeals procedure of section 220 and 221.</p> <p>Existing code Sec. 311 was moved to proposed Sec. 209.</p> <p>Existing code Sec. 312 was moved to proposed Sec. 219.</p>

EXISTING CODE	PROPOSED CODE
<p>conditional use would generally be in the public interest.</p> <p>(1) In considering whether a proposed conditional use is in the public interest, the mayor and city council shall consider the following, among other relevant factors:</p> <ul style="list-style-type: none"> <li>a. Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;</li> <li>b. Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;</li> <li>c. Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area; and</li> <li>d. Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.</li> </ul> <p>(2) Once a conditional use has been approved by the mayor and council, said conditional use and any conditions shall run with the land upon which the conditional use was approved.</p>	
<p><b>Sec. 313. - Temporary use permit.</b></p> <p>(1) Certain temporary uses of property may be permitted in the NC-1, NC-2, TC and I districts of the city.</p> <p>(2) Temporary uses include festivals, farmer's markets, tent sales or the sale of goods from any temporary location, including but not limited to, holiday sales, fireworks sales or</p>	<p><b>Existing Sec. 313 was moved to proposed Sec. 415.</b></p>

EXISTING CODE	PROPOSED CODE
<p>Christmas tree sales, as well as other special events of community interest.</p> <p>(3) Temporary uses are only permitted with the advance approval of the city manager or his designee. No permit for a temporary use shall be issued unless:</p> <p>(a) Written permission of the property owner is presented.</p> <p>(b) The temporary use is not located within twenty-five (25) feet of any public right-of-way.</p> <p>(c) Adequate parking, ingress and egress are provided on site.</p> <p>(4) No temporary use may last more than forty-five (45) consecutive days.</p> <p>(5) No more than two (2) temporary use permits may be obtained per parcel per year.</p> <p>(6) <i>Food truck</i> means a mobile conveyance equipped with facilities necessary to safely store and/or prepare food and/or drink for consumption, from which customers may directly purchase food and/or drink. Temporary use permits issued by the city manager or his designee for a temporary food truck use shall not count toward the limit of two (2) temporary use permits per parcel per year as set out in subsection (5). Food trucks approved by the city manager or his designee may be located within twenty-five (25) feet of a public right of way if approved for such location by the city manager or his designee.</p>	
<p><b>Sec. 314. - Powers of the mayor and city council with respect to zoning appeals.</b></p> <p>The mayor and city council shall have the following powers with respect to zoning appeals:</p> <p>(a) Administer oaths and compel the attendance of witnesses by subpoena.</p> <p>(b) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination</p>	<p>Existing code Secs. 314 and 315 were moved and revised in proposed Secs. 220 and 221.</p>

EXISTING CODE	PROPOSED CODE
<p>made by city staff in the interpretation or enforcement of this zoning ordinance.</p> <p>(c) In exercising the above powers, the mayor and city council may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determination from which the appeal is taken, and to that end, may issue or direct the issuance of a building or occupancy permit.</p> <p><b>Sec. 315. - Appeals from final decisions of the mayor and city council.</b></p> <p>Any person with a special interest in a zoning decision that is substantially aggrieved by any final decision of the mayor and city council may take an appeal to the superior court. Such an appeal to the superior court shall be by writ of certiorari and shall be filed within thirty (30) days from the date of the final decision of the mayor and city council. Upon failure to file the appeal within thirty (30) days, the decision of the mayor and city council shall be final.</p> <p><b>Secs. 316-318. - Reserved.</b></p> <p><b>Sec. 319. - Construction and use consistency with application, plans, and permit.</b></p> <p>Building permits or certificates of occupancy issued on the basis of plans and applications approved by the building inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction which varies from approved plans shall be deemed a violation of this ordinance.</p> <p>All departments, inspectors and public employees of the City of Clarkston which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building, or</p>	<p>Existing code Sec. 319 moved to proposed Sec. 210.</p>

EXISTING CODE	PROPOSED CODE																														
<p>purpose if the same shall be in conflict with the provisions of this ordinance.</p> <p><b>Sec. 320. - Zoning of annexed property.</b></p> <p>(a) Upon annexation of property, the city council shall assign the annexed property a zoning designation. Based on the DeKalb County zoning of the annexation property, the city council will assign the corresponding city zoning designation listed in subsection (b) unless the city council determines that a different zoning designation is more appropriate based on the criteria set forth in section 305.</p> <p>(b) DeKalb County to City Of Clarkston zoning conversion table.</p>	<p>Existing code Sec. 320 moved to proposed Sec. 202.</p>																														
<table border="1"> <thead> <tr> <th>City of Clarkston Zoning District</th><th>DeKalb County Zoning District</th></tr> </thead> <tbody> <tr><td>NR-1</td><td>RE</td></tr> <tr><td></td><td>RLG</td></tr> <tr><td></td><td>R-100</td></tr> <tr><td></td><td>R-78</td></tr> <tr><td></td><td>R-85</td></tr> <tr><td>NR-2</td><td>R-75</td></tr> <tr><td>NR-3</td><td>RSM</td></tr> <tr><td></td><td>MR-1</td></tr> <tr><td></td><td>MR-2</td></tr> <tr><td></td><td>HR-1</td></tr> <tr><td></td><td>HR-2</td></tr> <tr><td></td><td>HR-3</td></tr> <tr><td>NR-CD</td><td>MU-1</td></tr> <tr><td></td><td>MU-2</td></tr> </tbody> </table>	City of Clarkston Zoning District	DeKalb County Zoning District	NR-1	RE		RLG		R-100		R-78		R-85	NR-2	R-75	NR-3	RSM		MR-1		MR-2		HR-1		HR-2		HR-3	NR-CD	MU-1		MU-2	
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	MU-3	
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RC	OIT	
NC-1	C-I	
	OI	
NC-2	C-2	
	NS	
I	M	
	M-2	

**Sec. 321. - Future development map amendments.**

**Existing code Sec. 321 moved to proposed Sec. 213.**

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 906. Procedures.</b></p> <p>The following procedures shall be followed in the establishment of a planned unit development.</p> <ul style="list-style-type: none"> <li>(a) <i>Optional pre-application meeting.</i> Prior to the submittal of a planned development application, the applicant may meet with the designated city planner for a preliminary conference on the location, scope and nature of the proposed development. A written report on the pre-application meeting shall be prepared and transmitted to the applicant and to the mayor and city council for their information.</li> <li>(b) <i>Formal application and completeness check.</i> A formal application for a planned development shall be made by the applicant to the city clerk. <ul style="list-style-type: none"> <li>(1) <i>Required information.</i> The applicant shall submit the following information and such other materials as the planning and zoning board and mayor and city council may require to determine whether the proposed development meets the required standards. <ul style="list-style-type: none"> <li>a. Plans in accordance with the requirements of section 302 of this zoning ordinance.</li> <li>b. Other applicable information regarding the relation of the proposed development to surrounding development and roads, as well as common open space proposed on the site.</li> </ul> </li> </ul> </li> </ul>	<p>Existing Code Sec. 906 was moved to proposed code Sec. 217. Revised language in red.</p> <p><b>DIVISION 4. PLANNED UNIT DEVELOPMENTS</b></p> <p><b>Sec. 217. Planned unit development.</b></p> <ul style="list-style-type: none"> <li>(a) Procedures and application requirements for planned unit development applications shall comply with Sec. 204 and Sec. 205 of this article.</li> <li>(b) Additional application requirements: <ul style="list-style-type: none"> <li>(1) A preliminary outline of proposed protective covenants, including provisions for the organization and continued financing of a property owners' association except in commercial planned unit developments.</li> <li>(2) Any statistical tabulations required to show that the proposed development meets the specific requirements of the proposed planned unit development.</li> <li>(3) <i>Review.</i> With respect to each application for a planned unit development, Planning and Zoning Board and City Council shall investigate and make a recommendation based on the following criteria: <ul style="list-style-type: none"> <li>(i) Whether the proposed development is suitable in view of the use and development of adjacent and nearby property.</li> <li>(ii) Whether the proposed development adversely affects the existing use or usability of adjacent or nearby property.</li> <li>(iii) Whether the proposed development results in a use which will or could cause an</li> </ul> </li> </ul> </li> </ul>

EXISTING CODE	PROPOSED CODE
<p>c. A preliminary outline of proposed protective covenants, including provisions for the organization and continued financing of a property owners' association except in commercial planned unit developments.</p> <p>d. Any statistical tabulations required to show that the proposed development meets the specific requirements of the proposed planned unit development.</p> <p>e. If the proposed planned unit development is to be subdivided, then the application for approval of the planned unit development shall include all information required for the preliminary approval of a subdivision under chapter 17, subdivision regulations, of the City Code.</p> <p>(2) <i>Completeness check.</i> The city clerk or designated city planner shall review the application for completeness. Once certified complete, the application shall be transmitted to the planning and zoning board for review and recommendation to the mayor and city council.</p> <p>(c) <i>Plan review and approval criteria.</i></p> <p>(1) Within thirty (30) days of receipt of the formal application and all required information, the application shall be reviewed by the designated city planner who shall prepare a staff report and the application shall be added to the next appropriate planning and zoning board agenda; the planning and zoning board shall review the proposed development for conformance to this ordinance and for achievement of the purposes of</p>	<p>excessive or burdensome use of existing streets, transportation facilities, utilities or schools.</p> <p>(iv) Other existing or changing conditions which, because of their impact on the public health, safety, morality and general welfare of the community give supporting grounds for either the approval or denial of the proposed development.</p> <p>(c) <i>Preliminary and final land subdivision plats.</i> If the proposed planned unit development is to be subdivided, then the application for approval of the planned unit development shall include all information required for the preliminary approval of a subdivision under chapter 17, subdivision regulations, of the City Code.</p> <p>(1) The applicant may request approval of the preliminary plat concurrently with their application for the planned unit development. Final approval of the planned unit development by the mayor and city council authorizes the applicant to prepare a final land subdivision plat when applicable.</p> <p>(2) A final land subdivision plat shall be prepared by the developer after approval of the preliminary plat.</p> <p>(3) If the final land subdivision plat meets the requirements of subdivision regulations of the city, it shall be approved by the planning and zoning board and the mayor and city council and recorded in accordance with land subdivision regulation procedures.</p> <p>(4) No site development shall be undertaken by the applicant and no permits shall be issued to him/her until the preliminary land subdivision plat has been officially approved by</p>

EXISTING CODE	PROPOSED CODE
<p>this section and shall make a written recommendation for approval or disapproval to the mayor and city council.</p> <p>(2) Failure to act. If the planning and zoning board fails to submit a report within thirty (30) days after it has received the proposed planned development application, it shall be deemed to have recommended approval to the mayor and city council. The planning and zoning board and the applicant may jointly agree to a thirty-day postponement, provided that notice of such agreement shall be sent to the mayor and city council. In any case, all materials concerning the proposed planned unit development shall be forwarded to the mayor and city council no later than sixty (60) days from the receipt of an application certified as complete.</p> <p>(d) <i>City council hearing and final action.</i> At the next regularly scheduled meeting after the zoning and review commission has conducted an application review and recommendation, the mayor and city council shall review and consider the proposed application and materials for a public hearing.</p> <p>(1) If the proposed planned unit development is deemed acceptable for further consideration, the city council shall hold a public hearing thereon. The notice of the time and place of such hearing shall be published at least fifteen (15) days prior to the hearing in the official legal organ of the city or in the official legal organ of DeKalb County. At the hearing, any party may appear in person or by agent or attorney.</p>	<p>the planning and zoning board and the mayor and city council in accordance with the Clarkston land subdivision regulations (chapter 17 of the City Code).</p> <p>(d) <i>Modification of approved planned unit developments:</i> The <b>director</b> or his/her designee shall have sole authority to approve minor changes to approved planned unit developments. For the purposes of this section, a minor change in the approved planned unit development means a slight alteration to a planned unit development or change in layout that does not result in the visible intrusion of any building, structure, driveway, walkway, parking lot, plaza, wall or similar built element into any open space, yard, landscaped buffer, undeveloped space, or any similar space, when any such space is shown on the final "conditional" plan as being next to and visible from a property line or street.</p>

EXISTING CODE	PROPOSED CODE
<p>(2) In addition, the city shall erect in a conspicuous place on the property involved a sign which shall contain information as to the planned unit development applied for and time and place of the hearing. Failure to erect and maintain the sign as specified above shall not invalidate the subsequent determination of the mayor and city council.</p> <p>(3) Within forty-five (45) days after the public hearing the mayor and city council shall approve or deny the planned unit development. The mayor and city council and the applicant may jointly agree to postpone action for a forty-five-day period but the final decision shall be made not later than sixty (60) days from the public hearing.</p> <p>(e) <i>General standards for approval.</i> Planned unit developments may be approved subject to such conditions as may be imposed in order to mitigate impacts which may be expected without the imposition of conditions. The following general standards shall be considered in determining whether the planned unit development shall be approved:</p> <p>(1) Is the proposed development suitable in view of the use and development of adjacent and nearby property?</p> <p>(2) Does the proposed development adversely affect the existing use or usability of adjacent or nearby property?</p> <p>(3) Does the proposed development result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?</p>	

EXISTING CODE	PROPOSED CODE
<p>(4) Are there other existing or changing conditions which, because of their impact on the public health, safety, morality and general welfare of the community give supporting grounds for either the approval or denial of the proposed development?</p> <p>(f) <i>Preliminary and final land subdivision plats.</i> Final approval of the planned unit development by the mayor and city council authorizes the applicant to prepare a preliminary land subdivision plat when applicable. A copy of this authorization together with a copy of the materials submitted by the applicant shall be sent to the planning and zoning board.</p> <p>(1) No site development shall be undertaken by the applicant and no permits shall be issued to him/her until the preliminary land subdivision plat has been officially approved by the planning and zoning board and the mayor and city council in accordance with the Clarkston land subdivision regulations (chapter 17 of the City Code).</p> <p>(2) A final land subdivision plat shall be prepared by the developer after approval of the preliminary plat.</p> <p>(3) If the final land subdivision plat meets the requirements of subdivision regulations of the city, it shall be approved by the zoning and review commission and the mayor and city council and recorded in accordance with land subdivision regulation procedures.</p> <p>(g) <i>Modification of approved planned unit developments:</i> The mayor or his/her designee shall have sole authority to approve minor changes to approved planned unit developments. For the purposes of this section, a minor</p>	

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<p>change in the approved planned unit development means a slight alteration to a planned unit development or change in layout that does not result in the visible intrusion of any building, structure, driveway, walkway, parking lot, plaza, wall or similar built element into any open space, yard, landscaped buffer, undeveloped space, or any similar space, when any such space is shown on the final "conditional" plan as being next to and visible from a property line or street.</p> <p><b>Sec. 902. Ownership control.</b></p> <p>(a) All of the land in a planned unit development shall be owned initially by an individual, by a corporation or by some other legal entity until development of the project is complete.</p> <p>(b) After the development is complete, as a precondition to obtaining certificate(s) of occupancy for building(s) in the planned unit development, the developer shall either:</p> <ol style="list-style-type: none"> <li>(1) Record a final subdivision plat that creates a separate lot for each dwelling place and subjects each lot in the development to private deed covenants that assure the continuance of the planned unit development as originally approved and developed and require maintenance of the common areas, if applicable, by the owners of the subdivided lots; or</li> <li>(2) Record a condominium declaration pursuant to the Georgia Condominium Act.</li> </ol> <p>(c) Common areas shall be required for four or more homes and owned by a condominium association, homeowners' association or jointly by the owners of the individual parcels within the planned development.</p>	<p><b>Existing code Sec. 902 was moved to proposed code Sec. 218.</b></p> <p><b>Sec. 218. Ownership control.</b></p> <p>(a) All of the land in a planned unit development shall be owned initially by an individual, by a corporation or by some other legal entity until development of the project is complete.</p> <p>(b) After the development is complete, as a precondition to obtaining certificate(s) of occupancy for building(s) in the planned unit development, the developer shall either:</p> <p>(c) Record a final subdivision plat that creates a separate lot for each dwelling place and subjects each lot in the development to private deed covenants that assure the continuance of the planned unit development as originally approved and developed and require maintenance of the common areas, if applicable, by the owners of the subdivided lots; or</p> <p>(d) Record a condominium declaration pursuant to the Georgia Condominium Act.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 312. - Conditional use permit.</b></p> <p>Certain uses of property, designated as conditional uses, Article VII this Zoning Ordinance, are declared to possess characteristics that may be incompatible with other uses in the district within which they are proposed for location. No conditional use shall be constructed, erected, enlarged, performed, or otherwise undertaken without first obtaining a conditional use permit.</p> <p>In addition, any use that may be compatible with existing uses in the area where it is proposed and is consistent with the purpose and intent of the zoning district wherein it is proposed to be located, but does not expressly fit into the list of permitted uses for such zoning district shall require the approval of a conditional use permit.</p> <p>The mayor and city council shall hear applications for conditional use permits. the mayor and city council shall issue a conditional use permit to an applicant upon a finding that the proposed conditional use would generally be in the public interest.</p> <p>(1) In considering whether a proposed conditional use is in the public interest, the mayor and city council shall consider the following, among other relevant factors:</p> <ul style="list-style-type: none"> <li>a. Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;</li> <li>b. Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;</li> </ul>	<p><b>DIVISION 5. CONDITIONAL USE PERMITS</b></p> <p>Existing code Sec. 312 was moved to proposed Sec. 219. Revised language is red.</p> <p><b>Sec. 219. Conditional use permit.</b></p> <ul style="list-style-type: none"> <li>(a) Procedures and application requirements for conditional use permit applications shall comply with Sec. 204 and Sec. 205 of this article.</li> <li>(b) Certain uses of property, designated as conditional uses by Article IV of this Zoning Ordinance, are declared to possess characteristics that may be incompatible with other uses in the district within which they are proposed for location. A conditional use permit allows mayor and city council to give special consideration to these uses. No conditional use shall be constructed, erected, enlarged, performed, or otherwise undertaken without first obtaining a conditional use permit.</li> <li>(c) Conditional use permit applications shall be authorized only for those uses specifically listed in the applicable zoning district regulations, as permitted by conditional use permit, and in compliance with any applicable supplemental regulations.</li> <li>(d) Review. With respect to each application for a conditional use permit, the review commissions shall investigate and make a recommendation based on the following criteria: <ul style="list-style-type: none"> <li>(1) Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;</li> </ul> </li> </ul>

EXISTING CODE	PROPOSED CODE
<p>c. Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area; and</p> <p>d. Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.</p> <p>(2) Once a conditional use has been approved by the mayor and council, said conditional use and any conditions shall run with the land upon which the conditional use was approved.</p>	<p>(2) Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;</p> <p>(3) Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area; and</p> <p>(4) Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.</p> <p>(e) Once a conditional use has been approved by the mayor and council, said conditional use and any conditions shall run with the land upon which the conditional use was approved, <b>except under the following conditions which would allow the revocation of a conditional use permit:</b></p> <p>(1) <b>The conditional permit will expire when the approved use ceases for 6 months or more.</b></p> <p>(2) <b>The conditional permit will expire if the approved use has not begun six months after the approval date.</b></p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 315. - Appeals from final decisions of the mayor and city council.</b></p> <p>Any person with a special interest in a zoning decision that is substantially aggrieved by any final decision of the mayor and city council may take an appeal to the superior court. Such an appeal to the superior court shall be by writ of certiorari and shall be filed within thirty (30) days from the date of the final decision of the mayor and city council. Upon failure to file the appeal within thirty (30) days, the decision of the mayor and city council shall be final.</p>	<p><b>DIVISION 6. APPEALS</b></p> <p><b>Sec. 220. Appeals of a zoning decision.</b></p> <ul style="list-style-type: none"> <li>(a) Any person or persons, jointly or severally, aggrieved by a zoning decision may appeal said decision in accordance with O.C.G.A. § 36-66-5.1.</li> <li>(b) Pursuant to O.C.G.A. § 36-66-5.l(c)(l), the City designates the City Clerk to approve or issue the certificate necessary to perfect a zoning decision appeal petition and upon whom service of such petition may be effected or accepted on behalf of the quasi-judicial officer, board or agency.</li> <li>(c) Pursuant to O.C.G.A. § 36-66-5.l(c)(2), the City designates the Mayor to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the local governing authority.</li> </ul> <p><b>Sec. 221. Appeals from final decisions of the mayor and city council.</b></p> <p>Any person with a special interest in a <b>quasi-judicial or zoning decision</b> that is substantially aggrieved by any final decision of the mayor and city council may take an appeal to the superior court. Such an appeal to the superior court shall be by writ of certiorari and shall be filed within thirty (30) days from the date of the final decision of the mayor and city council. Upon failure to file the appeal within thirty (30) days, the decision of the mayor and city council shall be final.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 322. - Penalties for violation.</b></p> <p>(a) Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one hundred eighty (180) days or both for each offense. Each day such violation continues shall constitute a separate offense.</p> <p>(b) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.</p> <p>(c) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.</p> <p><b>Sec. 323. - Remedies.</b></p> <p>If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure or land is used in violation of this ordinance, the mayor or council of Clarkston, the building inspector, or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.</p>	<p><b>DIVISION 7. ENFORCEMENT, VIOLATIONS, PENALTIES</b></p> <p><b>Existing Code Sec. 322 was moved to proposed Sec. 222.</b></p> <p><b>Sec. 222. Penalties for violation.</b></p> <p>(a) Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one hundred eighty (180) days or both for each offense. Each day such violation continues shall constitute a separate offense.</p> <p>(b) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.</p> <p>(c) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.</p> <p><b>Existing Code Sec. 323 was moved to proposed Sec. 223.</b></p> <p><b>Sec. 223. Remedies.</b></p> <p>If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure or land is used in violation of this ordinance, the mayor or council of Clarkston, the building inspector, or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 324. Procedure for public hearings required by the Zoning Procedures Act.</b></p> <p>Whenever the city council conducts a public hearing in connection with a zoning decision, as required by O.C.G.A. Section 36-66-4, the following procedures shall be observed:</p> <ol style="list-style-type: none"> <li>(1) <i>Speaker registration.</i> The applicant for rezoning (or other zoning decision) will automatically be registered to speak in support of the application. Any other person wishing to speak, either in support or opposition to the application, shall register with the city clerk. Registration may be accomplished through the city website between 9:00 a.m. and 4:00 p.m. on the day of the hearing, or in person at City Hall beginning one (1) hour prior to the start of the meeting during which the public hearing will be held ending five minutes prior to the start of the public hearing. The speaker's registration shall indicate whether the person registering to speak wishes to speak in support or opposition to the application. The city clerk shall create and maintain a list of proponents and opponents registered to speak at a public hearing and the order in which they registered.</li> <li>(2) <i>Total time allotted for public hearing.</i> Before the public hearing is opened for public comments, the mayor (or presiding officer) shall announce a total time allotted for the public hearing. The total time allotted shall be no less than twenty (20) minutes (ten (10) minutes per side) and no longer than one (1) hour (thirty (30) minutes per side). At all public hearings, the proponents and opponents of the application shall collectively be allotted equal time to present their views to the city council.</li> </ol>	<p>Existing Code Sec. 324 was moved to proposed Sec. 206.</p>

EXISTING CODE	PROPOSED CODE
<p>(3) <i>Time allotted to each registered speaker.</i> The total time per side allotted for the public hearing (per subsection (2)) shall be equally divided among registered speakers. Except for the applicant, each speaker shall initially be limited to a maximum of three minutes to speak. In the event that all registered speakers on one side of an application have had an opportunity to speak and a portion of the total time for that side (proponents or opponents) remains unused, registered speakers will have an opportunity to speak again within the total time allotted for their side, restarting at the beginning of the registration list.</p> <p>(4) <i>Order of public comment at hearing.</i></p> <p>a. <i>Proponents.</i> The city council shall first hear from the proponents of the application. The applicant will have the first opportunity to speak. Then individuals that registered to speak in support of the application shall have the opportunity to speak, in the order that they registered.</p> <p>b. <i>Opponents.</i> After the proponents' comments are complete, the opponents shall have the opportunity to speak. Individuals that registered to speak in opposition to the application shall have the opportunity to speak, in the order that they registered.</p> <p>(5) <i>Public hearing not an opportunity for dialogue.</i> The public hearing is strictly for proponents and opponents to express their opinions regarding the application to the city council. Speakers shall not direct questions to the applicant, mayor, council members or city staff during the public hearing. City council members may wish to question the applicant and/or proponent(s) and/or opponent(s) of the application as</p>	

EXISTING CODE	PROPOSED CODE
<p>part of the council's consideration of the application. However, any such dialogue will be conducted outside of the public hearing portion of the meeting.</p> <p><b>ARTICLE VIII. NONCONFORMING USES</b></p> <p><b>Sec. 801. Nonconforming uses.</b></p> <p>Within the zoning districts established by this zoning ordinance or amendments that may be adopted later there might exist land, structures, and uses of land and structures in combination which were lawful before this zoning ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this zoning ordinance or future amendments. Such nonconforming uses are declared by this zoning ordinance to be incompatible with permitted uses in the districts involved. It is the intent of this zoning ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuance.</p> <p><b>Sec. 802. General rule.</b></p> <p>To avoid undue hardship, the lawful use of any building, structure or land use at the time of enactment of this zoning ordinance may be continued even though such use does not conform with the provisions of this zoning ordinance except that the nonconforming building or land use shall not be:</p> <ul style="list-style-type: none"> <li>(a) Changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged.</li> <li>(b) Reestablished after discontinuance of six (6) months or more. When a nonconforming use of a building, structure or land use is discontinued for</li> </ul>	<p><b>Existing Article VIII was moved to proposed code Secs. 224 and 225.</b></p> <p><b>DIVISION 8. NONCONFORMING USES</b></p> <p><b>Sec. 224. Nonconforming uses.</b></p> <p>Within the zoning districts established by this zoning ordinance or amendments that may be adopted later there might exist land, structures, and uses of land and structures in combination which were lawful before this zoning ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this zoning ordinance or future amendments. Such nonconforming uses are declared by this zoning ordinance to be incompatible with permitted uses in the districts involved. It is the intent of this zoning ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuance.</p> <p><b>Sec. 225. General rule.</b></p> <p>To avoid undue hardship, the lawful use of any building, structure or land use at the time of enactment of this zoning ordinance may be continued even though such use does not conform with the provisions of this zoning ordinance except that the nonconforming building or land use shall not be:</p> <ul style="list-style-type: none"> <li>(a) Changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged.</li> <li>(b) Reestablished after discontinuance of six (6) months or more. When a nonconforming use of a building, structure or land use is discontinued for a</li> </ul>

EXISTING CODE	PROPOSED CODE
<p>a continuous period of six (6) months, the building, structure or land shall not thereafter be used except in conformity with the existing zoning regulations of the district in which the building, structure or land is located. The provisions of this subparagraph shall operate to prohibit resumption of the nonconforming use after the specified time has elapsed, regardless of any reservation of an intent not to abandon the right to use the building, structure or land use not in conformance with the provisions of this zoning ordinance.</p> <p>(c) Major repairs, rehabilitation or alterations. A nonconforming building or structure that is repaired, rebuilt, or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction for all uses shall be brought into conformity with the provisions of this zoning ordinance. As an exception to this requirement, single-family detached uses shall be permitted after any damage to be repaired or rebuilt to the equivalent of its pre-damaged condition. Authorized reconstruction shall begin within one (1) year after damage is incurred.</p> <p>(d) Enlargement or alteration. Enlarging, extending, altering or moving a building or structure that would increase its nonconformity shall not be allowed, except that a nonconforming use may be extended into an additional area of a building, structure or land use that existed at the time of passage or amendment of this zoning ordinance. No such nonconforming use shall be extended to occupy any land outside such building or structure.</p> <p>Also to avoid undue hardship, nothing in this zoning ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction</p>	<p>continuous period of six (6) months, the building, structure or land shall not thereafter be used except in conformity with the existing zoning regulations of the district in which the building, structure or land is located. The provisions of this subparagraph shall operate to prohibit resumption of the nonconforming use after the specified time has elapsed, regardless of any reservation of an intent not to abandon the right to use the building, structure or land use not in conformance with the provisions of this zoning ordinance.</p> <p>(c) <i>Major repairs, rehabilitation or alterations.</i> A nonconforming building or structure that is repaired, rebuilt, or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction for all uses shall be brought into conformity with the provisions of this zoning ordinance. As an exception to this requirement, single-family detached uses shall be permitted after any damage to be repaired or rebuilt to the equivalent of its pre-damaged condition. Authorized reconstruction shall begin within one (1) year after damage is incurred.</p> <p>(d) <i>Enlargement or alteration.</i> Enlarging, extending, altering or moving a building or structure that would increase its nonconformity shall not be allowed, except that a nonconforming use may be extended into an additional area of a building or structure that existed at the time of passage or amendment of this zoning ordinance. No such nonconforming use shall be extended to occupy any land outside such building or structure.</p> <p>Also to avoid undue hardship, nothing in this zoning ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction</p>

EXISTING CODE	PROPOSED CODE
<p>was lawfully begun prior to the effective date of adoption or amendment of this zoning ordinance.</p> <p><b>Sec. 803. Nonconforming lots of record.</b></p> <p>Nonconforming lots of record are also known as substandard lots of record and their use is regulated by Article V of this zoning ordinance.</p>	<p>was lawfully begun prior to the effective date of adoption or amendment of this zoning ordinance.</p> <p><b>Sec. 226. Nonconforming lots of record.</b></p> <p>Any lot of record existing at the time of adoption or amendment of this zoning ordinance, which has an area or width which is less than required or more than permitted by this zoning ordinance, shall be subject to the following requirements, exceptions and modifications.</p> <ul style="list-style-type: none"> <li>(a) <i>Adjoining lots.</i> When two (2) or more adjoining and vacant lots with continuous frontage are in a common ownership at the time of application to develop one or more such lots, and such lots have a frontage or lot area less than is required by the district in which they are located, such lots shall be re-platted so as to create one (1) or more lots which conform to the minimum frontage requirements of the district. This shall not apply to lots within a development approved prior to the effective date of this ordinance.</li> <li>(b) <i>Lots not meeting minimum lot size requirements.</i> When a lot has an area or frontage which does not conform to the requirements of the district in which it is located but was a lot of record at the effective date of this zoning ordinance, such lot may be used for any use allowed in the zoning district in which it is located provided that all other requirements of this zoning ordinance are met. In no case shall any substandard lot in a residential district be subdivided.</li> <li>(c) <i>In the case of such a lot, when it is not possible to comply with the required side yard setbacks and still construct a viable dwelling on the property, the mayor and city council are hereby authorized to grant a variance reducing the side yard requirements for such lot, only to the minimum extent necessary for a</i></li> </ul>

EXISTING CODE	PROPOSED CODE
	<p data-bbox="987 289 1513 426">reasonable dwelling. However, in no case shall any side yard setback requirement be reduced to less than five (5) feet in width.</p> <p data-bbox="878 573 1528 642">Existing code Article III was moved to Article VII of proposed code.</p>

EXISTING CODE	PROPOSED CODE
<p><b>ARTICLE IV. DEFINITIONS</b></p>	<p>Existing Article IV in its entirety have been moved to proposed Article XII.</p>
<p><b>ARTICLE V. PROVISIONS FOR OFFICIAL ZONING MAP AND THE ESTABLISHMENT OF DISTRICTS</b></p> <p><b>Sec. 501. Official zoning map.</b></p> <p>The City of Clarkston is hereby divided into zoning districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this zoning ordinance.</p> <p>The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in the Clarkston zoning ordinance" together with the date of adoption of this zoning ordinance.</p> <p><b>Sec. 502. Reserved.</b></p>	<p>Existing Sec. 501 moved <u>to</u> Sec. 105.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 503. Replacement of official zoning map.</b></p> <p>In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the mayor and city council may by zoning ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map, and shall be identified by the signature of the mayor attested by the city clerk and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted the date of (date) _____ as part of the Clarkston zoning ordinance."</p> <p>Unless the previous official zoning map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.</p> <p><b>Sec. 504. Reserved.</b></p>	<p>Existing Sec. 503 moved <u>to</u> Sec. 106.</p>

## EXISTING CODE

## PROPOSED CODE

**Sec. 505. Establishment of zoning districts.**

For the purposes of this zoning ordinance, the city is divided into zoning districts designated as follows:

RESIDENTIAL, SINGLE-FAMILY	
NR-1	Low-Density Neighborhood Residential District
NR-2	Medium-Density Neighborhood Residential District
NR-3	High-Density Neighborhood Residential District
MULTI-USE	
NR-CD	Neighborhood Residential-Community Development District
RC	Residential Commercial District
COMMERCIAL	
NC-1	Low-Density Neighborhood Commercial District
NC-2	Moderate-Density Neighborhood Commercial District
TC	Town Center District
I	Light Industrial District
	Railroad Open Space District

**ARTICLE III. ZONING DISTRICT REGULATIONS****DIVISION I. GENERALLY**

Existing Sec. 505 moved to Sec. 301.

**Sec. 301. Establishment of zoning districts.****Table 3.1 Zoning Districts Established****RESIDENTIAL**

NR-1	Low-Density Neighborhood Residential District
NR-2	Medium-Density Neighborhood Residential District
NR-3	High-Density Neighborhood Residential District

**MIXED-USE**

NR-CD	Neighborhood Residential-Community Development District
RC	Residential Commercial District
TC	Town Center District

**COMMERCIAL**

NC-1	Low-Density Neighborhood Commercial District
NC-2	Moderate-Density Neighborhood Commercial District

I	Light Industrial District
R-OS	Railroad Open Space District

**EXISTING CODE****PROPOSED CODE****Sec. 506. Conversion of previous zoning district designations.**

PREVIOUS ZONING DISTRICT DESIGNATION	CURRENT DESIGNATION
R-1	NR-1, NR-2, NR-3
R1-C	NR-1
RM	NR-CD
ROI	RC, NC-1
OI	RC, NC-1, NC-2, TC
C-1	RC, NC-1, TC, I
C-2	NC-1, TC, I
C-3	NC-1, I
M-1	NC-2, TC

**Sec. 507. Reserved.**

Existing Sec. 506 moved to Sec. 302.

**Sec. 302. Conversion of previous zoning district designations.****Table 3.2 Conversion of Previous Zoning**

PREVIOUS ZONING DISTRICT DESIGNATION	CURRENT DESIGNATION
R-1	NR-1, NR-2, NR-3
R1-C	NR-1
RM	NR-CD
ROI	RC, NC-1
OI	RC, NC-1, NC-2, TC
C-1	RC, NC-1, TC, I
C-2	NC-1, TC, I
C-3	NC-1, I
M-1	NC-2, TC


EXISTING CODE	PROPOSED CODE																																
<p><b>Sec. 508. Future development areas and associated zoning districts.</b></p> <p>Zoning districts that are compatible and acceptable within the future development areas as set forth in the City of Clarkston comprehensive plan shall be as follows:</p> <table border="1" data-bbox="159 661 787 1465"> <tr> <th>Comprehensive Plan Character Areas</th><th>Compatible Zoning Districts</th></tr> <tr> <td>Suburban Area</td><td>NR-1, NR-2</td></tr> <tr> <td>Neighborhood Redevelopment Area</td><td>NR-3, I</td></tr> <tr> <td>Multi-Family Redevelopment</td><td>NR-CD</td></tr> <tr> <td>Mixed-Use</td><td>NC-1, NC-2, RC</td></tr> <tr> <td>Civic-Institutional</td><td>NC-1, RC</td></tr> <tr> <td>Central Business District</td><td>TC, NC-2</td></tr> <tr> <td>Commercial</td><td>NC-1</td></tr> <tr> <td>Parks/Open Space</td><td>NR-1</td></tr> </table>	Comprehensive Plan Character Areas	Compatible Zoning Districts	Suburban Area	NR-1, NR-2	Neighborhood Redevelopment Area	NR-3, I	Multi-Family Redevelopment	NR-CD	Mixed-Use	NC-1, NC-2, RC	Civic-Institutional	NC-1, RC	Central Business District	TC, NC-2	Commercial	NC-1	Parks/Open Space	NR-1	<p><b>Existing Sec. 508 moved to Sec. 303.</b></p> <p><b>Sec. 303. Future land use areas and associated zoning districts.</b></p> <p>Zoning districts that are compatible and acceptable within the future <b>land use</b> areas as set forth in the City of Clarkston comprehensive plan shall be as follows</p> <table border="1" data-bbox="824 667 1497 1228"> <tr> <th colspan="2"><b>Table 3.3 Future Land Use and Compatible Zoning Districts</b></th></tr> <tr> <th>Comprehensive Plan <b>Future Land Use Designation</b></th><th>Compatible Zoning Districts</th></tr> <tr> <td><b>Mixed-Use</b></td><td>NR-CD, RC, NC-1, TC</td></tr> <tr> <td><b>Traditional Neighborhood Development</b></td><td>NR-1, NR-2, NR-3, NR-CD</td></tr> <tr> <td><b>Single Family Home Areas</b></td><td>NR-1, NR-2, NR-3</td></tr> <tr> <td><b>Industrial</b></td><td>I</td></tr> <tr> <td><b>Parks/Open Space</b></td><td>R-OS, NR-CD, RC, NC-1, TC, NR-1, NR-2, NR-3, NR-CD, NR-1, NR-2, NR-3, I</td></tr> </table>	<b>Table 3.3 Future Land Use and Compatible Zoning Districts</b>		Comprehensive Plan <b>Future Land Use Designation</b>	Compatible Zoning Districts	<b>Mixed-Use</b>	NR-CD, RC, NC-1, TC	<b>Traditional Neighborhood Development</b>	NR-1, NR-2, NR-3, NR-CD	<b>Single Family Home Areas</b>	NR-1, NR-2, NR-3	<b>Industrial</b>	I	<b>Parks/Open Space</b>	R-OS, NR-CD, RC, NC-1, TC, NR-1, NR-2, NR-3, NR-CD, NR-1, NR-2, NR-3, I
Comprehensive Plan Character Areas	Compatible Zoning Districts																																
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EXISTING CODE	PROPOSED CODE
<b>ARTICLE VI. GENERAL PROVISIONS</b>	Sections in Existing Article VI have been moved to proposed sections in Articles II, IV, V and VI as noted below. Please see those sections in the Proposed Code column to view the changes.
Sec. 601. General provisions.	Existing Sec. 601 has been moved to proposed Sec. 401.
Sec. 602. ADA compliance.	Existing Sec. 602 has been moved to proposed Sec. 402.
Sec. 603. Accessory uses.	Existing Sec. 603 has been moved to proposed DIVISION 3 of Article IV.
Sec. 604. Child day care, adult day care and personal care uses.	Existing Sec. 604 has been moved to proposed Sec. 407.
Sec. 605. Home occupations.	Existing Sec. 605 has been moved to proposed Sec. 408.
Sec. 606. Keeping of poultry and livestock.	Existing Sec. 606 has been removed.
Sec. 607. Functional classification of streets.	Existing Sec. 607 has been moved to proposed Sec. 511.
Sec. 608. Lot reduction prohibited.	Existing Sec. 608 has been moved to proposed Sec. 507.
Sec. 609. One principal residential building per lot.	Existing Sec. 609 has been moved to proposed Sec. 508.
Sec. 610. Prohibited uses.	Existing Sec. 610 has been removed and incorporated into the Use Table (Sec. 403)
Sec. 611. Removal of soil.	Existing Sec. 611 has been moved to proposed Sec. 502.

EXISTING CODE	PROPOSED CODE
Sec. 612. Requirements for moving a building.	Existing Sec. 612 has been moved to proposed Sec. 509.
Sec. 613. Sight obscuring container enclosures.	Existing Sec. 613 has been moved to proposed Sec. 538.
Sec. 614. Street frontage requirement.	Existing Sec. 614 has been moved to proposed Sec. 505.
Sec. 615. Substandard lots of record.	Existing Sec. 614 has been incorporated into proposed Sec. 226.
Sec. 616. Temporary buildings during construction.	Existing Sec. 616 has been incorporated into proposed Sec. 415.
Sec. 617. Unsafe buildings.	Existing Sec. 616 has been moved to proposed Sec. 109.
Sec. 618. Utilities location.	Existing Sec. 618 has been moved to proposed Sec. 504.
Sec. 619. Vision clearance at intersections.	Existing Sec. 619 has been moved to proposed Sec. 513.
Sec. 620. Yard and other spaces.	Existing Sec. 620 has been moved to proposed Sec. 514.
Sec. 621. Residences, libraries, parks, and churches in proximity to businesses licensed to sell alcoholic beverages.	Existing Sec. 621 has been incorporated into proposed Article IV.
Sec. 622. Permitted encroachments upon required setbacks.	Existing Sec. 622 has been moved to proposed Sec. 515.
Sec. 623. Open space.	Existing Sec. 621 has been incorporated into proposed Article V.



EXISTING CODE	PROPOSED CODE		
	<b>Table 3.4 Residential Zoning District Dimensional Requirements</b>		
	NR-1	NR-2	NR-3
Primary Structure			
Maximum FAR	0.4	0.4	0.4
Minimum Unit Size	1000 s.f.	900 s.f.	800 s.f.
Maximum Lot Coverage	50%	50%	50%
Maximum Building Height	35'	35'	35'
Minimum Lot Size	9,000 s.f.	7,500 s.f.	5,000 s.f.
Minimum Lot Width	75'	60'	50'
Minimum Front Setback (SF detached)	30'	25'	15'
Minimum Front Setback (duplex/triplex)	N/A	N/A	15'
Minimum Front Setback (townhome)	N/A	15'	5'
Minimum Side Setback	10'	7'	5'
Minimum Rear Setback (SF detached)	25'	20'	20'
Minimum Rear Setback (duplex/triplex)	N/A	N/A	15'
Accessory Dwelling Unit			
Maximum Height	See Section 414		
Minimum Side Setback	10'	7'	5'
Minimum Rear Setback	10'	7'	5'

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 701. NR-1, low-density neighborhood residential district.</b></p> <p>(a) <i>Purpose and intent:</i> The NR-1 zoning district is intended primarily for single-family detached residences and residentially-compatible requiring greater amounts of open space.</p> <p>(b) <i>Permitted uses:</i></p> <ol style="list-style-type: none"> <li>(1) Single-family detached residential dwellings.</li> <li>(2) Non-commercial horticulture and agriculture, outside of front-and-side-yard setbacks.</li> <li>(3) Accessory structures and uses incidental to any legal permitted use, including home occupations.</li> <li>(4) Accessory dwellings in compliance with section 603(n).</li> </ol> <p>(c) <i>Conditional uses:</i></p> <ol style="list-style-type: none"> <li>(1) Places of assembly, including religious institutions, provided: <ol style="list-style-type: none"> <li>a. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.</li> <li>b. Any building or structure established in connection with such use must be set</li> </ol> </li> </ol>	 <p><b>Sec. 306. NR-1, low-density neighborhood residential district.</b></p> <p>(a) <i>Purpose and intent:</i> The NR-1 zoning district is intended primarily for single-family detached residences requiring greater amounts of open space.</p> <p>(b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.</p> <p>(c) Dimensional requirements shall be as provided in Table 3.4.</p> <p>(d) Site and building standards shall be as provided in Article V.</p> <p><b>Permitted Uses, Conditional Uses and Accessory Structure Standards have been moved to proposed Article IV. Dimensional Standards have been moved to proposed Sec. 305.</b></p>

EXISTING CODE	PROPOSED CODE
<p>back no less than fifty (50) feet from any property line.</p> <p>(d) <i>Accessory structures/uses:</i></p> <ol style="list-style-type: none"> <li>(1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least ten (10) feet from side or rear lot lines or within the side-or-rear-yard setback, whichever is greater. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.</li> <li>(2) When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.</li> <li>(3) No accessory structure shall be constructed upon a lot before the principal building.</li> <li>(4) Accessory structures greater than fifteen (15) feet in height, but less than thirty-five (35) feet in height, must be set back at least ten (10) feet from the side property line, and must be set back from the rear property line a distance of thirty (30) feet, or a distance equal to the height of the structure, whichever is less.</li> <li>(5) The area of the accessory building's footprint may not exceed fifty (50) percent that of the principal structure.</li> <li>(6) Swimming pools must be enclosed by a fence not less than six (6) feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.</li> <li>(7) Heating and air conditioning units may encroach five (5) feet into the required rear or side setback.</li> </ol> <p>(e) <i>Use limitations:</i></p> <ol style="list-style-type: none"> <li>(1) All outdoor storage must be stored in a side or rear yard and screened from all</li> </ol>	

EXISTING CODE	PROPOSED CODE																				
<p>streets and adjacent properties by a wood fence at least six (6) feet in height. The city planner may approve the substitution of plantings for the required fence.</p> <p>(2) Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.</p> <p>(f) <i>Bulk and area regulations:</i></p> <table border="1" data-bbox="159 705 812 1770"> <tr> <td>Floor Area Ratio (FAR) (Max.)</td><td>0.4</td></tr> <tr> <td>Min. Residential Unit Size (finished, heated floor area)</td><td>1,000 sq. ft.</td></tr> <tr> <td>Building Coverage (Max, a % of lot area)</td><td>50%</td></tr> <tr> <td>Min. Open Space</td><td>N/A</td></tr> <tr> <td>Max. Building Height</td><td>35'</td></tr> <tr> <td>Min. Lot Size</td><td>10,000 sq. ft.</td></tr> <tr> <td>Min. Lot Width</td><td>75'</td></tr> <tr> <td>Minimum Front Yard Setback</td><td>30'</td></tr> <tr> <td>Minimum Side Yard Setback</td><td>10'</td></tr> <tr> <td>Minimum Rear Yard Setback</td><td>25'</td></tr> </table> <p>(g) <i>Buffer requirements:</i> Not applicable in this district.</p>	Floor Area Ratio (FAR) (Max.)	0.4	Min. Residential Unit Size (finished, heated floor area)	1,000 sq. ft.	Building Coverage (Max, a % of lot area)	50%	Min. Open Space	N/A	Max. Building Height	35'	Min. Lot Size	10,000 sq. ft.	Min. Lot Width	75'	Minimum Front Yard Setback	30'	Minimum Side Yard Setback	10'	Minimum Rear Yard Setback	25'	
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EXISTING CODE	PROPOSED CODE
<p><b>Sec. 702. NR-2, medium-density neighborhood residential district.</b></p> <p>(a) <i>Purpose and intent:</i> The NR-2 zoning district is intended for single-family detached residences on smaller lots where large amounts of open space are not required and/or desired.</p> <p>(b) <i>Permitted uses:</i></p> <ol style="list-style-type: none"> <li>(1) Single-family detached residential dwellings.</li> <li>(2) Non-commercial horticulture and agriculture, outside of front-and-side-yard setbacks.</li> <li>(3) Accessory structures and uses incidental to any legal permitted use, including home occupations.</li> <li>(4) Accessory dwellings in compliance with section 603(n).</li> </ol> <p>(c) <i>Conditional uses:</i></p> <ol style="list-style-type: none"> <li>(1) Places of assembly, including religious institutions, provided: <ol style="list-style-type: none"> <li>a. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.</li> <li>b. Any building or structure established in connection with such use must be set back no less than fifty (50) feet from any property line.</li> </ol> </li> </ol> <p>(d) <i>Accessory structures/uses:</i></p> <ol style="list-style-type: none"> <li>(1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least ten (10) feet from side or rear lot lines or within the side-or-rear-yard setback, whichever is greater. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building</li> </ol>	<p><b>Sec. 307. NR-2, medium-density neighborhood residential district.</b></p> <p>(a) <i>Purpose and intent:</i> The NR-2 zoning district is intended for single-family detached, townhomes, and attached residences on smaller lots where large amounts of open space are not required and/or desired.</p> <p>(b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.</p> <p>(c) Dimensional requirements shall be as provided in Table 3.4.</p> <p><b>Permitted Uses, Conditional Uses and Accessory Structure Standards have been moved to proposed Article IV. Dimensional Standards have been moved to proposed Sec. 305.</b></p>

EXISTING CODE	PROPOSED CODE
<p>(2) When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.</p> <p>(3) No accessory structure shall be constructed upon a lot before the principal building.</p> <p>(4) Accessory structures greater than fifteen (15) feet in height, but less than thirty-five (35) feet in height, must be set back at least ten (10) feet from the side property line, and must be set back from the rear property line a distance of thirty (30) feet, or a distance equal to the height of the structure, whichever is less.</p> <p>(5) The area of the accessory building's footprint may not exceed fifty (50) percent that of the principal structure.</p> <p>(6) Swimming pools must be enclosed by a fence not less than six (6) feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.</p> <p>(7) Heating and air conditioning units may encroach five (5) feet into the required rear or side setback.</p> <p>(e) <i>Use limitations:</i></p> <p>(1) All outdoor storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a wood fence at least six (6) feet in height. The city planner may approve the substitution of plantings for the required fence.</p> <p>(2) Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.</p>	

EXISTING CODE	PROPOSED CODE
(f) <i>Bulk and area regulations:</i>	
Floor Area Ratio (FAR) (Max.)	0.4
Min. Residential Unit Size (finished, heated floor area)	900 sq. ft.
Building Coverage (Max, a % of lot area)	50%
Min. Open Space	N/A
Max. Building Height	35'
Min. Lot Size	7,500 sq ft
Min. Lot Width	60'
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	7'
Minimum Rear Yard Setback	20'
(g) <i>Buffer Requirements:</i> Not applicable in this district.	

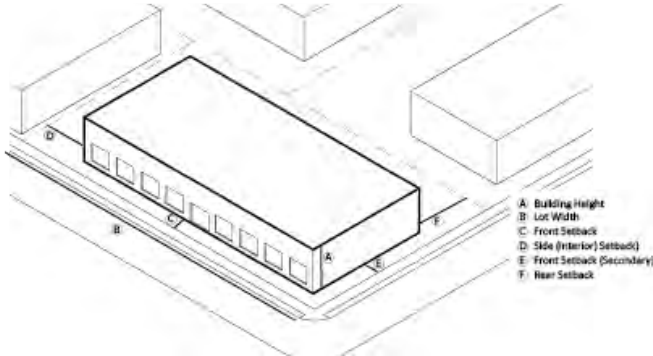
EXISTING CODE	PROPOSED CODE
<p><b>Sec. 703. NR-3, high-density neighborhood residential district.</b></p> <p>(a) <i>Purpose and intent:</i> The NR-3 zoning district is intended for single-family and multi-family residences at a greater density on smaller lots in order to provide for a variety of housing types, including townhomes, cluster homes and condominiums. This district may also serve as a transitional zone between light commercial/office uses and districts reserved for lower density single-family uses.</p> <p>(b) <i>Permitted uses:</i></p> <ol style="list-style-type: none"> <li>(1) Single-family detached residential dwellings.</li> <li>(2) Multi-family residential dwellings. <ol style="list-style-type: none"> <li>a. Duplexes.</li> <li>b. Triplexes.</li> </ol> </li> <li>(3) Townhomes, provided: <ol style="list-style-type: none"> <li>a. For all developments containing eight (8) units or more, a mandatory homeowners association shall be created that will be responsible for the upkeep and maintenance of all front yards and common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development.</li> <li>b. The development shall be constructed and governed in conformity with the requirements of the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). A declaration of condominium shall be submitted and recorded in compliance of this act.</li> <li>c. All townhouses shall have two-car garages, and the parking pads/driveway in front of the garage shall be a minimum of twenty (20) feet in length in order to accommodate two</li> </ol> </li> </ol>	<p><b>Sec. 308. NR-3, high-density neighborhood residential district.</b></p> <p>(a) <i>Purpose and intent:</i> The NR-3 zoning district is intended for single-family and multi-family residences at a greater density on smaller lots in order to provide for a variety of housing types, including townhomes, cluster homes and condominiums. This district may also serve as a transitional zone between light commercial/office uses and districts reserved for lower density single-family uses.</p> <p>(b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.</p> <p>(c) Dimensional requirements shall be as provided in Table 3.4.</p> <p>(d) Site and building standards shall be as provided in Article V.</p> <p><b>Permitted Uses, Conditional Uses and Accessory Structure Standards have been moved to proposed Article IV. Dimensional Standards have been moved to proposed Sec. 305.</b></p>

EXISTING CODE	PROPOSED CODE
<p>(2) additional cars. The garages shall be used for the parking and storage of vehicles and may not be enclosed to provide for additional residential space. A recital of this requirement shall be contained within the covenants to ensure enforcement.</p> <p>d. A guest parking area shall be provided at a ratio of two-tenths (0.2) spaces per dwelling unit.</p> <p>e. A recreation area shall be provided at a ratio of one (1) acre per fifty (50) units (or a proportional percentage thereof) with a minimum of ten thousand (10,000) square feet provided. Such area shall be developed with at least one (1) passive recreational feature, such as a walking trail, pavilion, gazebo or picnic area, and at least one (1) active recreational feature, such as a swimming pool, playground or tennis courts. Active recreational areas must be outside of any floodplain area and located in such a manner that at least seventy-five (75) percent of the townhouses are within three hundred (300) feet, as measured from the building footprints. All recreation areas must meet ADA requirements for accessibility.</p> <p>(4) Accessory structures and uses incidental to any legal permitted use, including home occupations.</p> <p>(5) Accessory dwellings in compliance with section 603(n).</p> <p>(6) Apartment childcare or tutoring in compliance with section 624 of this Zoning Ordinance.</p> <p>(c) <i>Conditional uses:</i></p> <p>(1) Places of assembly, including religious institutions, provided:</p>	

EXISTING CODE	PROPOSED CODE
<ul style="list-style-type: none"> <li>a. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.</li> <li>b. Any building or structure established in connection with such use must be set back no less than fifty (50) feet from any property line.</li> </ul> <p>(d) <i>Accessory structures/uses:</i></p> <ul style="list-style-type: none"> <li>(1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least ten (10) feet from side or rear lot lines or within the side-or-rear-yard setback, whichever is greater. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.</li> <li>(2) When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.</li> <li>(3) No accessory structure shall be constructed upon a lot before the principal building.</li> <li>(4) Accessory structures greater than fifteen (15) feet in height, but less than thirty-five (35) feet in height, must be set back at least ten (10) feet from the side property line, and must be set back from the rear property line a distance of thirty (30) feet, or a distance equal to the height of the structure, whichever is less.</li> <li>(5) The area of the accessory building's footprint may not exceed five (5) percent that of the principal structure.</li> <li>(6) Swimming pools must be enclosed by a fence not less than six (6) feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.</li> <li>(7) Heating and air conditioning units may</li> </ul>	

EXISTING CODE	PROPOSED CODE																				
<p>encroach five (5) feet into the required rear or side setback.</p> <p>(e) <i>Use limitations:</i></p> <ol style="list-style-type: none"> <li>(1) All outdoor storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a wood fence at least six (6) feet in height. The city planner may approve the substitution of plantings for the required fence.</li> <li>(2) Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.</li> <li>(3) Minimum parking provided shall be two (2) spaces per dwelling unit.</li> </ol> <p>(f) <i>Bulk and area regulations:</i></p> <table border="1" data-bbox="159 982 812 1780"> <tr> <td>Floor Area Ratio (FAR) (Max.)</td><td>0.4</td></tr> <tr> <td>Min. Residential Unit Size (finished, heated floor area)</td><td>800 sq. ft.</td></tr> <tr> <td>Building Coverage (Max, a % of lot area)</td><td>50%</td></tr> <tr> <td>Min. Open Space</td><td>N/A</td></tr> <tr> <td>Max. Building Height</td><td>35'</td></tr> <tr> <td>Min. Lot Size</td><td>5,000 sq. ft.</td></tr> <tr> <td>Min. Lot Width</td><td>50'</td></tr> <tr> <td>Minimum Front Yard Setback</td><td>15'</td></tr> <tr> <td>Minimum Side Yard Setback</td><td>5'</td></tr> <tr> <td>Minimum Rear Yard Setback</td><td>20'</td></tr> </table> <p>(g) <i>Buffer requirements:</i></p>	Floor Area Ratio (FAR) (Max.)	0.4	Min. Residential Unit Size (finished, heated floor area)	800 sq. ft.	Building Coverage (Max, a % of lot area)	50%	Min. Open Space	N/A	Max. Building Height	35'	Min. Lot Size	5,000 sq. ft.	Min. Lot Width	50'	Minimum Front Yard Setback	15'	Minimum Side Yard Setback	5'	Minimum Rear Yard Setback	20'	
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EXISTING CODE	PROPOSED CODE																																																							
(1) When attached single-family housing, duplex or triplex housing directly abuts the NR-1 or NR-2 districts, a twenty-foot landscaped buffer shall be required.	<div>DIVISION 3. NON-RESIDENTIAL DISTRICTS</div> <div>Sec. 309. Dimensional Requirements</div> <div>Dimensional requirements for non-residential zoning districts are established in Table 3.5, Non-Residential Zoning Districts Dimensional Requirements. Buffer requirements on Table 5.3 also apply.</div> <div><table><tr><th colspan="5">Table 3.5 Non-Residential Zoning District Dimensional Requirements</th></tr><tr><th></th><th>NC-1</th><th>NC-2</th><th>I*</th><th>R-OS</th></tr><tr><td>Maximum FAR</td><td>1</td><td>1</td><td>2</td><td>N/A</td></tr><tr><td>Minimum Unit Size</td><td>700 s.f.</td><td>700 s.f.</td><td>N/A</td><td>N/A</td></tr><tr><td>Maximum Lot Coverage</td><td>80%</td><td>80%</td><td>70%</td><td>N/A</td></tr><tr><td>Minimum Open Space</td><td>20%</td><td>20%</td><td>N/A</td><td>N/A</td></tr><tr><td>Maximum Building Height</td><td>3 stories /45'</td><td>3 stories /50'</td><td>50'</td><td>N/A</td></tr><tr><td>Minimum Lot Size</td><td>6000 s.f.</td><td>8,500 s.f.</td><td>N/A</td><td>N/A</td></tr><tr><td>Minimum Lot Width</td><td>50'</td><td>75'</td><td>N/A</td><td>N/A</td></tr><tr><td>Minimum Front Setback</td><td>10'</td><td>10'</td><td>35'</td><td>N/A</td></tr><tr><td>Maximum Front</td><td>N/A</td><td>N/A</td><td>N/A</td><td>N/A</td></tr></table></div>	Table 3.5 Non-Residential Zoning District Dimensional Requirements						NC-1	NC-2	I*	R-OS	Maximum FAR	1	1	2	N/A	Minimum Unit Size	700 s.f.	700 s.f.	N/A	N/A	Maximum Lot Coverage	80%	80%	70%	N/A	Minimum Open Space	20%	20%	N/A	N/A	Maximum Building Height	3 stories /45'	3 stories /50'	50'	N/A	Minimum Lot Size	6000 s.f.	8,500 s.f.	N/A	N/A	Minimum Lot Width	50'	75'	N/A	N/A	Minimum Front Setback	10'	10'	35'	N/A	Maximum Front	N/A	N/A	N/A	N/A
Table 3.5 Non-Residential Zoning District Dimensional Requirements																																																								
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Minimum Front Setback	10'	10'	35'	N/A																																																				
Maximum Front	N/A	N/A	N/A	N/A																																																				

EXISTING CODE	PROPOSED CODE				
	Setback				
	Minimum Side Setback	0'	0'	15'	N/A
	Minimum Rear Setback	10'	10'	20'	N/A
	*See Sec. 311				
	<div><div>A: Building Height B: Lot Width C: Front Setback D: Side (Interior) Setback E: Front Setback (Secondary) F: Rear Setback</div></div>				

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 704. NR-CD, neighborhood residential-community development district.</b></p>	<p>Existing Sec. 704 has been moved to proposed Sec. 314.</p>
<p><b>Sec. 705. RC, residential/commercial district.</b></p>	<p>Existing Sec. 705 has been moved to proposed Sec. 315.</p>
<p><b>Sec. 706. NC-1, low-density neighborhood commercial district.</b></p> <p>(a) <i>Purpose and intent:</i> The NC-1 zoning district is intended to provide suitable areas for limited retail and personal services serving residents in the immediate vicinity. Uses located within this district supply those goods and services which require frequent purchasing with a minimum of customer travel. The scope at which properties are developed within the NC-1 district should reflect their relatively small market areas. This zoning district may serve as a step down from more intense commercial uses to residential uses.</p> <p>(b) <i>Permitted uses:</i></p> <ol style="list-style-type: none"> <li>(1) Banks and financial institutions.</li> <li>(2) Child care/daycare centers, pre-schools and similar establishments.</li> <li>(3) Eating and drinking establishments, excluding drive-thru/drive-in fast food establishments.</li> <li>(4) Funeral homes (no on-site crematory services).</li> <li>(5) Retail trade: Uses shall have no more than five thousand (5,000) square feet of gross floor area. Appropriate uses include: <ol style="list-style-type: none"> <li>(a) Art stores/galleries.</li> <li>b. Antique shops.</li> <li>c. Book and video stores (non-adult oriented).</li> <li>d. Camera shops.</li> </ol> </li> </ol>	<p><b>Sec. 309. NC-1, low-density neighborhood commercial district.</b></p> <p>(a) <i>Purpose and intent:</i> The NC-1 zoning district is intended to provide suitable areas for limited retail and personal services serving residents in the immediate vicinity. Uses located within this district supply those goods and services which require frequent purchasing with a minimum of customer travel. The scope at which properties are developed within the NC-1 district should reflect their relatively small market areas. This zoning district may serve as a step down from more intense commercial uses to residential uses.</p> <p>(b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.</p> <p>(c) Dimensional requirements shall be as provided in Table 3.5.</p> <p>(d) Site and building standards shall be as provided in Article V.</p> <p>Permitted Uses, Conditional Uses and Accessory Structure Standards have been moved to proposed Article IV. Dimensional Standards have been moved to proposed Sec. 309.</p>

EXISTING CODE	PROPOSED CODE
<ul style="list-style-type: none"> <li>e. Dry cleaners.</li> <li>f. Florists.</li> <li>g. Drug stores.</li> <li>h. Gift shops.</li> <li>i. Toy stores.</li> <li>j. Pet grooming and supply shops.</li> <li>k. Jewelry stores.</li> <li>l. Sporting goods and hobbies.</li> <li>m. Shoe stores.</li> <li>n. Apparel stores.</li> <li>o. Other similar and customary uses.</li> </ul> <p>(6) Non-automotive repair services such as cameras, jewelry, shoes and the like.</p> <p>(7) Professional offices, including medical doctors, dentists, attorneys, chiropractic, veterinary (without boarding), accountants/tax professionals and other similar occupations.</p> <p>(8) Personal service establishments including barber shops, hair salons, nail salons and other similar uses.</p> <p>(9) Multi-family residential dwellings, including condominiums and apartment buildings consisting of at least four (4) individual units.</p> <p>(10) Accessory uses and structures incidental to any legal permitted use, including home occupations (when applicable).</p> <p>(11) Apartment childcare or tutoring in compliance with section 624 of this Zoning Ordinance.</p> <p>(c) <i>Conditional uses:</i></p> <p>(1) Places of assembly, including religious institutions, provided:</p> <ul style="list-style-type: none"> <li>a. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.</li> <li>b. Any building or structure established in connection with such use must be set back no less than fifty (50) feet from</li> </ul>	

EXISTING CODE	PROPOSED CODE
<p>any property line.</p> <p>(2) Laundry, self-service.</p> <p>(d) Accessory uses:</p> <p>(1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least ten (10) feet from side or rear lot lines or within the side-or-rear-yard setback, whichever is greater. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.</p> <p>(2) When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.</p> <p>(3) Any accessory building in excess of one thousand (1,000) square feet of gross space must be at least ten (10) feet from any property line and shall be architecturally compatible with the principal structure.</p> <p>(4) No accessory structure shall be constructed upon a lot before the principal building.</p> <p>(5) No accessory structure may exceed the more restrictive of either fifteen (15) feet or the height of the principal building.</p> <p>(6) The area of the accessory building's footprint may not exceed fifty (50) percent that of the principal structure.</p> <p>(7) Recycling collection/drop off centers.</p> <p>a. No outside storage allowed.</p> <p>b. Container bins and/or donation boxes are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right-of-way. When a business is located on a corner lot, container bins and/or donation boxes must be placed</p>	

EXISTING CODE	PROPOSED CODE		
<p>to the rear or interior side of the property such that the location is not visible from the right-of-way of any street.</p> <p>c. A maximum of one (1) container bin/donation box per property is allowed.</p> <p>d. Container bins and/or donation boxes shall not be located within fifty (50) feet of a structure utilized for detached single-family residential purposes.</p> <p>e. Location of container bins and/or donation boxes must be approved by the city manager or his designee.</p> <p>(e) <i>Use limitations:</i></p> <p>(1) All outdoor storage must be located in the rear yard and must be screened by a solid fence or wall no less than six (6) feet in height.</p> <p>(2) No uses which emit odors, fumes or continuous loud noise are permitted (including manufacturing processes).</p> <p>(3) No kennels are permitted within veterinary clinics.</p> <p>(4) Building design and materials may be of the owner's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.</p> <p>(5) All individual non-residential uses shall not exceed a maximum built floor area of two thousand five hundred (2,500) square feet.</p> <p>(f) <i>Bulk and area regulations:</i></p>			
<table border="1"> <tr> <td>Floor Area Ratio (FAR) (Residential, Max.)</td><td>0.5</td></tr> </table>	Floor Area Ratio (FAR) (Residential, Max.)	0.5	
Floor Area Ratio (FAR) (Residential, Max.)	0.5		
<table border="1"> <tr> <td>Floor Area Ratio (FAR) (Non-Residential, Max.)</td><td>0.5</td></tr> </table>	Floor Area Ratio (FAR) (Non-Residential, Max.)	0.5	
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EXISTING CODE		PROPOSED CODE
Floor Area Ratio (FAR) (Total, Max.)	1	
Min. Residential Unit Size (finished, heated floor are)	700 sq. ft.	
Building Coverage (Max, a % of lot area)	80%	
Min. Open Space	20%	
Max. Building Height	35'	
Min. Lot Size	6,000 sq. ft.	
Min. Lot Width	50'	
Minimum Front Yard Setback	10'	
Minimum Side Yard Setback**	None or 8'	
Minimum Rear Yard Setback***	10' or 20'***	
**Side yard setback must be greatest distance when abutting a single-family residential district		
***Rear yard setback must be of greatest distance when abutting a single-family residential district		
(g) <i>Buffer requirements:</i>  (1) When a use within the NC-1 district directly abuts the NR-1, NR-2 or NR-3 district, a thirty-foot landscaped buffer shall be required.		
(h) <i>Temporary uses:</i> Temporary uses if approved pursuant to section 313.		

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 707. NC-2, moderate-density neighborhood commercial district.</b></p> <p>(a) <i>Purpose and intent:</i> The NC-2 zoning district is intended to provide suitable areas for the provision of retail and personal services oriented towards those neighborhoods making up the adjacent community. The regulations which apply within this district are designed to encourage the formation of compatible and economically healthy business and service uses which benefit from close proximity to each other.</p> <p>(b) <i>Permitted uses:</i></p> <ol style="list-style-type: none"> <li>(1) Banks and financial institutions.</li> <li>(2) Child care/daycare centers, pre-schools and similar establishments.</li> <li>(3) Car washes.</li> <li>(4) Eating and drinking establishments, including drive-thru/drive-in fast food establishments.</li> <li>(5) Funeral homes (no on-site crematory services).</li> <li>(6) Retail trade. Single uses shall have no more than twenty (20,000) square feet of gross floor area. Appropriate uses include: <ol style="list-style-type: none"> <li>a. Art stores/galleries.</li> <li>b. Antique shops.</li> <li>c. Book and video stores (non-adult oriented).</li> <li>d. Camera shops.</li> <li>e. Dry cleaners.</li> <li>f. Florists.</li> <li>g. Drug stores.</li> <li>h. Gift shops.</li> <li>i. Toy stores.</li> <li>j. Pet grooming and supply shops.</li> <li>k. Jewelry stores.</li> <li>l. Sporting goods and hobbies.</li> </ol> </li> </ol>	<p><b>Sec. 310. NC-2, moderate-density neighborhood commercial district.</b></p> <p>(a) <i>Purpose and intent:</i> The NC-2 zoning district is intended to provide suitable areas for the provision of retail and personal services oriented towards those neighborhoods making up the adjacent community. The regulations which apply within this district are designed to encourage the formation of compatible and economically healthy business and service uses which benefit from close proximity to each other.</p> <p>(b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.</p> <p>(c) Dimensional requirements shall be as provided in Table 3.5.</p> <p>(d) Site and building standards shall be as provided in Article V.</p> <p><b>Permitted Uses, Conditional Uses and Accessory Structure Standards have been moved to proposed Article IV. Dimensional Standards have been moved to proposed Sec. 309.</b></p>

EXISTING CODE	PROPOSED CODE
<ul style="list-style-type: none"> <li>m. Shoe stores.</li> <li>n. Apparel stores.</li> <li>o. Other similar and customary uses.</li> </ul> <ul style="list-style-type: none"> <li>(7) Non-automotive repair services such as cameras, jewelry, shoes and the like.</li> <li>(8) Professional offices, including medical doctors, dentists, attorneys, chiropractic, veterinary, accountants/tax professionals and other similar occupations.</li> <li>(9) Personal service establishments including barber shops, hair salons, nail salons and other similar uses.</li> <li>(10) Tattoo parlors and piercing studios.</li> <li>(11) Multi-family residential dwellings, including condominiums and apartment buildings consisting of at least four (4) individual units.</li> <li>(12) Accessory uses and structures incidental to any legal permitted use, including home occupations (when applicable).</li> <li>(13) Apartment childcare or tutoring in compliance with section 624 of this Zoning Ordinance.</li> </ul> <p>(c) <i>Conditional uses:</i></p> <ul style="list-style-type: none"> <li>(1) Places of assembly, including religious institutions, provided: <ul style="list-style-type: none"> <li>a. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.</li> <li>b. Any building or structure established in connection with such use must be set back no less than fifty (50) feet from any property line.</li> </ul> </li> <li>(2) Automobile service stations and automotive repair centers (excluding paint and body), provided: <ul style="list-style-type: none"> <li>a. All gasoline pumps, tanks and other service facilities shall be set back at least twenty (20) feet from all property</li> </ul> </li> </ul>	

EXISTING CODE	PROPOSED CODE
<p>lines unless otherwise approved by the DeKalb County Fire Marshal.</p> <ul style="list-style-type: none"> <li>b. Canopies over fuel islands shall not encroach within fifteen (15) feet of any property line.</li> <li>c. Automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.</li> <li>d. No outside storage or engine/body dismantling is allowed.</li> </ul> <p>(3) Automobile dealerships, provided that:</p> <ul style="list-style-type: none"> <li>a. The dealership must have a valid current motor vehicle dealer license from the State of Georgia,</li> <li>b. No more than fifteen (15) motor vehicles may be stored and/or offered for sale at the location at any time, and</li> <li>c. the location must meet the minimum lot size of two thousand four hundred (2,400) square feet.</li> </ul> <p>(4) Laundry, self-service.</p> <p>(d) <i>Accessory uses:</i></p> <ul style="list-style-type: none"> <li>(1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least ten (10) feet from side or rear lot lines or within the side-or-rear-yard setback, whichever is greater. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.</li> <li>(2) When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.</li> <li>(3) Any accessory building in excess of one thousand (1,000) square feet of gross space must be at least ten (10) feet from any property line and shall be</li> </ul>	

EXISTING CODE	PROPOSED CODE
<p>architecturally compatible with the principal structure.</p> <p>(4) No accessory structure shall be constructed upon a lot before the principal building.</p> <p>(5) No accessory structure may exceed the more restrictive of either fifteen (15) feet or the height of the principal building</p> <p>(6) The area of the accessory building's footprint may not exceed feet (50) percent that of the principal structure.</p> <p>(7) Recycling collection/drop off centers.</p> <ol style="list-style-type: none"> <li>a. No outside storage allowed.</li> <li>b. Container bins and/or donation boxes are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right-of-way. When a business is located on a corner lot, container bins and/or donation boxes must be placed to the rear or interior side of the property such that the location is not visible from the right-of-way of any street.</li> <li>c. A maximum of one (1) container bin/donation box per property is allowed.</li> <li>d. Container bins and/or donation boxes shall not be located within fifty (50) feet of a structure utilized for detached single-family residential purposes.</li> <li>e. Location of container bins and/or donation boxes must be approved by the city manager or his designee.</li> </ol> <p>(e) <i>Use limitations:</i></p> <p>(1) All outdoor storage must be located in the rear yard and must be screened by a solid fence or wall no less than six (6) feet in height. Limited to twenty-five (25) percent of total lot area.</p>	

EXISTING CODE	PROPOSED CODE		
<p>(2) No manufacturing process are permitted.</p> <p>(3) Building design and materials may be of the owner's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.</p> <p>(4) residential uses shall be located only directly above non-residential uses as part of the same structure.</p> <p>(f) <i>Bulk and area regulations:</i></p>			
<table border="1"> <tr> <td>Floor Area Ratio (FAR) (Residential, Max.)</td><td>1</td></tr> </table>	Floor Area Ratio (FAR) (Residential, Max.)	1	
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<p>** Side yard setback must be greatest distance when abutting a single-family residential district</p>			

EXISTING CODE	PROPOSED CODE
<p>***Rear yard setback must be of greatest distance when abutting a single-family residential district</p>	
<p>(g) <i>Buffer requirements:</i></p> <ol style="list-style-type: none"> <li>(1) When a use within the NC-2 district directly abuts any residential use, a forty-foot landscaped buffer shall be required.</li> <li>(2) There shall be no buffer requirement between adjacent residential and non-residential uses when both are located within the NC-2 district.</li> </ol> <p>(h) <i>Temporary uses:</i> Temporary Uses if approved pursuant to section 313.</p>	
<p><b>Sec. 708. TC, town center district.</b></p>	<p><b>Existing Sec. 708 has been moved to proposed Sec. 316.</b></p>
<p><b>Sec. 709. I, light industrial district.</b></p> <p>(a) <i>Purpose and intent:</i> The I zoning district is intended to provide suitable areas for business distribution/service facilities, transportation terminals and manufacturing/assembly processes which do not emit noise, vibration, smoke, gas, fumes, or odors from an enclosed building. These districts should have access to arterial roadways and utilities and discourage uses which are incompatible with light manufacturing. When located on the perimeter of an industrial node, I-zoned properties should provide for uses that are low in intensity and scale to ensure compatibility with adjacent properties.</p> <p>(b) <i>Permitted uses:</i></p> <ol style="list-style-type: none"> <li>(1) Places of assembly, including religious institutions.</li> <li>(2) Automobile, truck, motorcycle and heavy equipment</li> </ol>	<p><b>Sec. 311. I, light industrial district.</b></p> <p>(a) <i>Purpose and intent:</i> The I zoning district is intended to provide suitable areas for business distribution/service facilities, transportation terminals and manufacturing/assembly processes which do not emit noise, vibration, smoke, gas, fumes, or odors from an enclosed building. These districts should have access to arterial roadways and utilities and discourage uses which are incompatible with light manufacturing. When located on the perimeter of an industrial node, I-zoned properties should provide for uses that are low in intensity and scale to ensure compatibility with adjacent properties.</p> <p>(b) <b>Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article</b></p>

EXISTING CODE	PROPOSED CODE
<p>sales/service/rental/parts/repair establishments.</p> <p>(3) Automobile service stations and automotive service centers, including paint and body repair.</p> <p>(4) Pet boarding/breeding kennels.</p> <p>(5) Communications towers (cellular).</p> <p>(6) Commercial dry cleaning plants.</p> <p>(7) Entertainment venues, including bowling alleys, movie theaters (non-adult oriented) and other similar and customary uses.</p> <p>(8) Fortune tellers, psychics and similar forms of personal entertainment.</p> <p>(9) Funeral homes (no on-site crematory services).</p> <p>(10) Greenhouses and horticultural nurseries.</p> <p>(11) Hospitals.</p> <p>(12) Manufacturing and assembly, provided no gas, fumes or odors are emitted as a result of the activity.</p> <p>(13) Car washes.</p> <p>(14) Mini-warehouses and self-storage facilities</p> <p>(15) Professional offices, including medical doctors, dentists, attorneys, chiropractic, veterinary, accountants/tax professionals and other similar occupations.</p> <p>(16) Bottle shops/package stores.</p> <p>(17) Research and experimental testing laboratories.</p> <p>(18) Eating and drinking establishments, including drive-thru/drive-in fast food establishments.</p> <p>(19) Non-automotive repair services such as cameras, jewelry, shoes and the like.</p> <p>(20) Tattoo parlors and piercing studios.</p> <p>(21) Taxi stands and dispatching agencies.</p> <p>(22) Trade shops, building and equipment</p>	<p>IV of this chapter, such regulations shall also apply.</p> <p>(c) Dimensional requirements shall be as provided in Table 3.5.</p> <p>(d) Site and building standards shall be as provided in Article V.</p> <p><b>Permitted Uses, Conditional Uses and Accessory Structure Standards have been moved to proposed Article IV. Dimensional Standards have been moved to proposed Sec. 309.</b></p>

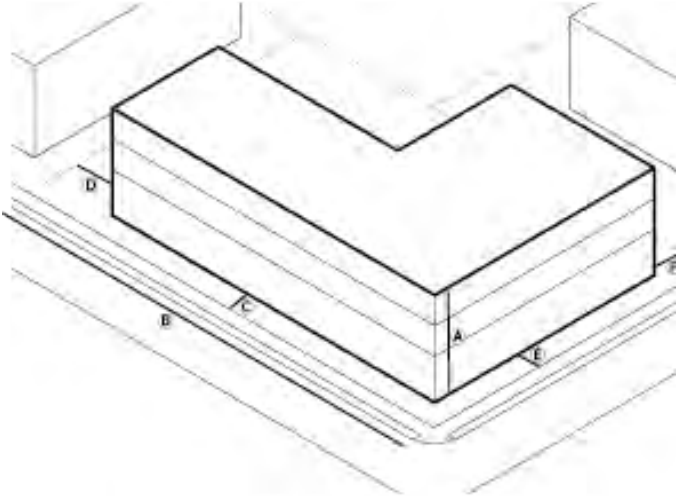
EXISTING CODE	PROPOSED CODE
<p>supply/repair services, including:</p> <ul style="list-style-type: none"> <li>a. Locksmiths</li> <li>b. Gunsmiths</li> <li>c. Sheet metal</li> <li>d. Upholstering</li> <li>e. Furniture</li> <li>f. Appliance</li> <li>g. Electrical</li> <li>h. Carpentry</li> <li>i. Sign manufacturing/assembly/repair</li> <li>j. Other similar and customary uses</li> <li>k. Wholesaling and warehousing with associated office and storage facilities</li> </ul> <p>(23) Accessory uses and structures incidental to any legal permitted use, provided:</p> <ul style="list-style-type: none"> <li>a. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and comprise no more than ten (10) percent of the gross floor area.</li> <li>b. No show window or other advertising shall be visible from the exterior of the primary use structure.</li> </ul> <p>(24) Microbreweries.</p> <p>(c) <i>Conditional uses:</i></p> <ul style="list-style-type: none"> <li>(1) Adult entertainment, including massage parlors, adult video/book stores, gentleman's clubs and other similar uses.</li> <li>(2) Crematories.</li> <li>(3) Title loan businesses, pawn shops and similar establishments.</li> <li>(4) Laundry, self-service.</li> </ul> <p>(d) <i>Accessory uses:</i></p> <ul style="list-style-type: none"> <li>(1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least fifteen (15) feet from side or rear lot lines or within the</li> </ul>	

EXISTING CODE	PROPOSED CODE
<p>side-or-rear-yard setback, whichever is greater. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.</p> <p>(2) When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.</p> <p>(3) Any accessory building in excess of two thousand (2,000) square feet of gross space must be at least ten (10) feet from any property line and shall be architecturally compatible with the principal structure.</p> <p>(4) No accessory structure shall be constructed upon a lot before the principal building.</p> <p>(5) No accessory structure may exceed the more restrictive of either twenty (20) feet or the height of the principal building.</p> <p>(6) The area of the accessory building's footprint may not exceed fifty (50) percent that of the principal structure.</p> <p>(7) Swimming pools must be enclosed by a fence not less than six (6) feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.</p> <p>(e) <i>Use limitations:</i></p> <p>(1) All outdoor storage must be screened by an opaque fence no less than eight (8) feet in height. Maximum of fifty (50) percent of lot may be utilized for such use.</p> <p>(2) Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.</p> <p>(3) Cellular telecommunications towers shall</p>	

EXISTING CODE	PROPOSED CODE		
<p>be located at a minimum distance of two hundred fifty (250) feet from all residential dwellings.</p>			
(f) <i>Bulk and area regulations:</i>			
<table border="1"> <tr> <td>Floor Area Ratio (FAR) (Residential, Max.)</td><td>N/A</td></tr> </table>	Floor Area Ratio (FAR) (Residential, Max.)	N/A	
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<table border="1"> <tr> <td>Building Coverage (Max, a % of lot area)</td><td>70%</td></tr> </table>	Building Coverage (Max, a % of lot area)	70%	
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<table border="1"> <tr> <td>Min. Open Space</td><td>N/A</td></tr> </table>	Min. Open Space	N/A	
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Minimum Rear Yard Setback***	20' or 50'***		
<p>***Rear yard setback must be of greatest distance when abutting a single-family residential district</p>			
(g) <i>Buffer requirements:</i>			
<p>(1) When a use within the I district abuts any residential district or use, a fifty-foot landscaped buffer shall be required.</p>			

EXISTING CODE	PROPOSED CODE
<p>(2) All loading docks shall be screened by either landscaping or a stabilized berm.</p> <p>(h) <i>Temporary uses</i>: Temporary uses if approved pursuant to section 313.</p>	
<p><b>Sec. 710. Railroad open space district.</b></p> <p>No structure, improvement or sign shall be erected in the railroad right of way, which shall be dedicated exclusively to railroad transportation and preserved as open space.</p>	<p><b>Sec. 312. Railroad open space district.</b></p> <p>(a) Purpose and intent. The R-OS zoning district is intended to be preserved as open space with no structures, improvements, or signs being erected in the railroad right of way.</p> <p>(b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.</p> <p>(c) Dimensional requirements shall be as provided in Table 3.5.</p> <p>(d) Site and building standards shall be as provided in Article V.</p> <p><b>Permitted Uses, Conditional Uses and Accessory Structure Standards have been moved to proposed Article IV. Dimensional Standards have been moved to proposed Sec. 309.</b></p>

EXISTING CODE	PROPOSED CODE																																								
	<div>DIVISION 4. MIXED USE DISTRICTS</div> <div>Sec. 313. Dimensional Requirements</div> <div>Dimensional requirements for mixed use zoning districts are established in Table 3.6, Mixed-Use Zoning Districts Dimensional Requirements. Buffer requirements on Table 5.3 also apply.</div> <table><tr><th colspan="4">Table 3.6 Mixed-Use Zoning District Dimensional Requirements</th></tr><tr><th></th><th>NR-CD</th><th>RC</th><th>TC</th></tr><tr><td colspan="4">Primary Structure</td></tr><tr><td>Maximum FAR</td><td>2</td><td>1</td><td>5</td></tr><tr><td>Minimum Unit Size</td><td>700 s.f.</td><td>800 s.f.</td><td>700 s.f.</td></tr><tr><td>Maximum Lot Coverage</td><td>80%</td><td>50%</td><td>80%</td></tr><tr><td>Minimum Open Space</td><td>20%</td><td>20%</td><td>20%</td></tr><tr><td>Maximum Building Height</td><td>50'</td><td>35'</td><td>5 stories/75'</td></tr><tr><td>Minimum Lot Size</td><td>Single-Family Use: 5,000 sq. ft. Multi-Family Use: N/A Non-Residential Use: N/A</td><td>7,200 s.f.</td><td>N/A</td></tr><tr><td>Minimum Lot Width</td><td>Single-Family Use: 60' Multi-Family Use: 75' Non-Residential Use: 75'</td><td>50'</td><td>N/A</td></tr></table>	Table 3.6 Mixed-Use Zoning District Dimensional Requirements					NR-CD	RC	TC	Primary Structure				Maximum FAR	2	1	5	Minimum Unit Size	700 s.f.	800 s.f.	700 s.f.	Maximum Lot Coverage	80%	50%	80%	Minimum Open Space	20%	20%	20%	Maximum Building Height	50'	35'	5 stories/75'	Minimum Lot Size	Single-Family Use: 5,000 sq. ft. Multi-Family Use: N/A Non-Residential Use: N/A	7,200 s.f.	N/A	Minimum Lot Width	Single-Family Use: 60' Multi-Family Use: 75' Non-Residential Use: 75'	50'	N/A
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Maximum FAR	2	1	5																																						
Minimum Unit Size	700 s.f.	800 s.f.	700 s.f.																																						
Maximum Lot Coverage	80%	50%	80%																																						
Minimum Open Space	20%	20%	20%																																						
Maximum Building Height	50'	35'	5 stories/75'																																						
Minimum Lot Size	Single-Family Use: 5,000 sq. ft. Multi-Family Use: N/A Non-Residential Use: N/A	7,200 s.f.	N/A																																						
Minimum Lot Width	Single-Family Use: 60' Multi-Family Use: 75' Non-Residential Use: 75'	50'	N/A																																						

EXISTING CODE		PROPOSED CODE		
	<b>Minimum Front Setback</b>	Single-Family Use: 10' Multi-Family Use: 10' Non-Residential Use: 30'	15'	0'
	<b>Minimum Side Setback</b>	Single-Family Use: 15' between units Multi-Family Use: 10' Non-Residential Use: 15'	7'	0'
	<b>Minimum Rear Setback</b>	25'	20'	0'
	<b>Accessory Dwelling Unit</b>			
	<b>Maximum Height</b>	See Section 414		
	<b>Minimum Side Setback</b>	5'	5'	5'
	<b>Minimum Rear Setback</b>	5'	5'	5'
				

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 704. NR-CD, neighborhood residential-community development district.</b></p> <p>(a) <i>Purpose and intent:</i> The NR-CD zoning district is primarily intended for multi-family housing developments. However, the district allows for a mix of housing types, including single-family attached and detached structures, as well as some limited institutional and personal service uses that would be convenient to nearby residents.</p> <p>(b) <i>Permitted uses:</i></p> <ol style="list-style-type: none"> <li>(1) Multi-family residential dwellings. <ol style="list-style-type: none"> <li>a. Apartments.</li> <li>b. Condominiums.</li> </ol> </li> <li>(2) Multi-family residential dwellings. <ol style="list-style-type: none"> <li>a. Duplexes.</li> <li>b. Triplexes.</li> </ol> </li> <li>(3) Townhomes, provided: <ol style="list-style-type: none"> <li>a. For all developments containing eight (8) units or more, a mandatory homeowners association shall be created that will be responsible for the upkeep and maintenance of all front yards and common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development.</li> <li>b. The development shall be constructed and governed in conformity with the requirements of the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). A declaration of condominium shall be submitted and recorded in compliance of this act.</li> <li>c. All townhouses shall have two-car garages, and the parking pads/driveway in front of the garage shall be a minimum of twenty (20) feet</li> </ol> </li> </ol>	<p><b>Sec. 314. NR-CD, neighborhood residential-community development district.</b></p> <p>(a) <i>Purpose and intent:</i> The NR-CD zoning district is primarily intended for multi-family housing developments. However, the district allows for a mix of housing types, including single-family attached, townhomes, and detached structures, as well as some limited institutional and personal service uses that would be convenient to nearby residents.</p> <p>(b) <i>Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.</i></p> <p>(c) <i>Dimensional requirements shall be as provided in Table 3.6.</i></p> <p>(d) <i>Site and building standards shall be as provided in Article V.</i></p> <p><b>Permitted Uses, Conditional Uses and Accessory Structure Standards have been moved to proposed Article IV. Dimensional Standards have been moved to proposed Sec. 313.</b></p>

EXISTING CODE	PROPOSED CODE
<p>in length in order to accommodate two (2) additional cars. The garages shall be used for the parking and storage of vehicles and may not be enclosed to provide for additional residential space. A recital of this requirement shall be contained within the covenants to ensure enforcement.</p> <p>d. A guest parking area shall be provided at a ratio of two-tenths (0.2) spaces per dwelling unit.</p> <p>e. A recreation area shall be provided at a ratio of one (1) acre per fifty (50) units (or a proportional percentage thereof) with a minimum of ten thousand (10,000) square feet provided. Such area shall be developed with at least one (1) passive recreational feature, such as a walking trail, pavilion, gazebo or picnic area, and at least one (1) active recreational feature, such as a swimming pool, playground or tennis courts. Active recreational areas must be outside of any floodplain area and located in such a manner that at least seventy-five (75) percent of the townhouses are within three hundred (300) feet, as measured from the building footprints. All recreation areas must meet ADA requirements for accessibility.</p> <p>(4) Single-family detached residential dwellings.</p> <p>(5) Boarding and rooming houses, except halfway houses.</p> <p>(6) Child care/daycare centers, pre-schools and similar establishments.</p> <p>(7) Assisted living, personal care, nursing and convalescent homes, and similar uses.</p> <p>(8) Accessory structures and uses incidental</p>	

EXISTING CODE	PROPOSED CODE
<p>to any legal permitted use, including home occupations.</p> <p>(9) Accessory dwellings in compliance with section 603(n).</p> <p>(10) Apartment childcare or tutoring in compliance with section 624 of this Zoning Ordinance.</p> <p>(c) <i>Conditional uses:</i></p> <p>(1) Places of assembly, including religious institutions, provided:</p> <ol style="list-style-type: none"> <li>Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.</li> <li>Any building or structure established in connection with such use must be set back no less than fifty (50) feet from any property line.</li> </ol> <p>(d) <i>Accessory structures/uses:</i></p> <ol style="list-style-type: none"> <li>All such structures shall be located upon the same lot and to the side or rear of the principal use at least ten (10) feet from side or rear lot lines or within the side-or-rear-yard setback, whichever is greater. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.</li> <li>When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.</li> <li>No accessory structure shall be constructed upon a lot before the principal building.</li> <li>Accessory structures greater than fifteen (15) feet in height, but less than thirty-five (35) feet in height, must be set back at least ten (10) feet from the side property line, and must be set back from the rear property line a distance of thirty</li> </ol>	

EXISTING CODE	PROPOSED CODE																
<p>(30) feet, or a distance equal to the height of the structure, whichever is less.</p> <p>(5) The area of the accessory building's footprint may not exceed fifty (50) percent that of the principal structure.</p> <p>(e) <i>Use limitations:</i></p> <p>(1) All outdoor storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a wood fence at least six (6) feet in height. The city planner may approve the substitution of plantings for the required fence.</p> <p>(2) Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.</p> <p>(3) Minimum parking provided shall be two (2) spaces per dwelling unit.</p> <p>(f) <i>Bulk and area regulations:</i></p> <table border="1" data-bbox="159 1102 776 1885"> <tr> <td>Floor Area Ratio (FAR) (Residential, Max.)</td><td>0.5</td></tr> <tr> <td>Floor Area Ratio (FAR) (Non-Residential, Max.)</td><td>1.5</td></tr> <tr> <td>Floor Area Ratio (FAR) (Total, Max.)</td><td>2</td></tr> <tr> <td>Min. Residential Unit Size (finished, heated floor are)</td><td>700 sq. ft.</td></tr> <tr> <td>Building Coverage (Max, a % of lot area)</td><td>80%</td></tr> <tr> <td>Min. Open Space</td><td>20%</td></tr> <tr> <td>Max. Building Height</td><td>50'</td></tr> <tr> <td>Min. Lot Size</td><td>Single-Family Use: 5,000 sq. ft.</td></tr> </table>	Floor Area Ratio (FAR) (Residential, Max.)	0.5	Floor Area Ratio (FAR) (Non-Residential, Max.)	1.5	Floor Area Ratio (FAR) (Total, Max.)	2	Min. Residential Unit Size (finished, heated floor are)	700 sq. ft.	Building Coverage (Max, a % of lot area)	80%	Min. Open Space	20%	Max. Building Height	50'	Min. Lot Size	Single-Family Use: 5,000 sq. ft.	
Floor Area Ratio (FAR) (Residential, Max.)	0.5																
Floor Area Ratio (FAR) (Non-Residential, Max.)	1.5																
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Min. Open Space	20%																
Max. Building Height	50'																
Min. Lot Size	Single-Family Use: 5,000 sq. ft.																

EXISTING CODE		PROPOSED CODE
	Multi-Family Use: N/A Non-Residential Use: N/A	
Min. Lot Width	Single-Family Use: 60' Multi-Family Use: 75' Non-Residential Use: 75'	
Minimum Front Yard Setback	Single-Family Use: 10' Multi-Family Use: 10' Non-Residential Use: 30'	
Minimum Side Yard Setback	Single-Family Use: 15' between units Multi-Family Use: 10' Non-Residential Use: 15'	
Minimum Rear Yard Setback	25'	
(g) <i>Buffer requirements:</i>		
(1) When a single-family attached or multi-family residential use in the NR-CD district directly abuts the NR-1 or NR-2 districts, a twenty-foot landscaped buffer		

EXISTING CODE	PROPOSED CODE
<p>shall be required. When a non-residential use in the NR-CD district abuts a residential use in the NR-1, NR-2 or NR-3 districts, a thirty-foot landscaped buffer shall be required.</p> <p>(2) There shall be no buffer required between residential and non-residential uses contained wholly within the NR-CD district.</p>	
<p><b>Sec. 705. RC, residential/commercial district.</b></p> <p>(a) <i>Purpose and intent:</i> The RC zoning district is intended to allow converted residential structures with commercial uses to coexist with residential uses. Commercial uses will be limited in order to maintain the current balance and aesthetic in the surrounding area. Residences converted to office uses are acceptable when kept at current scale.</p> <p>(b) Permitted uses:</p> <ol style="list-style-type: none"> <li>(1) Single-family detached residential dwellings.</li> <li>(2) Multi-family residential dwellings, including condominiums and apartment buildings consisting of at least four (4) individual units.</li> <li>(3) Assisted living, personal care, nursing and convalescent homes, and similar uses.</li> <li>(4) Banks and financial institutions.</li> <li>(5) Child care/daycare centers, pre-schools and similar establishments.</li> <li>(6) Professional offices, including medical doctors, dentists, attorneys, chiropractic, veterinary (without boarding), accountants/tax professionals and other similar occupations.</li> <li>(7) Personal service establishments including barber shops, hair salons, nail salons and other similar uses.</li> <li>(8) Eating and drinking establishments,</li> </ol>	<p><b>Sec. 315. RC, residential/commercial district.</b></p> <p>(a) <i>Purpose and intent:</i> The RC zoning district is intended to allow converted residential structures with commercial uses to coexist with residential uses. Commercial uses will be limited in order to maintain the current balance and aesthetic in the surrounding area. Residences converted to office uses are acceptable when kept at current scale.</p> <p>(b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.</p> <p>(c) Dimensional requirements shall be as provided in Table 3.6.</p> <p>(d) Site and building standards shall be as provided in Article V.</p> <p><b>Permitted Uses, Conditional Uses and Accessory Structure Standards have been moved to proposed Article IV. Dimensional Standards have been moved to proposed Sec. 313.</b></p>

EXISTING CODE	PROPOSED CODE
<p>excluding drive-thru/drive-in fast food establishments.</p> <p>(9) Accessory structures and uses incidental to any legal permitted use, including home occupations (when applicable).</p> <p>(10) Accessory dwellings in compliance with section 603(n).</p> <p>(11) Apartment childcare or tutoring in compliance with section 624 of this Zoning Ordinance.</p> <p>(c) <i>Conditional uses:</i></p> <p>(1) Places of assembly, including religious institutions, provided:</p> <ol style="list-style-type: none"> <li>Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.</li> <li>Any building or structure established in connection with such use must be set back no less than fifty (50) feet from any property line.</li> </ol> <p>(2) Bed and breakfast inns, provided:</p> <ol style="list-style-type: none"> <li>The facility is operated by the resident-owner.</li> <li>The building and lot meet all applicable city and state code regulations, including minimum lot standards.</li> <li>A minimum of one (1) parking space per rental room is provided in addition to those required for the resident.</li> <li>The structure contains a minimum two thousand (2,000) square feet of gross heated floor area.</li> </ol> <p>(3) Boarding and rooming houses, with a maximum of ten (10) beds per one thousand five hundred (1,500) square feet of heated floor area.</p> <p>(d) <i>Accessory uses/structures:</i></p> <p>(1) All such structures shall be located upon</p>	

EXISTING CODE	PROPOSED CODE
<p>the same lot and to the side or rear of the principal use at least ten (10) feet from side or rear lot lines or within the side-or-rear-yard setback, whichever is greater. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.</p> <p>(2) When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.</p> <p>(3) Any accessory building in excess of one thousand (1,000) square feet of gross space must be at least ten (10) feet from any property line and shall be architecturally compatible with the principal structure.</p> <p>(4) No accessory structure shall be constructed upon a lot before the principal building.</p> <p>(5) No accessory structure may exceed the more restrictive of either fifteen (15) feet or the height of the principal building.</p> <p>(6) The area of the accessory building's footprint may not exceed fifty (50) percent that of the principal structure.</p> <p>(7) Swimming pools must be enclosed by a fence not less than six (6) feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.</p> <p>(e) <i>Use limitations:</i></p> <p>(1) No outdoor storage is permitted.</p> <p>(2) No uses which emit odors, fumes or continuous loud noise are permitted.</p> <p>(3) No kennels are permitted within veterinary clinics.</p> <p>(4) Building design and materials may be of the owner's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or</p>	

EXISTING CODE	PROPOSED CODE
wood covering any facade of the building facing a roadway.	
(f) <i>Bulk and area regulations:</i>	
Floor Area Ratio (FAR) (Residential, Max.)	0.5
Floor Area Ratio (FAR) (Non-Residential, Max.)	0.5
Floor Area Ratio (FAR) (Total, Max.)	1
Min. Residential Unit Size (finished, heated floor are)	800 sq. ft.
Building Coverage (Max, a % of lot area)	50%
Min. Open Space	20%
Max. Building Height	35'
Min. Lot Size	7,200 sq. ft.
Min. Lot Width	50'
Minimum Front Yard Setback: Local Street	15'
Minimum Side Yard Setback	7'
Minimum Rear Yard Setback	20'
(g) <i>Buffer requirements:</i>	
(1) When a single-family residential use in the RC district directly abuts the NC-2 or TC district, a twenty-foot landscaped buffer shall be required.	
(2) There shall be no buffer required between residential and non-residential uses contained wholly within the RC district.	

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 708. TC, town center district.</b></p> <p>(a) <i>Purpose and intent:</i></p> <ol style="list-style-type: none"> <li>(1) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas;</li> <li>(2) Promote a diverse mix of residential, business, commercial, office, institutional, cultural and entertainment activities for workers, visitors, and residents;</li> <li>(3) Encourage bicycle and pedestrian-oriented development at densities and intensities that will help to support transit usage and town center businesses;</li> <li>(4) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;</li> <li>(5) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and</li> <li>(6) Enhance the community's character through the promotion of high-quality urban design.</li> </ol> <p>(b) <i>General application:</i> Design standards included in the town center district shall apply to new construction and redevelopment. Buildings undergoing alteration shall meet design standards to the extent practicable, as approved at a regular meeting of the planning and zoning board.</p> <p>(c) <i>Permitted uses:</i></p> <ol style="list-style-type: none"> <li>(1) Banks and credit unions.</li> <li>(2) Bed and breakfast inns, provided: <ol style="list-style-type: none"> <li>a. The facility is operated by the resident-owner.</li> <li>b. The building and lot meet all applicable city and state code regulations,</li> </ol> </li> </ol>	<p><b>Sec. 316. TC, town center district.</b></p> <p>(a) <i>Purpose and intent:</i></p> <ol style="list-style-type: none"> <li>(1) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas;</li> <li>(2) Promote a diverse mix of residential, business, commercial, office, institutional, cultural and entertainment activities for workers, visitors, and residents;</li> <li>(3) Encourage bicycle and pedestrian-oriented development at densities and intensities that will help to support transit usage and town center businesses;</li> <li>(4) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;</li> <li>(5) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and</li> <li>(6) Enhance the community's character through the promotion of high-quality urban design.</li> </ol> <p>(b) Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.</p> <p>(c) Dimensional requirements shall be as provided in Table 3.5. Unless otherwise stated in this section.</p> <ol style="list-style-type: none"> <li>(1) The maximum front building setback may not exceed the average front yard depth of the nearest two (2) lots</li> </ol>

EXISTING CODE	PROPOSED CODE
<p>including minimum lot standards.</p> <p>c. The structure contains a minimum two thousand (2,000) square feet of gross heated floor area.</p> <p>(3) Child care/daycare centers, pre-schools and similar establishments.</p> <p>(4) Eating and drinking establishments, excluding drive-through/drive-in establishments.</p> <p>(5) Entertainment venues, including bowling alleys, movie theaters (non-adult oriented) and other similar and customary uses.</p> <p>(6) Funeral homes (no on-site crematory services).</p> <p>(7) Hotels.</p> <p>(8) Retail trade: Uses shall have no more than forty thousand (40,000) square feet of gross floor area. Appropriate uses include:</p> <ul style="list-style-type: none"> <li>a. Art stores/galleries.</li> <li>b. Antique shops.</li> <li>c. Apparel stores.</li> <li>d. Book, music and video stores (non-adult oriented).</li> <li>e. Bottle shops/package stores.</li> <li>f. Camera shops.</li> <li>g. Drug stores, excluding drive-through establishments.</li> <li>h. Dry cleaners, excluding drive through establishments.</li> <li>i. Electronics and appliance stores.</li> <li>j. Florists.</li> <li>k. Furniture and home furnishings.</li> <li>l. Gift shops.</li> <li>m. Grocery stores.</li> <li>n. Jewelry stores.</li> <li>o. Pet grooming and supply shops.</li> <li>p. Shoe stores.</li> <li>q. Sporting goods and hobbies.</li> <li>r. Toy stores.</li> </ul>	<p>on either side of the subject lot or twelve (12) feet, whichever is less.</p> <ul style="list-style-type: none"> <li>(i) If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of zero (0) feet</li> <li>(ii) Lots fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in determining the average.</li> <li>(iii) When the subject lot is a corner lot, the average setback will be determined on the basis of the two (2) adjacent lots that front on the same street as the subject lot.</li> <li>(iv) When the subject lot abuts a corner lot fronting on the same street, the average setback will be determined on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.</li> </ul> <p>(2) A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the street wall, the building may be set back no more than twelve (12) feet from the front or street side property line.</p> <p>(d) Site and building standards shall be as provided in Article V.</p> <p><b>Permitted Uses, Conditional Uses and Accessory Structure Standards have been moved to proposed Article IV. Dimensional Standards have been moved to proposed Sec. 313.</b></p>

EXISTING CODE	PROPOSED CODE
<p>s. Other similar and customary uses.</p> <p>(9) Non-automotive repair services such as cameras, jewelry, shoes and the like.</p> <p>(10) Professional offices, including accountants/tax professionals, attorneys, chiropractic, dentists, medical doctors, real estate, veterinary, and other similar occupations.</p> <p>(11) Personal service establishments including barber shops, hair salons, nail salons and other similar uses.</p> <p>(12) Tattoo parlors and piercing studios.</p> <p>(13) Multi-family residential dwellings, provided that they are part of a mixed use building and not located on the ground floor.</p> <p>(14) Mixed use buildings with any of the above listed uses on the first floor, except residential; and owner or renter occupied dwelling units, located above street level.</p> <p>(15) Accessory uses incidental to any legal permitted use, including home occupations (when applicable).</p> <p>(16) Microbreweries.</p> <p>(17) Apartment childcare or tutoring in compliance with section 624 of this Zoning Ordinance.</p> <p>(d) <i>Prohibited uses:</i></p> <p>(1) Adult entertainment establishments but not limited to, adult bookstores, video or DVD adult rental or purchase, adult movie or adult live theaters, adult gifts and novelties, and other venues for viewing other adult entertainment through any other electronic or other technological medium.</p> <p>(2) Automotive repair shops, dealerships and auto parts stores.</p> <p>(3) Extended stay motels/hotels.</p> <p>(4) Flea markets.</p>	

EXISTING CODE	PROPOSED CODE
<ul style="list-style-type: none"> <li>(5) Firearm dealers.</li> <li>(6) Labor pools.</li> <li>(7) Hookah bar and/or vape lounges within five hundred (500) feet of school, place of worship, public park or other hookah or vape establishment.</li> <li>(8) Pawnshops.</li> <li>(9) Title loan institutions.</li> <li>(10) Any use of property not specifically allowed by section 708(c).</li> <li>(e) <i>Accessory structures:</i> <ul style="list-style-type: none"> <li>(1) All such structures shall be located upon the same lot and only in the side or rear yard of the principal use at least ten (10) feet from any lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.</li> <li>(2) When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.</li> <li>(3) Any accessory structure in excess of six hundred (600) square feet of gross space must be at least ten (10) feet from any property line and shall be architecturally compatible with the principal structure.</li> <li>(4) Building design and materials shall be consistent with design approved by planning and zoning board; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.</li> <li>(5) No accessory structure shall be constructed or placed upon a lot before the principal building is constructed.</li> <li>(6) No accessory structure may exceed the more restrictive of either fifteen (15) feet or the height of the principal building.</li> </ul> </li> </ul>	

EXISTING CODE	PROPOSED CODE																		
<p>(7) The area of the accessory structure's footprint may not exceed fifty (50) percent that of the principal structure.</p> <p>(f) <i>Accessory use limitations:</i></p> <p>(1) All outdoor storage must be located in the rear yard and must be screened by a solid fence or wall no less than six (6) feet in height. Limited to twenty-five (25) percent of total lot area.</p> <p>(2) Accessory uses must be permitted within the zoning district.</p> <p>(g) <i>Bulk and area regulations:</i></p> <table border="1" data-bbox="159 772 800 1575"> <tr> <td>Floor Area Ratio (FAR) (Residential, Max.)</td><td>3</td></tr> <tr> <td>Floor Area Ratio (FAR) (Non-Residential, Max.)</td><td>3</td></tr> <tr> <td>Floor Area Ratio (FAR) (Total Mixed Use Max.)</td><td>5</td></tr> <tr> <td>Min. Residential Unit Size (finished, heated floor area)</td><td>700 sq. ft.</td></tr> <tr> <td>Building Coverage (Max., a % of lot area)</td><td>80%</td></tr> <tr> <td>Min. Open Space</td><td>20%</td></tr> <tr> <td>Max. Building Height</td><td>75'</td></tr> <tr> <td>Min. Lot Size</td><td>N/A</td></tr> <tr> <td>Min. Lot Width</td><td>N/A</td></tr> </table> <p>(h) <i>Setbacks:</i></p> <p>(1) No minimum front building setback is required.</p> <p>(2) The maximum front building setback may not exceed the average front yard depth of the nearest two (2) lots on either side of the subject lot or twelve</p>		Floor Area Ratio (FAR) (Residential, Max.)	3	Floor Area Ratio (FAR) (Non-Residential, Max.)	3	Floor Area Ratio (FAR) (Total Mixed Use Max.)	5	Min. Residential Unit Size (finished, heated floor area)	700 sq. ft.	Building Coverage (Max., a % of lot area)	80%	Min. Open Space	20%	Max. Building Height	75'	Min. Lot Size	N/A	Min. Lot Width	N/A
Floor Area Ratio (FAR) (Residential, Max.)	3																		
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Floor Area Ratio (FAR) (Total Mixed Use Max.)	5																		
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Max. Building Height	75'																		
Min. Lot Size	N/A																		
Min. Lot Width	N/A																		

EXISTING CODE	PROPOSED CODE
<p>(12) feet, whichever is less.</p> <ul style="list-style-type: none"> <li>a. If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of zero (0) feet</li> <li>b. Lots fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in determining the average.</li> <li>c. When the subject lot is a corner lot, the average setback will be determined on the basis of the two (2) adjacent lots that front on the same street as the subject lot.</li> <li>d. When the subject lot abuts a corner lot fronting on the same street, the average setback will be determined on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.</li> </ul> <p>(3) The following exceptions to the maximum front building setbacks apply:</p> <ul style="list-style-type: none"> <li>a. A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.</li> <li>b. A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the streetwall, the building may be set back no more than twelve (12) feet from the front or street side property line or at least forty (40) percent of the building façade must be located at the maximum setback line. The total area</li> </ul>	

EXISTING CODE	PROPOSED CODE
<p>of an outdoor eating area that is located between a public sidewalk and the building façade may not exceed 12 times the building's street frontage in linear feet.</p> <p>(4) The minimum rear setback is ten (10) feet, or twenty (20) feet for TC-zoned properties that abut a single-family residential district.</p> <p>(5) No interior side setbacks are required in the TC district, except when TC-zoned property abuts a single-family residential district, in which case the minimum side yard setback required in the TC district must be the same as required for a residential use on the abutting residential zoned lot.</p> <p>(i) <i>Buffer requirements:</i></p> <p>(1) When a use within the TC district abuts any single-family residential district, a ten-foot buffer shall be required.</p> <p>(j) <i>Temporary uses:</i> Temporary uses if approved pursuant to section 313.</p> <p>(k) <i>Open space density bonus:</i> Every one (1) square foot of additional open space provided in excess of the minimum open space requirement in section 708 (g) shall increase the maximum floor area for the development by ten (10) square feet.</p> <p>(l) <i>Building facades and entrances:</i></p> <p>(1) Building facades shall be articulated to minimize the monotonous appearance of large buildings through the use of architectural elements such as recessed windows and entries, offset surfaces, differentiated piers and columns, offset planes, textured materials, or awnings,</p> <p>a. Variations in facade treatment shall be continued throughout the structure, including its roof line and front and rear facades.</p> <p>b. Blank lengths of wall exceeding thirty</p>	

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<p>(30) linear feet are prohibited on all building facades.</p> <p>(2) Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.</p> <p>(3) A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.</p> <p>(4) The primary pedestrian access to all sidewalk level uses and business establishments with public or private street frontage:</p> <ul style="list-style-type: none"> <li>a. Shall face and be visible from the public street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.</li> <li>b. Shall be directly accessible and visible from the sidewalk adjacent to such street.</li> <li>c. Shall remain unlocked during business hours for non-residential uses, including hotels and bed and breakfast inns.</li> <li>d. Buildings on corner lots shall have an angled entrance oriented toward the intersection.</li> </ul> <p>(m) <i>Franchise architecture</i>: Buildings where the proposed architecture is the result of "corporate" or franchise style shall be prohibited. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant. Buildings shall be consistent with the local architectural vernacular, establish a sense of permanence, and avoid over-</p>	

EXISTING CODE	PROPOSED CODE
<p>commercialization. Building design shall reflect local, unique, and traditional designs rather than chain or franchise designs.</p> <p>(n) <i>Color:</i> The overall exterior color scheme shall be included in the permit application as a colored depiction and shall be selected from the approved color palette and be harmonious with the neighborhood and blend with the natural surroundings of the site. Consideration shall be given to the compatibility of colors with those existing in the vicinity. The size of the structure and the amount of shading it will receive are also a factor in selection of colors. Examples of incompatible colors include day glow and metallic colors.</p>	

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<p style="text-align: center;"><b>ARTICLE IX. PLANNED DEVELOPMENTS</b></p> <p><b>Sec. 901. Purpose of planned unit developments.</b></p> <p>Planned unit developments encourage the best possible site plans and building arrangements under a unified plan of development rather than on a lot-by-lot basis. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The city gains the advantages of variety in building types, compatibility of uses and optimum community development. Review of the development plan by the city provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which the development is located.</p> <p>(a) <i>Purpose and definition.</i> Planned unit development is defined as two (2) or more buildings to be constructed on a tract or several tracts of land of the minimum size established in section 903. The purpose of the planned unit development shall be to:</p> <ol style="list-style-type: none"> <li>(1) Provide for unified approaches to the development of land;</li> <li>(2) Provide for a simplified process of enabling development which would otherwise require numerous applications for variations from the provisions of the zoning code;</li> <li>(3) Provide for the development of stable environments that are compatible with surrounding areas of the community; and</li> <li>(4) Assure the provision of park and</li> </ol>	<p>Sections in Existing Article IX have been moved to proposed sections in Articles II, III, as noted below. Article 3 changes are below, otherwise, please see those sections in the Proposed Code column to view the changes.</p> <p><b>DIVISION 5. PLANNED UNIT DEVELOPMENT</b></p> <p><b>Sec. 317. Planned Unit Development</b></p> <p>(a) Planned unit development is defined as two (2) or more buildings to be constructed on a tract or several tracts of land. Planned unit developments are not a zoning district and must comply with the underlying zoning district unless otherwise stated in this zoning ordinance.</p> <p>(b) <i>Purpose and intent.</i> Planned unit developments encourage the best possible site plans and building arrangements under a unified plan of development rather than on a lot-by-lot basis. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The city gains the advantages of variety in building types, compatibility of uses and optimum community development. Review of the development plan by the city provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which the development is located. The purpose of the planned unit development shall be to:</p> <ol style="list-style-type: none"> <li>(1) Provide for unified approaches to the development of land;</li> <li>(2) Provide for a simplified process of enabling development which would otherwise require numerous applications for variances from the provisions of the zoning code;</li> <li>(3) Provide for the development of stable environments that are compatible with</li> </ol>

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recreation land and facilities for the use of the occupants of the development.	surrounding areas of the community; and  (4) Assure the provision of park and recreation land and facilities for the use of the occupants of the development.
<b>Sec. 902. Ownership control.</b>	<b>Existing Section 902 was moved to proposed Sec. 218.</b>
<b>Sec. 903. Standards applying to all planned unit developments.</b>	<b>Existing Section 903 was moved to proposed Sec. 527.</b>
<b>Sec. 904. Standards for cottage housing developments (CHD).</b>	<b>Existing Section 904 was moved to proposed Sec. 529.</b>
<b>Sec. 905. Standards applying to construction, development, and maintenance of planned developments.</b>	<b>Existing Section 905 was moved to proposed Sec. 527.</b>
<b>Sec. 906. Procedures.</b>	<b>Existing Section 906 has been incorporated into Article II.</b>

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	<p><b>DIVISION 6. OVERLAY DISTRICT</b></p> <p><b>Sec. 318. Clemsil Overlay District</b></p> <p>(a) Boundaries: The boundaries of the Clemsil Overlay District shall be established by the official zoning map amendment, and is adopted contemporaneously with the adoption of this section and which is incorporated by reference as if fully set forth herein and made a part of this Chapter. The zoning map amendment shall be maintained by the planning and development director.</p> <p>(b) In general, the Clesmil Overlay District consists of properties with their primary frontage on the following streets:</p> <ol style="list-style-type: none"> <li>(1) Smith Street</li> <li>(2) Lincoln Street</li> <li>(3) Tribble Street</li> <li>(4) Clark Street</li> <li>(5) Lester Street</li> <li>(6) See Clemsil Map</li> </ol> <p>(c) To the extent that the official zoning map is unclear as to whether a particular parcel is located within the Clemsil Overlay District, the City manager shall determine whether such property is located within the boundaries of the Clesmil Overlay District based upon the official zoning map.</p> <p>(d) <i>Primary uses and structures:</i> All properties located within the Clemsil Overlay District shall be governed by all of the requirements of the underlying zoning district regulations. Where the requirements of the underlying zoning district and the requirements of this section are in conflict, the requirements of this section shall control.</p> <p>(e) In addition, the following primary uses of land and structures shall also be authorized within the overlay district:</p>

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	<p>(1) <i>Accessory uses and structures.</i> The following accessory uses shall be authorized in the Clemsil Overlay District</p> <ul style="list-style-type: none"> <li>(i) Accessory uses and structures incidental to any authorized use.</li> <li>(ii) Parking lots which are accessory to any authorized use.</li> <li>(iii) Open Space and Parks</li> </ul> <p>(f) <i>Architectural guidelines for Residential:</i> Architectural design of all residential buildings and accessory structures within the Clemsil Overlay shall comply with the following guidelines:</p> <ul style="list-style-type: none"> <li>(1) Each building elevation shall be constructed of wood, vinyl siding, brick (3- sided- front, and sides), stone, cinder blocks, cement fiberboard siding, or any combination thereof.</li> <li>(2) Roofing materials for pitched or hip roofs shall consist of tile, slate, stone, wood shake or architectural-style shingles.</li> <li>(3) Porch/Stoop</li> <li>(4) Shutters (optional)</li> <li>(5) Exterior painting shall be of neutral colors</li> </ul> <p>(g) <i>Primary uses and structures:</i> The following primary uses of land and structures shall be authorized in the Clemsil Overlay District;</p> <ul style="list-style-type: none"> <li>(1) All uses authorized in the NR-3 zoning district on all property located within the Clemsil Overlay District unless otherwise prohibited in this section. Cottage housing developments are permitted in clusters of no more than two (2) homes on a parcel.</li> <li>(2) Detached single-family residences/</li> </ul>

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	<p>cottage housing development at a maximum density of two (2) units per parcel with a minimum lot size of 2,500 square feet per lot.</p> <p>(3) Minimum residential unit size 750 sq. ft.</p> <p>(4) Building coverage ( Max a % of lot area) 75%</p> <p>(h) <i>Prohibited primary uses and structures.</i> The following primary uses of land and structures shall be prohibited within the Clemsil Overlay District.</p> <p>(1) Multi-family residential dwellings (duplexes and triplexes)</p> <p>(2) Townhomes</p> <p>(3) Parking lots as a primary use.</p> <p>(4) Boarding/rooming house.</p> <p>(5) Places of assembly, including religious institutions.</p> <p>(6) Bed and breakfast</p> <p>(7) Hotel or motels</p> <p>(8) Daycare facilities</p> <p>(9) Personal care homes</p> <p>(10) Transitional housing facility</p> <p>(11) Industrial and office buildings</p> <p>(i) Special administrative permit approved by the planning and development director:</p> <p>(1) Home occupation involving no customer contact and no employee other than the person residing on the premises.</p> <p>(j) Miscellaneous building standards for Clemsil Overlay Districts:</p> <p>(1) Corner lots shall not be required to have an additional 15 feet of street frontage.</p> <p>(2) Cottage and one story ranch.</p> <p>(3) Setback minimum requirements;</p>

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	<ul style="list-style-type: none"> <li>(i) Front: 10'</li> <li>(ii) Rear: 15'</li> <li>(iii) Side: 7'</li> <li>(4) Minimum lot size shall be 2, 500 sq. ft.</li> <li>(k) No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified as follows: <ul style="list-style-type: none"> <li>(1) Attached Single-Family Residential – 75%</li> <li>(2) Measurement of building height shall be fifteen feet (15'.) <ul style="list-style-type: none"> <li>(i) Rear and side fences are optional.</li> <li>(ii) Fences along public right of way shall be four (4) feet maximum. Fence height shall be measured from ground level. If ground level is lower than the level of the adjoining street pavement, then a fence may be higher so that it may be four (4) feet above the level of the pavement. The level of ground shall not be altered in such a way to provide additional fence height.</li> <li>(iii) Fences can be made of wood, brick, stone, wrought iron, or landscaped.</li> </ul> </li> </ul> </li> <li>(l) Parking: Minimum of two (2) parking spaces per dwelling unit.</li> <li>(m) Landscaping requirements. <ul style="list-style-type: none"> <li>(1) Landscape strips: <ul style="list-style-type: none"> <li>(i) A continuous landscaped strips shall be constructed along public rights-of-way except at points of ingress or egress. Street trees shall be between the curb and sidewalk.</li> </ul> </li> </ul> </li> </ul>

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	<p>(ii) The landscape strip in the front yard shall be planted with a row of street trees of at least three and one-half (3.5) inches in caliper, and planted not less than thirty (30) feet on center. Trees of the following types shall be used:</p> <ul style="list-style-type: none"> <li>a. Crape myrtle (<i>Lagerstroemia indica</i>) cultivars, with a standard trunk, but only under electric power lines.</li> <li>b. All serviceberry (<i>Amelanchier</i>) species, but only under electric power lines.</li> <li>c. All dogwood (<i>Cornus</i>) species.</li> <li>d. October Glory red maple (<i>Acer rubrum</i> 'October Glory').</li> <li>e. Red Sunset maple (<i>Acer rubrum</i> 'Red Sunset').</li> <li>f. All oak (<i>Quercus</i>) species.</li> <li>g. Japanese zelkova (<i>Zelkova serrata</i>).</li> <li>h. Ginkgo (<i>Ginkgo biloba</i>), but only male cultivars.</li> <li>i. Trident maple (<i>Acer buergerianum</i>).</li> <li>j. Allee lacebark elm (<i>Ulmus parvifolia</i> 'Emer II').</li> <li>k. Other varieties are subject to the review and approval of the city arborist or the director of planning and development or their designee.</li> </ul> <p>(n) <i>Plans required:</i> The approval process for development within the Clemsil Overlay shall meet the requirements of Sec. 205.</p>

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<p><b>Sec. 601. General provisions.</b></p> <p>The regulations set by this zoning ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.</p> <p>No building, structure, land, or open space shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, re-constructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.</p> <p><b>Sec. 602. ADA compliance.</b></p> <p>In addition to the regulations of this zoning ordinance, the Americans with Disabilities Act (ADA) Accessibility Guidelines for buildings and facilities shall also apply.</p>	<p><b>ARTICLE IV. USE REGULATIONS</b></p> <p><b>DIVISION 1. GENERAL PROVISIONS</b></p> <p>Existing Secs. 601 and 602 were moved to proposed Secs. 401 and 402.</p> <p><b>Sec. 401. General provisions.</b></p> <p>The regulations set by this zoning ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.</p> <p>No building, structure, land, or open space shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, re-constructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.</p> <p><b>Sec. 402. ADA compliance.</b></p> <p>In addition to the regulations of this zoning ordinance, the Americans with Disabilities Act (ADA) Accessibility Guidelines for buildings and facilities outlined in IBC Chapter 11 shall also apply.</p> <p><b>Sec. 403. Use Table</b></p> <p>Table 4.1 indicates the permitted uses within the city zoning districts. Additional use restrictions or conditions may apply to permitted or conditional uses as set forth in the supplemental standards found in this Article.</p> <p>(a) The uses listed in table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:</p> <p>(1) A permitted use (P);</p> <p>(2) A conditional use (C) subject to the</p>

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	<p>conditional use permit application procedures specified in article II of this chapter;</p> <p>(3) An administratively approved use (AP)</p> <p>(4) An accessory use (Pa) as regulated by Article IV of this chapter. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered primary uses for the zoning classification;</p> <p>(5) Uses lawfully established prior to the effective date of the ordinance from which this chapter is derived.</p> <p>(b) Any use not listed in Table 4.1 or interpreted to be allowed by the city manager pursuant to subsection d in this section is prohibited.</p> <p>(c) If there is a conflict between table 4.1 and the text of this chapter, the text shall prevail.</p> <p>(d) Interpretation of unlisted uses:</p> <p>(1) Where a particular use is not specifically listed in table 4.1, the city manager shall have the authority to permit the use if the use is similar to uses permitted by this article. The city manager shall give due consideration to the purpose and intent statements contained in this zoning ordinance concerning the base zoning districts involved, the character of the uses specifically identified and the character of the uses in question.</p> <p><b>TABLE 4.1. USE TABLE</b></p> <p><b>Review the use table in the Appendix to this document. Changes to permitted and conditional uses are denoted with a shaded box.</b></p>

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<p><b>Sec. 624. Apartment childcare or tutoring.</b></p> <p>(a) A unit or units of a multi-family residential building (including apartment, duplex and triplex units) may be used for childcare and/or tutoring services as a primary use of the unit(s), subject to the following conditions:</p> <ol style="list-style-type: none"> <li>(1) Only a bona fide non-profit 501(c)(3) corporation may operate a unit for childcare/tutoring as a primary use;</li> <li>(2) The non-profit organization operating a childcare/tutoring use shall not charge any fee nor accept any remuneration for such service;</li> <li>(3) Before commencing the use, the non-profit shall obtain a free permit from the city to operate a childcare/tutoring use as a primary use in a multi-family unit by submitting proof of 501(c)(3) status and designating the unit(s) where such use will take place; and</li> <li>(4) All apartment childcare/tutoring shall be conducted in compliance with applicable state and county regulations for such programs: including any requirements for adult-to-child ratio, qualifications for caregivers/tutors and any applicable fire and/or life safety regulations.</li> </ol> <p>(b) Within apartment developments, no more than one (1) unit per thirty (30) units may be devoted to apartment/tutoring as a primary use. In apartment developments containing less than thirty (30) total units, one (1) unit may be devoted to such use.</p>	<p><b>DIVISION 2. SUPPLEMENTAL USE STANDARDS</b></p> <p><b>Existing Sec. 624 was moved to proposed Secs. 404.</b></p> <p><b>Sec. 404. Apartment childcare or tutoring.</b></p> <p>(a) A unit or units of a multi-family residential building (including apartment, duplex and triplex units) may be used for childcare and/or tutoring services as a primary use of the unit(s), subject to the following conditions:</p> <ol style="list-style-type: none"> <li>(1) Only a bona fide non-profit 501(c)(3) corporation may operate a unit for childcare/tutoring as a primary use;</li> <li>(2) The non-profit organization operating a childcare/tutoring use shall not charge any fee nor accept any remuneration for such service;</li> <li>(3) Before commencing the use, the non-profit shall obtain a free permit from the city to operate a childcare/tutoring use as a primary use in a multi-family unit by submitting proof of 501(c)(3) status and designating the unit(s) where such use will take place; and</li> <li>(4) All apartment childcare/tutoring shall be conducted in compliance with applicable state and county regulations for such programs: including any requirements for adult-to-child ratio, qualifications for caregivers/tutors and any applicable fire and/or life safety regulations.</li> </ol> <p>(b) Within apartment developments, no more than one (1) unit per thirty (30) units may be devoted to apartment/tutoring as a primary use. In apartment developments containing less than thirty (30) total units, one (1) unit may be devoted to such use.</p>

EXISTING CODE	PROPOSED CODE
<p>(c) The city manager shall develop and publish reasonable regulations requiring apartment childcare/tutoring to provide appropriate insurance, obtain certificate of occupancy, demonstrate compliance with applicable state laws and regulations, submit to annual inspections by state or county regulators and inform the owner(s) of the property where such use is located when such a use is established.</p> <p>(d) The City of Clarkston disclaims any responsibility to monitor multi-family childcare/tutoring uses on an ongoing basis in any way.</p>	<p>(c) The city manager shall develop and publish reasonable regulations requiring apartment childcare/tutoring to provide appropriate insurance, obtain certificate of occupancy, demonstrate compliance with applicable state laws and regulations, submit to annual inspections by state or county regulators and inform the owner(s) of the property where such use is located when such a use is established.</p> <p>(d) The City of Clarkston disclaims any responsibility to monitor multi-family childcare/tutoring uses on an ongoing basis in any way.</p> <p><b>Existing Sec. 707(c)(2) was moved to proposed Secs. 405. Revised language is red.</b></p>
<p><b>Sec. 707(c)(2).</b> Automobile service stations and automotive repair centers (excluding paint and body), provided:</p> <ol style="list-style-type: none"> <li>All gasoline pumps, tanks and other service facilities shall be set back at least twenty (20) feet from all property lines unless otherwise approved by the DeKalb County Fire Marshal.</li> <li>Canopies over fuel islands shall not encroach within fifteen (15) feet of any property line.</li> <li>Automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.</li> <li>No outside storage or engine/body dismantling is allowed.</li> </ol>	<p><b>Sec. 405. Automobile service stations and automotive repair centers (excluding paint and body)</b></p> <ol style="list-style-type: none"> <li>All gasoline pumps, tanks and other service facilities shall be set back at least twenty (20) feet from all property lines unless otherwise approved by the DeKalb County Fire Marshal.</li> <li>Canopies over fuel islands shall not encroach within fifteen (15) feet of any property line.</li> <li>Automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.</li> <li>No outside storage or engine/body dismantling is allowed.</li> <li><b>For vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any goods, articles or merchandise. Such engines, motor vehicles, trailers, or parts thereof may remain in an inoperable condition for a maximum of thirty (30) days.</b></li> </ol>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 708(C)(2).</b> Bed and breakfast inns, provided:</p> <ul style="list-style-type: none"> <li>a. The facility is operated by the resident-owner.</li> <li>b. The building and lot meet all applicable city and state code regulations, including minimum lot standards.</li> <li>c. The structure contains a minimum two thousand (2,000) square feet of gross heated floor area.</li> </ul>	<p><b>Existing Sec. 708(c)(2) was moved to proposed Secs. 406. Revised language is red.</b></p> <p><b>Sec. 406. Bed and Breakfast Inns</b></p> <ul style="list-style-type: none"> <li>(a) The facility is operated by the resident-owner.</li> <li>(b) The building and lot meet all applicable city and state code regulations, including minimum lot standards.</li> <li>(c) A minimum of one (1) parking space per rental room is provided in addition to those required for the resident.</li> <li>(d) The structure contains a minimum of two thousand (2,000) square feet of gross heated floor area.</li> </ul>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 604. Child day care, adult day care and personal care uses.</b></p> <p>(1) Day care nurseries, adult day care centers, kindergartens, child care learning centers, family child care learning homes and nursing, convalescent, or rest homes not used primarily for the treatment of contagious diseases, alcoholism, drug addiction, or mental illness shall meet all applicable state requirements, be licensed by the state where required and shall receive all necessary county board of health and fire marshal approvals prior to issuance of a permit for construction and/or operation.</p> <p>(2) Day nurseries and kindergartens shall meet the following additional criteria:</p> <p>(a) The lot on which such uses are established shall have access on a major or minor thoroughfare;</p> <p>(b) There shall be not less than thirty (30) square feet of indoor play area for each child at maximum enrollment, and not less than one hundred (100) square feet per child of outdoor play area at maximum enrollment;</p> <p>(c) The outdoor play area shall be enclosed by a fence not less than four (4) feet in height; and</p> <p>(d) A circular drive shall be provided for off-street loading and unloading of children.</p>	<p><b>Existing Sec. 604 was moved to proposed Secs. 407. Revised language is red.</b></p> <p><b>Sec. 407. Child day care, adult day care and personal care uses.</b></p> <p>(a) Day care nurseries, adult day care centers, kindergartens, child care learning centers, family child care learning homes and nursing, convalescent, or rest homes not used primarily for the treatment of contagious diseases, alcoholism, drug addiction, or mental illness shall meet all applicable state requirements, be licensed by the state where required and shall receive all necessary county board of health and fire marshal approvals prior to issuance of a permit for construction and/or operation.</p> <p>(b) Day nurseries and kindergartens shall meet the following additional criteria:</p> <p>(1) The lot on which such uses are established shall have access on a major or minor thoroughfare.</p> <p>(2) There shall not be less than thirty (30) square feet of indoor play area for each child at maximum enrollment, and not less than one hundred (100) square feet per child of outdoor play area at maximum enrollment.</p> <p>(3) The outdoor play area shall be enclosed by a fence not less than four (4) feet in height.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 605. Home occupations.</b></p> <p>(a) It is the intent and purpose of this section to provide for certain types of restricted occupational uses within residential zoning districts. Such uses are restricted to those which:</p> <ol style="list-style-type: none"> <li>(1) Are incidental to the use of the premises as a residence;</li> <li>(2) Are compatible with residential uses; and</li> <li>(3) Do not detract from the residential character of the neighborhood.</li> </ol> <p>(b) In all residential zoning districts, any building used for residential occupancy may conduct a home occupation use provided that:</p> <ol style="list-style-type: none"> <li>(1) The primary use of the unit is a dwelling;</li> <li>(2) The following standards are complied with in full at all times: <ol style="list-style-type: none"> <li>a. Such use shall be conducted entirely within the dwelling unit;</li> <li>b. At least one resident of the dwelling unit shall be present and engaged in the home occupation at all times that the home occupation is open for business;</li> <li>c. No more than three total persons (including residents) may be employed by the home occupation at any given time;</li> <li>d. No mechanical or electrical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes;</li> <li>e. No equipment that interferes with radio and/or television reception shall be</li> </ol> </li> </ol>	<p><b>Existing Sec. 605 was moved to proposed Secs. 408. Revised language is red.</b></p> <p><b>Sec. 408. Home occupations.</b></p> <p>(a) It is the intent and purpose of this section to provide for certain types of restricted occupational uses within residential zoning districts. Such uses are restricted to those which:</p> <ol style="list-style-type: none"> <li>(1) Are incidental to the use of the premises as a residence;</li> <li>(2) Are compatible with residential uses; and</li> <li>(3) Do not detract from the residential character of the neighborhood.</li> </ol> <p>(b) In all residential zoning districts, any building used for residential occupancy may conduct a home occupation use provided that:</p> <ol style="list-style-type: none"> <li>(1) The primary use of the unit is a dwelling;</li> <li>(2) The following standards are complied with in full at all times: <ol style="list-style-type: none"> <li>i. Such use shall be conducted entirely within the dwelling unit;</li> <li>ii. At least one resident of the dwelling unit shall be present and engaged in the home occupation at all times that the home occupation is open for business;</li> <li>iii. No more than three total persons (including residents) may be employed by the home occupation at any given time;</li> <li>iv. No mechanical or electrical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used</li> </ol> </li> </ol>

EXISTING CODE	PROPOSED CODE
<p>allowed.</p> <ul style="list-style-type: none"> <li>f. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials shall be used or stored on the premises;</li> <li>g. There shall be no outside operations, storage, or display of materials or products;</li> <li>h. No accessory buildings shall be used in connection with the home occupation.</li> <li>i. No alteration of the residential appearance of the premises occurs, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the business;</li> <li>j. There shall be no exterior evidence of the home occupation, except for the sign permitted by this section;</li> <li>k. No commodity shall be stocked or sold on the premises to the general public;</li> <li>l. No process shall be used which is hazardous to public health, safety, or welfare;</li> <li>m. Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence and shall, under no circumstance, exceed more than eight (8) business visitors/customers per day and not more than two (2) manufacturer or wholesaler direct deliveries of products or materials per week;</li> <li>n. No on-street parking associated with the business shall be permitted;</li> <li>o. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation; and</li> <li>p. The home occupation shall be restricted to fifty (50) percent of the dwelling's floor space and shall not</li> </ul>	<p>for household or leisure purposes;</p> <ul style="list-style-type: none"> <li>v. No equipment that interferes with radio and/or television reception shall be allowed.</li> <li>vi. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials shall be used or stored on the premises;</li> <li>vii. There shall be no outside operations, storage, or display of materials or products;</li> <li>ix. No accessory buildings shall be used in connection with the home occupation.</li> <li>x. No alteration of the residential appearance of the premises occurs, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the business;</li> <li>xi. There shall be no exterior evidence of the home occupation, except for the sign permitted by this section;</li> <li>xii. No commodity shall be stocked or sold on the premises to the general public;</li> <li>xiii. No process shall be used which is hazardous to public health, safety, or welfare;</li> <li>xiv. Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence and shall, under no circumstance, exceed more than eight (8) business visitors/customers per day and not more than two (2) manufacturer or wholesaler</li> </ul>

EXISTING CODE	PROPOSED CODE
<p>exceed four hundred and fifty (450) square feet of total floor area. Said home occupation use shall be clearly secondary to the use of the dwelling for dwelling purposes.</p> <p>(c) In all non-residential zoning districts, any building used for residential occupancy may conduct business provided that:</p> <ol style="list-style-type: none"> <li>(1) The home occupation shall not involve more than three (3) employees on site who do not live in the dwelling unit;</li> <li>(2) A home occupation may include the office of a licensed/certified health service practitioner, including a surgeon, dentist dental surgeon, osteopathic physician, psychologist, or other medical practitioner licensed by the state, who receives and treats patients on the premises;</li> <li>(3) A home occupation may include the office of a person engaged in a profession, including a lawyer, an accountant, an auditor, an engineer, an architect, a real estate agent, or another profession similar in character, who receives and consults with clients on the premises;</li> </ol> <p>(d) A home occupation may have a single sign indicating the name of the business mounted as a wall sign on the dwelling, secured to the primary residential use, and having an area of no more than two (2) square feet.</p> <p>(e) Adult day care centers, child nursery day cares, child care learning centers, family child care learning homes, tutoring and academic instruction are expressly permitted as home occupations by this zoning code.</p>	<p>direct deliveries of products or materials per week;</p> <p>xv. No on-street parking associated with the business shall be permitted;</p> <p>xvi. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation; and</p> <p>xvii. The home occupation shall be restricted to fifty (50) percent of the dwelling's floor space and shall not exceed four hundred and fifty (450) square feet of total floor area. Said home occupation use shall be clearly secondary to the use of the dwelling for dwelling purposes.</p> <p>(c) In all non-residential zoning districts, any building used for residential occupancy may conduct business provided that:</p> <ol style="list-style-type: none"> <li>(1) The home occupation shall not involve more than three (3) employees on site who do not live in the dwelling unit;</li> <li>(2) A home occupation may include professional and medical offices that are properly licensed and insured when required. office of a licensed/certified health service practitioner, including a surgeon, dentist dental surgeon, osteopathic physician, psychologist, or other medical practitioner licensed by the state, who receives and treats patients on the premises;</li> <li>(3) A home occupation may include the office of a person engaged in a profession, including a lawyer, an accountant, an auditor, an engineer, an architect, a real estate agent, or another profession similar in character, who receives and consults</li> </ol>

EXISTING CODE	PROPOSED CODE
<p><b>701(b)(2)</b> (2) Non-commercial horticulture and agriculture, outside of front-and-side-yard setbacks.</p>	<p>with clients on the premises;</p> <p>(d) A home occupation may have a single sign indicating the name of the business mounted as a wall sign on the dwelling, secured to the primary residential use, and having an area of no more than two (2) square feet.</p> <p>(e) Adult day care centers, day care <b>nurseries</b>, child care learning centers, family child care learning homes, tutoring and academic instruction are expressly permitted as home occupations by this zoning code.</p> <p><b>Existing Sec. 701(b)(2) was moved to proposed Sec. 409. Revised language is red.</b></p> <p><b>Sec. 409. Non-commercial horticulture and agriculture</b></p> <p>(a) Horticulture and agriculture activities may be conducted in the <b>front, rear, or side</b> yard of the lot.</p>

EXISTING CODE	PROPOSED CODE
<p><b>ARTICLE XIII. NON-COMMERCIAL POULTRY</b></p> <p><b>Sec. 1301. Purpose and intent.</b></p> <p>The purpose of this chapter is to authorize and provide standards for keeping of poultry in the side or rear yard of residential properties. The intent is to enable residents to keep poultry for non-commercial purposes, while limiting the potentially adverse impacts of such on surrounding neighbors.</p> <p><b>Sec. 1302. Single-family residential districts only.</b></p> <p>The keeping of non-commercial poultry pursuant to this article is limited to the following zoning districts: NR-1, NR-2, and NR-3.</p> <p><b>Sec. 1303. Number of poultry allowed.</b></p> <p>The maximum number of poultry allowed per lot shall be determined by the total area of the lot whereupon the poultry are kept, in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) Less than 0.5 acres: a maximum of three (3) poultry are allowed.</li> <li>(b) 0.5 acres to 1.0 acre: a maximum of five (5) poultry are allowed.</li> <li>(c) 1.1 acres to 2.0 acres: a maximum of eight (8) poultry are allowed.</li> <li>(d) 2.1 acres to 3.0 acres: a maximum of ten (10) poultry are allowed.</li> <li>(e) 3.1 acres or greater: a maximum of twelve (12) poultry are allowed.</li> </ul> <p><b>Sec. 1304. Roosters prohibited.</b></p> <p>It shall be a violation of this article for any person to keep a rooster within the city.</p>	<p>Existing Article XIII was moved to proposed Sec. 410. Revised language is red.</p> <p><b>Sec. 410. Non-commercial poultry</b></p> <p>(a) <i>Number permitted</i>, the maximum number of poultry allowed per lot shall be determined by the total area of the lot whereupon the poultry are kept, in accordance with the following:</p> <ul style="list-style-type: none"> <li>(1) Less than 0.5 acres: a maximum of three (3) poultry are allowed.</li> <li>(2) 0.5 acres to 1.0 acre: a maximum of five (5) poultry are allowed.</li> <li>(3) (1.1 acres to 2.0 acres: a maximum of eight (8) poultry are allowed.</li> <li>(4) 2.1 acres to 3.0 acres: a maximum of ten (10) poultry are allowed.</li> <li>(5) 3.1 acres or greater: a maximum of twelve (12) poultry are allowed.</li> </ul>

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<p><b>Sec. 1305. Commercial poultry prohibited.</b></p> <p>The keeping of poultry pursuant to this article is permitted for non-commercial, personal use only. The sale within the city of any poultry, eggs, meat or other poultry-related products derived from the keeping of poultry pursuant to this article shall be a violation of this article.</p> <p><b>Sec. 1306. Enclosure of poultry required; location of poultry.</b></p> <ul style="list-style-type: none"> <li>(a) Any individual owning or keeping poultry in the city shall keep said poultry under fence and not allow such poultry to leave the lot upon which they are kept.</li> <li>(b) Poultry shall be kept only in the rear or side yard of the lot.</li> <li>(c) Every coop, pen or other building appurtenant to the keeping of poultry must be located a distance of at least seventy-five (75) feet from the nearest residence. On lots of greater than seventy-five (75) feet of width, such coop, pen or other building appurtenant to the keeping of poultry must be located a distance at least equal to the width of the lot upon which the poultry are kept from the nearest residence.</li> <li>(d) Every coop, pen or other building appurtenant to the keeping of poultry must be located at least five (5) feet from the residential structure on the lot where poultry are kept.</li> <li>(e) Every coop, pen or other building appurtenant to the keeping of poultry must have a minimum floor area of four square feet per poultry kept in such structure. Poultry of less than one month of age shall not be counted for purposes of this subsection,</li> <li>(f) Every coop, pen or other building appurtenant to the keeping of poultry that is permanently affixed to the ground shall meet all requirements for accessory structures set out in Zoning Ordinance section 603, except for the provisions regarding setback and location, which shall be controlled by this</li> </ul>	<ul style="list-style-type: none"> <li>(b) Enclosure and location of poultry <ul style="list-style-type: none"> <li>(1) Every poultry or livestock kept within the city must be contained by fence, corral, coop, pen or similar means sufficient to prevent said poultry or livestock from leaving the lot upon which they are kept.</li> <li>(2) Poultry shall be kept only in the rear or side yard of the lot.</li> <li>(3) Poultry must be housed at least 20 feet from any property line and 50 feet from any residence other than the owner's.</li> <li>(4) The keeping of livestock or poultry within the City shall be in compliance with all applicable regulations promulgated by the DeKalb County Health Department.</li> </ul> </li> </ul>

EXISTING CODE	PROPOSED CODE
<p>section.</p> <p><b>Sec. 1307. Nuisance prohibited.</b></p> <p>The keeping of poultry shall be conducted in such a manner so as not to unreasonably disturb the use or enjoyment of adjacent properties. Odor generated by poultry shall not be perceptible on adjacent lots. Noise generated by poultry shall not disturb a person of common and reasonable sensitivity to sound at the boundary lines of the lot upon which said poultry are kept.</p>	<p>(c) <b>Prohibitions</b></p> <p>(1) <b>Roosters</b>, it shall be a violation of this article for any person to keep a rooster within the city.</p> <p>(2) <b>Commercial poultry</b>, The keeping of poultry pursuant to this article is permitted for non-commercial, personal use only. The sale within the city of any poultry, eggs, meat or other poultry-related products derived from the keeping of poultry pursuant to this article shall be a violation of this article.</p> <p>(3) <b>Nuisance</b>, The keeping of poultry shall be conducted in such a manner so as not to unreasonably disturb the use or enjoyment of adjacent properties. Odor generated by poultry shall not be perceptible on adjacent lots. Noise generated by poultry shall not disturb a person of common and reasonable sensitivity to sound at the boundary lines of the lot upon which said poultry are kept.</p> <p><b>Sec. 411. Outdoor Storage</b></p> <p>(a) In residential districts:</p> <p>(1) All outdoor storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a wood fence at least six (6) feet in height. The city manager may approve the substitution of plantings for the required fence.</p> <p>(2) Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.</p>

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<p><b>Sec. 621. Residences, libraries, parks, and churches in proximity to businesses licensed to sell alcoholic beverages.</b></p> <p>(a) No public library or public park shall be a permitted use within any zoning district of the city if the public library or public park lies on the same side of the street and is within one hundred (100) yards of the place of entrance of any business licensed to sell spirituous liquors pursuant to the provisions of Article II, Chapter 3 of the Code of Ordinances of the City of Clarkston, Georgia;</p> <p>(b) No church, chapel, mortuary, or other place used primarily for religious services shall be a permitted use in any zoning district if such church, chapel, mortuary, or other place used primarily for religious services lies within one hundred (100) yards of the entrance of a place of business licensed to sell spirituous liquors pursuant to the provisions of Article II, Chapter 3 of the Code of Ordinances of the City of Clarkston, Georgia.</p> <p>(c) For the purposes of this ordinance, measurement shall be from the closest property line of the public library, public park, church, chapel, or mortuary, or other place used for religious services and the point of entrance of the business licensed to sell spirituous liquors as measured along the most direct route.</p>	<p><b>Existing Sec. 621 was moved to proposed Sec. 412. Revised language is in red.</b></p> <p><b>Sec. 412. Places of Assembly</b></p> <p>(a) This section shall apply to places of assembly for religious or secular purposes, Public Libraries, and Public Parks</p> <p>(b) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.</p> <p>(c) Any building or structure established in connection with such use must be set back no less than fifty (50) feet from any property line.</p> <p>(d) Places of assembly must meet the provisions found in Article II, Chapter 3 of the Code of Ordinances of the City of Clarkston, Georgia.</p> <p>(e) No public library or public park shall be a permitted use within any zoning district of the city if the public library or public park lies on the same side of the street and is within one hundred (100) yards of the place of entrance of any business licensed to sell spirituous liquors pursuant to the provisions of Article II, Chapter 3 of the Code of Ordinances of the City of Clarkston, Georgia;</p> <p>(1) For the purposes of this ordinance, measurement shall be from the closest property line of the public library, public park, and the point of entrance of the business licensed to sell spirituous liquors as measured along the most direct route.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 603. Accessory uses.</b></p> <p>Accessory uses shall be permitted as provided in this section.</p> <ul style="list-style-type: none"> <li>(a) Accessory uses for commercial development shall include those normally appurtenant to such development, as provided for in other sections of this zoning ordinance.</li> <li>(b) Any accessory use normally appurtenant to a permitted use shall be allowed provided such use shall conform with all performance standards set forth for that district.</li> <li>(c) Such structures and uses shall be located on the same lot as the principal building to which they are accessory.</li> <li>(d) Such structures and uses shall not be permitted in a required front or side yard.</li> <li>(e) Accessory uses and structures such as garages, greenhouses or workshops, shall not be rented or occupied for gain.</li> <li>(f) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.</li> <li>(g) Where a corner lot adjoins in the rear a lot in a residential district, no accessory building shall be located closer to the side street right-of-way line than the principal building or closer than twenty-five (25) feet to the rear property line.</li> <li>(h) No garage or other accessory building shall be located closer than three (3) feet to a side or rear lot line.</li> <li>(i) When an accessory building is attached</li> </ul>	<p style="text-align: center;"><b>DIVISION 3. ACCESSORY STRUCTURES AND USES</b></p> <p><b>Existing Sec. 603 was moved to proposed Sec. 413. Revised language is in red.</b></p> <p><b>Sec. 413. Accessory structures and uses</b></p> <p>Accessory buildings, structures and uses determined by the director to be normally incidental to one or more permitted primary uses are hereby permitted as follows:</p> <ul style="list-style-type: none"> <li>(a) Residential districts: <ul style="list-style-type: none"> <li>(1) Accessory structures allowed in all residential districts may include, but are not limited to garages, storage sheds, and personal recreational facilities such as swimming pools and tennis courts.</li> <li>(2) Residential sheds, workshops, greenhouses or other such accessory buildings shall be located in a rear yard, are limited to one (1) story and shall not exceed one hundred and twenty (120) square feet in size.</li> <li>(3) All such structures shall be located upon the same lot and to the side or rear of the primary building at least ten (10) feet from side or rear lot lines or within the side-or-rear-yard setback, whichever is greater. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the primary building.</li> <li>(4) Garages and other accessory buildings shall meet the dimensional standard requirements of the zoning district where they are to be located.</li> <li>(5) When an accessory structure is attached to the primary building in any manner, it shall be deemed part of the primary structure and subject</li> </ul> </li> </ul>

EXISTING CODE	PROPOSED CODE
<p>to the principal building by breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.</p> <p>(j) Residential sheds, workshops, greenhouses or other such accessory structures shall be located in a rear yard, are limited to one (1) story and shall not exceed one hundred and twenty (120) square feet in size.</p> <p>(k) In all zoning districts, no accessory use shall be permitted in public rights-of-way except mailboxes, sidewalks, driveways, light posts, and decorative landscaping with the permission of the public works director.</p> <p>(l) Accessory use swimming pools having a minimum depth of two (2) feet:</p> <ol style="list-style-type: none"> <li>(1) Shall be permitted only upon written approval of the county health department to indicate compliance with applicable health department swimming pool regulations;</li> <li>(2) Shall be located a minimum of ten (10) feet from any property line; and</li> <li>(3) Shall be completely enclosed with an adequate protective fence of not less than six (6) feet in height.</li> <li>(4) Shall be enclosed by protective fence with appropriate closure.</li> </ol> <p>(m) Accessory structures may not be used for residential purposes, except for accessory dwellings in conformance with subsection (n).</p>	<p>to all primary structure requirements.</p> <p>(6) No accessory structure shall be constructed upon a lot before the primary building.</p> <p>(7) The area of the accessory building's footprint may not exceed fifty (50) percent of the primary structure's footprint.</p> <p>(8) Swimming pools must be enclosed by a fence not less than six (6) feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.</p> <p>(9) Heating and air conditioning units may encroach five (5) feet into the required rear or side setback.</p> <p>(b) Non-residential and mixed-use districts:</p> <ol style="list-style-type: none"> <li>(1) Such structures and uses shall be located on the same lot as the primary building to which they are accessory.</li> <li>(2) No accessory structure shall be constructed upon a lot before the primary building.</li> <li>(3) Such structures and uses shall not be permitted in a required front or side yard.</li> <li>(4) Accessory uses and structures such as garages, greenhouses or workshops, shall not be rented or occupied for gain.</li> <li>(5) Where a corner lot adjoins in the rear a lot in a residential district, no accessory building shall be located closer to the side street right-of-way line than the primary building or closer than twenty-five (25) feet to the rear property line.</li> <li>(6) When an accessory building is attached to the primary building by</li> </ol>

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	<p>breezeway, passageway or similar means, it shall comply with the yard requirements of the primary building to which it is accessory.</p> <p><b>(c) Pools</b></p> <p>(1) Accessory use swimming pools having a minimum depth of two (2) feet:</p> <ul style="list-style-type: none"> <li>(i) Shall be permitted only upon written approval of the county health department to indicate compliance with applicable health department swimming pool regulations.</li> <li>(ii) Shall be located a minimum of ten (10) feet from any property line.</li> <li>(iii) Shall be completely enclosed with an adequate protective fence of not less than six (6) feet in height and with an appropriate closure.</li> </ul> <p>(d) In all zoning districts, no accessory use shall be permitted in public rights-of-way except mailboxes, sidewalks, driveways, light posts, and decorative landscaping with the permission of the public works director.</p> <p>(e) Accessory structures may not be used for residential purposes, except for accessory dwellings in conformance with <b>Sec. 414 of this article.</b></p>

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<p>(n) <i>Accessory dwellings.</i> Where listed as a permitted accessory use in a district, an accessory structure may be constructed and used as a residential dwelling place if the structure and use comply with the following regulations:</p> <p>(1) Accessory Dwellings are only permitted on lots with single-family detached residential dwellings as the primary structure.</p> <p>(2) Accessory dwellings must include their own independent code-compliant kitchen and bathroom facilities.</p> <p>(3) Accessory dwellings shall be limited to one (1) such structure per qualified lot.</p> <p>(4) Accessory Dwellings shall be located either beside or behind the principal building. No portion of an accessory building may be located in the front yard of the primary structure.</p> <p>(5) Notwithstanding any provision of the zoning ordinance limiting the size of accessory structures generally, Accessory Dwellings shall be permitted to have a first floor (main floor) area of up to one thousand two hundred fifty (1,250) square feet or the area of the first floor of the primary residential structure on the same lot, whichever is smaller.</p> <p>(6) The maximum permitted height for an Accessory Dwelling is eighteen (18) feet from the finished first floor height, except that, if the ridge of the accessory dwelling's roof is pitched with a minimum slope of six (6) to twelve (12), then the maximum roof height may extend up to twenty-five (25) feet. All parts of the roof extending above eighteen (18) feet from</p>	<p><b>DIVISION 4. ACCESSORY DWELLING UNIT</b></p> <p><b>Sec. 414. Accessory Dwelling Units</b></p> <p><i>Accessory dwellings.</i> Where listed as a permitted accessory use in a district, an accessory structure may be constructed and used as a residential dwelling place if the structure and use comply with the following regulations:</p> <p>(a) Accessory Dwellings are only permitted on lots with single-family detached residential dwellings as the primary structure.</p> <p>(b) Accessory dwellings must include their own independent code-compliant kitchen and bathroom facilities.</p> <p>(c) Accessory dwellings shall be limited to one (1) such structure per qualified lot.</p> <p>(d) Accessory Dwellings shall be located either beside or behind the principal building. No portion of an accessory building may be located in the front yard of the primary structure.</p> <p>(e) Notwithstanding any provision of the zoning ordinance limiting the size of accessory structures generally, Accessory Dwellings shall be permitted to have a first floor (main floor) area of up to one thousand two hundred fifty (1,250) square feet or the area of the first floor of the primary residential structure on the same lot, whichever is smaller.</p> <p>(f) The maximum permitted height for an Accessory Dwelling is eighteen (18) feet from the finished first floor height, except that, if the ridge of the accessory dwelling's roof is pitched with a minimum slope of six (6) to twelve (12), then the maximum roof height may extend up to twenty-five (25) feet. All parts of the roof extending above eighteen (18) feet from finished first floor height shall be so pitched. This provision</p>

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<p>finished first floor height shall be so pitched. This provision is intended to allow Accessory Dwellings to be a maximum of one and one-half (1½) stories in height.</p> <p>(7) Each accessory dwelling shall be provided with at least one (1) off-street parking space located on the same lot as the accessory dwelling. Such required parking space shall consist of a space adequate for parking an automobile of standard dimensions, with room for opening doors and entering or leaving on both sides and with safe and convenient access to a public street or alley. The required accessory dwelling parking space shall be positioned in such a way that a standard sized automobile has the ability to ingress and egress from the space without moving another vehicle.</p> <p>(8) Accessory dwellings shall comply with all applicable codes for residential buildings, including the Americans with Disabilities Act.</p>	<p>is intended to allow Accessory Dwellings to be a maximum of one and one-half (1½) stories in height.</p> <p>(g) Each accessory dwelling shall be provided with at least one (1) off-street parking space located on the same lot as the accessory dwelling. Such required parking space shall consist of a space adequate for parking an automobile of standard dimensions, with room for opening doors and entering or leaving on both sides and with safe and convenient access to a public street or alley. The required accessory dwelling parking space shall be positioned in such a way that a standard sized automobile has the ability to ingress and egress from the space without moving another vehicle.</p> <p>(h) Accessory dwellings shall comply with all applicable codes for residential buildings, including the Americans with Disabilities Act.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 313. Temporary use permit.</b></p> <ol style="list-style-type: none"> <li>(1) Certain temporary uses of property may be permitted in the NC-1, NC-2, TC and I districts of the city.</li> <li>(2) Temporary uses include festivals, farmer's markets, storage of construction equipment, tent sales or the sale of goods from any temporary location, including but not limited to, holiday sales, fireworks sales or Christmas tree sales, as well as other special events of community interest, and other uses that the city manager determines to fit within the intent and purpose of this section.</li> <li>(3) Temporary uses are only permitted with the advance written approval of the city manager or his designee within fifteen (15)—thirty (30) days prior to the temporary use of the property. No permit for a temporary use shall be issued unless: <ol style="list-style-type: none"> <li>(a) Written permission of the property owner is presented.</li> <li>(b) The temporary use is not located within twenty-five (25) feet of any public right-of-way.</li> <li>(c) Adequate parking, ingress and egress are provided on site.</li> </ol> </li> <li>(4) No temporary use may last more than forty-five (45) consecutive days.</li> <li>(5) No more than two (2) temporary use permits may be obtained per parcel per year.</li> <li>(6) <i>Food truck</i> means a mobile conveyance equipped with facilities necessary to safely store and/or prepare food and/or drink for consumption, from which customers may directly purchase food and/or drink. Temporary use permits issued by the city manager or his designee for a temporary</li> </ol>	<p>DIVISION 5. TEMPORARY USES</p> <p><b>Existing Sec. 313 was moved to proposed Sec. 415. Revised language is red.</b></p> <p><b>Sec. 415. Temporary Uses</b></p> <ol style="list-style-type: none"> <li>(a) Temporary uses are only permitted with the advance written approval of the city manager within fifteen (15)—thirty (30) days prior to the temporary use of the property. No permit for a temporary use shall be issued unless: <ol style="list-style-type: none"> <li>(1) Written permission of the property owner is presented.</li> <li>(2) The temporary use is not located within twenty-five (25) feet of any public right-of-way.</li> <li>(3) Adequate parking, ingress and egress are provided on site.</li> <li>(4) All applicable provisions within this code are met.</li> </ol> </li> <li>(b) No temporary use may last more than forty-five (45) consecutive days.</li> <li>(c) No more than two (2) temporary use permits may be obtained per parcel per year.</li> <li>(d) Temporary uses include festivals, farmer's markets, storage of construction equipment, tent sales or the sale of goods from any temporary location, including but not limited to, holiday sales, fireworks sales or Christmas tree sales, as well as other special events of community interest, and other uses that the city manager determines to fit within the intent and purpose of this section.</li> <li>(e) Food truck means a mobile conveyance equipped with facilities necessary to safely store and/or prepare food and/or drink for consumption, from which customers may directly purchase food and/or drink.</li> </ol>

EXISTING CODE	PROPOSED CODE
<p>food truck use shall not count toward the limit of two (2) temporary use permits per parcel per year as set out in subsection (5). Food trucks approved by the city manager or his designee may be located within twenty-five (25) feet of a public right of way if approved for such location by the city manager or his designee."</p>	<p>(1) Temporary use permits issued by the city manager or his/her designee for a temporary food truck use shall not count toward the limit of two (2) temporary use permits per parcel per year as set out in this section. Food trucks approved by the city manager or his/her designee may be located within twenty-five (25) feet of a public right of way if approved for such location by the city manager or his/her designee.</p> <p>(f) Temporary structures and storage of construction equipment</p> <p>(1) A temporary structure(s) or sign(s) for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period if there is an active permit for the site.</p> <p>(2) Storage of construction equipment is permitted if there is an active permit for the site.</p>

EXISTING CODE	PROPOSED CODE
<p style="text-align: center;"><b>ARTICLE X. CIVIC DESIGN</b></p> <p><b>Sec. 1001. General application.</b></p> <p>The following civic design standards shall apply to all zoning districts.</p> <p><b>Sec. 1002. Administrative variance.</b></p> <p>The city manager has the authority to modify certain provisions of this article pursuant to section 309.</p> <p><b>Sec. 611. Removal of soil.</b></p> <p>No soil, mineral, or similar material may be removed from any lot except that which is purely incidental to construction of a building or structure. No excavation on any lot exceeding one (1) foot in depth, except for the purpose of locating poles, or underground service connections of public utilities shall be permitted unless a building permit is first secured.</p>	<p style="text-align: center;"><b>ARTICLE V. SITE DESIGN</b></p> <p><b>DIVISION 1. GENERALLY</b></p> <p>Existing Sec. 1001 was moved to proposed Sec. 501. Revised language is red.</p> <p><b>Sec. 501. General application.</b></p> <p>The following design standards shall apply to all zoning districts.</p> <p>Existing Sec. 1002 was moved to proposed Sec. 502. Revised language is red.</p> <p><b>Sec. 502. Administrative variance.</b></p> <p>The City manager has the authority to modify certain provisions of this article pursuant to section 216.</p> <p>Existing Sec. 611 was moved to proposed Sec. 503.</p> <p><b>Sec. 503. Removal of soil.</b></p> <p>No soil, mineral, or similar material may be removed from any lot except that which is purely incidental to construction of a building or structure. No excavation on any lot exceeding one (1) foot in depth, except for the purpose of constructing a fence, locating poles, or underground service connections of public utilities shall be permitted unless a building permit is first secured.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 618. Utilities location.</b></p> <p>Electrical transformer stations, telephone exchanges and gas regulating stations, may be located in any zoning district subject to compliance with the following conditions and requirements and approval by the mayor and city council.</p> <ul style="list-style-type: none"> <li>(a) Such facilities shall be essential for service to the area in which located or for the proper functioning of the total utility system of which the same is a part.</li> <li>(b) Such facility shall be enclosed by a woven wire fence or similar opaque structure not less than ten feet (10) feet high.</li> <li>(c) Any building or structure, except an enclosing fence, shall be setback not less than fifty (50) feet from any property line, and shall meet all other applicable yard requirements of the district in which it is located.</li> <li>(d) Open spaces on the premises shall be suitably landscaped and maintained, and a planted buffer strip at least ten (10) feet wide shall be located along the side and rear property lines.</li> <li>(e) When such facilities are located within any residential district, the storage of vehicles and equipment on the premises shall be prohibited.</li> <li>(f) The area surrounding such a facility shall not be adversely affected by, and shall be protected from, noise, odor, glare, dust, fumes, gas, smoke, vibration, or any other obnoxious characteristics.</li> </ul>	<p><b>Existing Sec. 618 was moved to proposed Sec. 504.</b></p> <p><b>Sec. 504. Utilities location.</b></p> <p>Electrical transformer stations, telephone exchanges and gas regulating stations, may be located in any zoning district subject to compliance with the following conditions and requirements and approval by the mayor and city council.</p> <ul style="list-style-type: none"> <li>(a) Such facilities shall be essential for service to the area in which located or for the proper functioning of the total utility system of which the same is a part.</li> <li>(b) Such facility shall be enclosed by an opaque structure not less than ten feet (10) feet high.</li> <li>(c) Any building or structure, except an enclosing fence, shall be setback not less than fifty (50) feet from any property line, and shall meet all other applicable yard requirements of the district in which it is located.</li> <li>(d) Open spaces on the premises shall be suitably landscaped and maintained, and a planted buffer strip at least ten (10) feet wide shall be located along the side and rear property lines.</li> <li>(e) When such facilities are located within any residential district, the storage of vehicles and equipment on the premises shall be prohibited.</li> <li>(f) The area surrounding such a facility shall not be adversely affected by, and shall be protected from, noise, odor, glare, dust, fumes, gas, smoke, vibration, or any other obnoxious characteristics.</li> </ul>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 614. Street frontage requirement.</b></p> <p>Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.</p> <p>In the event a land locked lot exists, as of the effective date of this zoning ordinance, the property owner shall be entitled to only one (1) building permit, provided;</p> <ul style="list-style-type: none"> <li>(a) No other principal building exists or is being constructed on said property;</li> <li>(b) No other valid building permit has been issued prior to the effective date of this zoning ordinance and is currently valid;</li> <li>(c) The property was and continues to be under single ownership since the effective date of this zoning ordinance;</li> <li>(d) The property owner has acquired a twenty (20) foot access easement to a publicly maintained street, and said easement has been duly recorded and made part of the property deed; and</li> <li>(e) In the event said property is divided, no additional permits will be issued.</li> </ul>	<p><b>DIVISION 2. GENERAL LOT AND YARD REQUIREMENTS</b></p> <p><b>Existing Sec. 614 was moved to proposed Sec. 505.</b></p> <p><b>Sec. 505. Street frontage requirement.</b></p> <p>Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.</p> <p>In the event a land locked lot exists, as of the effective date of this zoning ordinance, the property owner shall be entitled to only one (1) building permit, provided;</p> <ul style="list-style-type: none"> <li>(a) No other primary building exists or is being constructed on said property;</li> <li>(b) No other valid building permit has been issued prior to the effective date of this zoning ordinance and is currently valid;</li> <li>(c) The property was and continues to be under single ownership since the effective date of this zoning ordinance;</li> <li>(d) The property owner has acquired a twenty (20) foot access easement to a publicly maintained street, and said easement has been duly recorded and made part of the property deed; and</li> <li>(e) In the event said property is divided, no additional permits will be issued.</li> </ul>

EXISTING CODE	PROPOSED CODE
	<p><b>Sec. 506. Setback Averaging.</b></p> <p>(a) When a vacant lot located in the NR-1 or NR-2 zoning district authorized for single-family detached dwellings is proposed for single-family development, and is located where at least 60 percent of the other lots on the same block face are occupied by single-family detached dwellings, then setback averaging shall apply.</p> <p>(b) Where setback averaging applies, the minimum front setback for the vacant lot to be developed shall be the average of the actual front setbacks of the existing dwellings adjacent to the vacant lot and on the same block face.</p> <p>(c) When the averaged calculation requires a proposed structure to be closer to the street than the otherwise applicable minimum front setback for the zoning district where the vacant lot is located, then setback averaging shall not be applied.</p> <p>(d) Where application of setback averaging would make it impossible for the proposed dwelling to comply with the applicable zoning district's rear yard setback requirement, then the proposed dwelling may be constructed closer to the street, up to the minimum front setback required in the subject zoning district, only to the extent necessary to satisfy the minimum rear yard setback requirement.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 608. Lot reduction prohibited.</b></p> <p>No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per dwelling unit or other requirements of this zoning ordinance are not maintained. Yards or lots created after the effective date of this zoning ordinance shall meet at least the minimum requirements established by this zoning ordinance. This section shall not apply when a portion of a lot is acquired for a public purpose.</p>	<p><b>Existing Sec. 608 was moved to proposed Sec. 507.</b></p> <p><b>Sec. 507. Lot reduction prohibited.</b></p> <p>No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in size so that the minimum lot size, lot width, front, side or rear setbacks, or other requirements of this zoning ordinance are not maintained. Yards or lots created after the effective date of this zoning ordinance shall meet at least the minimum requirements established by this zoning ordinance. This section shall not apply when a portion of a lot is acquired for a public purpose.</p>
<p><b>Sec. 609. One principal residential building per lot.</b></p> <p>Only one (1) permitted principal use, and its authorized accessory uses(s), shall be authorized per lot, unless multiple or mixed uses are specifically authorized on the same lot elsewhere in this zoning ordinance.</p>	<p><b>Existing Sec. 609 was moved to proposed Sec. 508.</b></p> <p><b>Sec. 508. One primary residential building per lot.</b></p> <p>Only one (1) permitted primary use, and its authorized accessory uses(s), shall be authorized per lot, unless multiple or mixed uses are specifically authorized on the same lot elsewhere in this zoning ordinance.</p>
<p><b>Sec. 612. Requirements for moving a building.</b></p> <p>No dwelling unit or other permanent structure shall be relocated within the city unless, when relocated, it meets all requirements of this zoning ordinance and other City Code requirements, and prior to the transportation of the structure, the relocation has been approved by the City of Clarkston.</p>	<p><b>Existing Sec. 612 was moved to proposed Sec. 509.</b></p> <p><b>Sec. 509. Requirements for moving a building.</b></p> <p>No building shall be relocated within the city unless, when relocated, it meets all requirements of this zoning ordinance and other City Code requirements, and prior to the transportation of the structure, the relocation has been approved by the City of Clarkston.</p>

EXISTING CODE	PROPOSED CODE
<b>Sec. 1003. Sidewalks and street trees.</b>	<b>Existing Sec. 1003 was moved to proposed Sec. 540.</b>
<b>Sec. 1004. Street type dimensions.</b>	<b>Existing Sec. 1004 was moved to proposed Article V.</b>
<b>Sec. 1005. Front yard.</b>	<b>Existing Sec. 1005 was moved to proposed Sec. 517.</b>
<p><b>Sec. 1006. Building materials.</b></p> <p>(a) No exterior wall or facade of any building visible from any public street shall be clad in metal siding, vinyl siding, EIFS, or smooth concrete block.</p> <p>(b) No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.</p>	<p><b>Sec. 510. Building materials.</b></p> <p>(a) Permitted exterior building materials</p> <ol style="list-style-type: none"> <li>(1) Brick masonry;</li> <li>(2) Stone masonry;</li> <li>(3) Cement wood or fiber cement siding, including simulated half-timbering;</li> <li>(4) Hard coat stucco;</li> <li>(5) Cedar shingles or fiber cement;</li> <li>(6) Architectural concrete;</li> <li>(7) Precast or tilt-up panel (for industrial buildings only)</li> <li>(8) Glass;</li> <li>(9) Material not listed in this section, which shall contribute to innovative design or green construction as determined by the planning and zoning director on a case by case basis; and/or</li> <li>(10) Architectural accent materials as approved by the planning and development director.</li> </ol> <p>(b) Exterior building materials that are permitted on industrial buildings</p> <ol style="list-style-type: none"> <li>(1) EIFS</li> <li>(2) Standing seam or corrugated metal (not more than 40% of the exterior of the structure).</li> </ol> <p>(c) Prohibited materials</p>

## EXISTING CODE

## PROPOSED CODE

**Sec. 607. Functional classification of streets.**

For purposes of this zoning ordinance, all of the streets, roads and highways in the City of Clarkston are classified according to the Georgia Department of Transportation.

(1) **Concrete block**

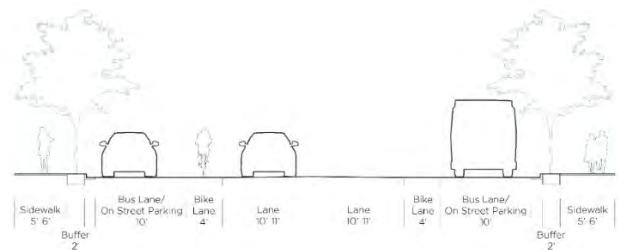
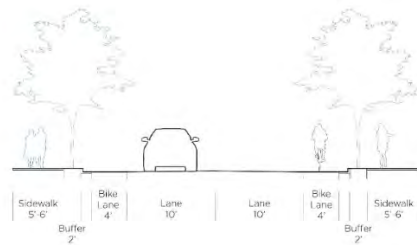
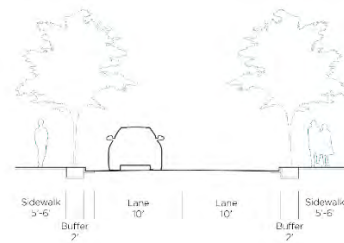
(2) **Vinyl siding**

**DIVISION 3. STREET REGULATIONS**

**Existing Sec. 607 was moved to proposed Sec. 511. Revised language is red.**

**Sec. 511. Functional classification of streets.**

For purposes of this zoning ordinance, all of the streets, roads and highways in the City of Clarkston are classified according to the Georgia Department of Transportation. **The following are typical street sections for each classification:**

**(a) Arterial****(b) Collector****(c) Residential**

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 619. Vision clearance at intersections.</b></p> <p>In all zoning districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of three (3) feet and fifteen (15) feet, except utility poles, light or street sign standards or tree trunks, shall be permitted within twenty-five (25) feet of the intersection of rights-of-way lines of streets, highways and railroads. Streets without right-of-way shall be measured from the driving surface or curb at the intersection.</p> <p><b>Sec. 620. Yard and other spaces.</b></p> <p>Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located. The required yard space for any building, structure, or use shall be contained on the same zoning lot as the building, structure or use and such required yard space shall fall entirely upon land in a district or districts in which the principal use is permitted.</p> <p>No part of a yard or other open space or off-street parking or loading spaces required for any one building shall be included as a part of the yard or off-street parking or loading spaces required for another building, except as specifically provided for herein.</p>	<p><b>Sec. 512. Street Connectivity</b></p> <p>(a) New streets shall be designed to create an interconnected system of grid-patterned roads, modified only to accommodate topographic conditions. Each new street shall connect to the existing street grid.</p> <p><b>Existing Sec. 619 was moved to proposed Sec. 513.</b></p> <p><b>Sec. 513. Vision clearance at intersections.</b></p> <p>In all zoning districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of three (3) feet and fifteen (15) feet, except utility poles, light or street sign standards or tree trunks, shall be permitted within twenty-five (25) feet of the intersection of rights-of-ways of streets, highways and railroads. Streets without right-of-way shall be measured from the driving surface or curb at the intersection.</p> <p><b>Existing Sec. 620 was moved to proposed Sec. 514. Revised language is red.</b></p> <p><b>Sec. 514. Yard and other spaces.</b></p> <p>Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located. The required yard space for any building, structure, or use shall be contained on the same parcel as the building, structure or use and such required yard space shall fall entirely upon land in the district(s) in which the <b>primary</b> use is permitted.</p> <p>No part of a yard or other open space or off-street parking or loading space(s) required for any one building shall be included as a part of the yard or off-street parking or loading space(s) required for another building, except as specifically provided for herein.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 622. Permitted encroachments upon required setbacks.</b></p> <p>The following setback encroachments are permitted in all zoning districts:</p> <ul style="list-style-type: none"> <li>(a) Cornices, eaves, chimneys, porches, bay windows, or other similar architectural features may extend into the required front, side and rear yard provided such extensions do not exceed three (3) feet.</li> <li>(b) Steps and landings may extend into the required setbacks provided such extensions do not exceed ten (10) feet for the front yard, three (3) feet for the side yard and no closer than ten (10) feet from the property line in the rear yard.</li> </ul>	<p><b>Existing Sec. 622 was moved to proposed Sec. 515. Revised language is red.</b></p> <p><b>Sec. 515. Permitted encroachments upon required setbacks.</b></p> <p>The following setback encroachments are permitted in all zoning districts:</p> <ul style="list-style-type: none"> <li>(a) Cornices, eaves, chimneys, porches, bay windows, or other similar architectural features may extend into the required front, side and rear yard provided such extensions do not exceed three (3) feet.</li> <li>(b) Steps and landings may extend into the required setbacks provided such extensions do not exceed ten (10) feet for the front yard, and three (3) feet for the <b>side yard</b>.</li> </ul> <p><b>Sec. 516. Reduction in front yard setback.</b></p> <p>In the NC-1, NC-2, TC, NC-RD, and RC districts, fifty (50) percent reduction in the required front yard setback is allowed when all required parking is located exclusively in the rear yard of the parcel and an eighty (80) percent reduction in the required front yard setback is allowed when all parking is located in an underground parking structure, or a parking structure that is wrapped with commercial uses so that it is concealed.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1005. Front yard.</b></p> <p>(a) Front yard general requirements.</p> <ol style="list-style-type: none"> <li>(1) The square footage contained within the front yard which meets open space criteria established in section 705 may counted towards the open space requirement as required by that zoning district.</li> <li>(2) Automobile parking shall be prohibited from being located within the front yard, except where otherwise permitted in Section 1005(a)(5).</li> <li>(3) Non-residential front yards shall permit and encourage pedestrians to walk on the surface of the front yard excluding fountains, pedestrian furniture, public art and similar elements.</li> <li>(4) Residential front yards. <ol style="list-style-type: none"> <li>a. When sidewalk level residential units are provided, the front yard shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of one-half (½) of the front yard area.</li> <li>b. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade, unless existing topographical considerations render this requirement unreasonable.</li> <li>c. Shall only permit automobile parking when located on the permitted accessory driveway asphalt or gravel surface. Said accessory driveway shall not exceed thirty-five (35) percent</li> </ol> </li> </ol>	<p><b>Existing Sec. 1005 was moved to proposed Sec. 517. Revised language is red.</b></p> <p><b>Sec. 517. Front yard.</b></p> <p>(a) Front yard general requirements.</p> <ol style="list-style-type: none"> <li>(1) The square footage contained within the front yard which meets open space criteria established in section 705 may count towards the open space requirement as required by that zoning district.</li> <li>(2) Automobile parking shall be prohibited from being located within the front yard, except where otherwise permitted in this zoning ordinance.</li> <li>(3) Non-residential front yards shall permit and encourage pedestrians to walk on the surface of the front yard excluding fountains, pedestrian furniture, public art and similar elements.</li> <li>(4) Residential front yards. <ol style="list-style-type: none"> <li>i. When sidewalk level residential units are provided, the front yard shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of 50% of the front yard area.</li> <li>ii. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade, unless existing topographical considerations render this requirement unreasonable.</li> <li>iii. Shall only permit automobile parking when located on the permitted accessory driveway asphalt or gravel surface. Said accessory driveway shall not exceed thirty-five (35) percent</li> </ol> </li> </ol>

EXISTING CODE	PROPOSED CODE
<p>coverage of the total lot.</p> <p>(5) Front yards of lots within TC, NC-1, NC-2 and RC districts with a lot area of less than thirteen thousand (13,000) square feet shall be permitted to have automobile parking located within the front yard only when the following additional regulations are met:</p> <p>a. Front yard parking shall be limited in area to a maximum of thirty (30) percent of the total lot area.</p>	<p>coverage of the total lot.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1007. Relationship of building to street.</b></p> <p>(a) The primary pedestrian access to all sidewalk level uses and business establishments with public or private street frontage:</p> <ol style="list-style-type: none"> <li>(1) Shall face and be visible from the public street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.</li> <li>(2) Shall be directly accessible and visible from the sidewalk adjacent to such street.</li> <li>(3) Shall remain unlocked during business hours for non-residential uses, including hotels and bed &amp; breakfast inns.</li> </ol> <p>(b) A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.</p> <p>(c) Buildings with residential uses at the sidewalk level shall meet the following regulations:</p> <ol style="list-style-type: none"> <li>(1) All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five (5) feet wide.</li> <li>(2) All such buildings with more than four (4) residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one (1) adjacent unit.</li> <li>(3) Such buildings shall have windows at sidewalk-level on each street frontage</li> </ol>	<p><b>DIVISION 4. SITE DESIGN</b></p> <p><b>Existing Sec. 1007 was moved to proposed Sec. 518. Revised language is red.</b></p> <p><b>Sec. 518. Relationship of building to street.</b></p> <p>(a) The primary pedestrian access to all sidewalk level uses and business establishments with public or private street frontage:</p> <ol style="list-style-type: none"> <li>(1) Shall face and be visible from the public or private street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.</li> <li>(2) Shall be directly accessible and visible from the sidewalk adjacent to such street.</li> <li>(3) <b>Shall remain unlocked during business hours for non-residential uses.</b></li> </ol> <p>(b) A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.</p> <p>(c) Buildings with residential uses at the sidewalk level shall meet the following regulations:</p> <ol style="list-style-type: none"> <li>(1) All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of <b>six (6) feet wide.</b></li> <li>(2) All such buildings with more than four (4) residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent</li> </ol>

EXISTING CODE	PROPOSED CODE
<p>facade which are substantially similar in size to the sidewalk level front facade windows.</p>	<p>sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one (1) adjacent unit.</p> <p>(3) Such buildings shall have equal percentages of fenestration on all street frontages.</p>

EXISTING CODE	PROPOSED CODE																																						
<p><b>Sec. 1008. Storefront street requirements and fenestration.</b></p> <p>(a) The following table designates certain streets and roads in Clarkston as Storefront Streets.</p> <table><tr><th>Street</th><th>Functional Classification (GDOT 2005)</th><th>Store Front Street Designation</th></tr><tr><td>East Ponce de Leon Avenue</td><td>Minor Arterial</td><td>from N. Indian Creek Dr. to West Smith Street</td></tr><tr><td>North Indian Creek Drive</td><td rowspan="2">Collector Street</td><td rowspan="2">from E. Ponce De Leon Ave. to Sams Rd.</td></tr><tr><td>Montreal Road (from N. Indian Creek Dr. to City Limit)</td></tr><tr><td>Market Street</td><td>Local Street</td><td>from E Ponce De Leon Ave to N Indian Creek Dr</td></tr><tr><td>Local Streets in Single-Family Residential Districts</td><td>Local Street</td><td>N/A</td></tr></table>	Street	Functional Classification (GDOT 2005)	Store Front Street Designation	East Ponce de Leon Avenue	Minor Arterial	from N. Indian Creek Dr. to West Smith Street	North Indian Creek Drive	Collector Street	from E. Ponce De Leon Ave. to Sams Rd.	Montreal Road (from N. Indian Creek Dr. to City Limit)	Market Street	Local Street	from E Ponce De Leon Ave to N Indian Creek Dr	Local Streets in Single-Family Residential Districts	Local Street	N/A	<p>Existing Sec. 1008 was moved to proposed Sec. 519. Revised language is red.</p> <p><b>Sec. 519. Storefront street requirements and fenestration.</b></p> <p>(a) The following table designates certain streets and roads in Clarkston as Storefront Streets.</p> <table><tr><th colspan="3">Table 5.1 Storefront Street Requirements</th></tr><tr><th>Street</th><th>Functional Classification (GDOT 2005)</th><th>Store Front Street Designation</th></tr><tr><td>East Ponce de Leon Avenue</td><td>Minor Arterial</td><td>from N. Indian Creek Dr. to West Smith Street</td></tr><tr><td>North Indian Creek Drive</td><td rowspan="2">Collector Street</td><td rowspan="2">from E. Ponce De Leon Ave. to Sams Rd.</td></tr><tr><td>Montreal Road (from N. Indian Creek Dr. to City Limit)</td></tr><tr><td>Market Street</td><td>Local Street</td><td>from E Ponce De Leon Ave to N Indian Creek Dr</td></tr><tr><td>Street directly abutting a parking structure</td><td>Minor Arterial, Collector Street</td><td>Any than meet this requirement</td></tr><tr><td>Local Streets in Single-</td><td>Local Street</td><td>N/A</td></tr></table>	Table 5.1 Storefront Street Requirements			Street	Functional Classification (GDOT 2005)	Store Front Street Designation	East Ponce de Leon Avenue	Minor Arterial	from N. Indian Creek Dr. to West Smith Street	North Indian Creek Drive	Collector Street	from E. Ponce De Leon Ave. to Sams Rd.	Montreal Road (from N. Indian Creek Dr. to City Limit)	Market Street	Local Street	from E Ponce De Leon Ave to N Indian Creek Dr	Street directly abutting a parking structure	Minor Arterial, Collector Street	Any than meet this requirement	Local Streets in Single-	Local Street	N/A
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EXISTING CODE			PROPOSED CODE		
Local Streets in all other districts	Local Street	N/A	Family Residential Districts		
			Local Streets in all other districts	Local Street	N/A
<p>(b) All uses that front Storefront Streets, with the exception of religious institutions and fire stations, shall meet the following sidewalk level requirements:</p> <ol style="list-style-type: none"> <li>(1) The first floor shall have a minimum floor-to-ceiling height of fifteen (15) feet.</li> <li>(2) Sidewalk level uses with street frontage on the Storefront Streets shall only be retail or office. Said uses shall be provided for a minimum depth of twenty (20) feet from any building facade along the public sidewalk.</li> <li>(3) The length of facade without intervening fenestration or entryway shall not exceed twenty (20) feet.</li> <li>(4) Fenestration shall be provided for a minimum of sixty-five (65) percent of the length of all street frontages: <ol style="list-style-type: none"> <li>a. Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk; or</li> <li>b. Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk; or</li> </ol> </li> </ol>			<p>(b) All uses that front Storefront Streets, with the exception of religious institutions and fire stations, shall meet the following sidewalk level requirements:</p> <ol style="list-style-type: none"> <li>(1) The first floor shall have a minimum floor-to-ceiling height of fifteen (15) feet.</li> <li>(2) Sidewalk level uses with street frontage on the Storefront Streets shall only be retail, office, or restaurant establishments with outdoor dining. Said uses shall have a minimum depth of twenty (20) feet from any building facade along the public sidewalk.</li> <li>(3) The length of facade without intervening fenestration or entryway shall not exceed twenty (20) feet.</li> <li>(4) Fenestration shall be provided for a minimum of sixty-five (65) percent of the length of all street frontages: <ol style="list-style-type: none"> <li>i. Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk; or</li> <li>ii. Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk; or</li> </ol> </li> </ol>		

EXISTING CODE	PROPOSED CODE
<p>c. Beginning at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk.</p> <p>(5) Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.</p> <p>a. Fenestration shall be provided for a minimum of fifty (50) percent of the length of the street frontage for residential uses on all streets and for non-residential uses, with the exception of religious institutions and fire stations, on all streets other than streets that function as arterial streets and collector streets.</p> <p>b. Parking decks and structures located along storefront streets shall meet all of the above requirements. See section 1106 for additional requirements for parking decks.</p>	<p>iii. Beginning at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk.</p> <p>(5) Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.</p> <p>i. Fenestration shall be provided for a minimum of fifty (50) percent of the length of the street frontage for residential uses on all streets and for non-residential uses.</p> <p>ii. Parking decks and structures located along storefront streets shall meet all of the above requirements. See section 604 for additional requirements for parking decks.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 708(I)</b></p> <p>(I) <i>Building facades and entrances:</i></p> <ol style="list-style-type: none"> <li>(1) Building facades shall be articulated to minimize the monotonous appearance of large buildings through the use of architectural elements such as recessed windows and entries, offset surfaces, differentiated piers and columns, offset planes, textured materials, or awnings,             <ol style="list-style-type: none"> <li>a. Variations in facade treatment shall be continued throughout the structure, including its roof line and front and rear facades.</li> <li>b. Blank lengths of wall exceeding thirty (30) linear feet are prohibited on all building facades.</li> </ol> </li> <li>(2) Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.</li> <li>(3) A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.</li> <li>(4) The primary pedestrian access to all sidewalk level uses and business establishments with public or private street frontage:             <ol style="list-style-type: none"> <li>a. Shall face and be visible from the public street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.</li> </ol> </li> </ol>	<p>Language in existing Sec. 708(I) was used in proposed Sec. 520.</p> <p><b>Sec. 520. Building facades and entrances</b></p> <ol style="list-style-type: none"> <li>(a) Building facades of commercial and mixed use structures shall be articulated to minimize the monotonous appearance of large buildings through the use of architectural elements such as recessed windows and entries, offset surfaces, differentiated piers and columns, offset planes, textured materials, or awnings,             <ol style="list-style-type: none"> <li>(1) Variations in facade treatment shall be continued throughout the structure, including its roof line and front and rear facades.</li> </ol> </li> <li>(b) Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.</li> <li>(c) Franchise architecture: Buildings where the proposed architecture is the result of "corporate" or franchise style shall be prohibited. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant. Buildings shall be consistent with the local architectural vernacular, establish a sense of permanence, and avoid over- commercialization. Building design shall reflect local, unique, and traditional designs rather than chain or franchise designs.</li> <li>(d) Color: The overall exterior color scheme shall be compatible with those of surrounding properties and shall be primarily earth tones. Accents, like doors and shutters, can be non-earth tones.</li> </ol>

EXISTING CODE	PROPOSED CODE
<p>b. Shall be directly accessible and visible from the sidewalk adjacent to such street.</p> <p>c. Shall remain unlocked during business hours for non-residential uses, including hotels and bed and breakfast inns.</p> <p>d. Buildings on corner lots shall have an angled entrance oriented toward the intersection.</p> <p>(m) <i>Franchise architecture</i>: Buildings where the proposed architecture is the result of "corporate" or franchise style shall be prohibited. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant. Buildings shall be consistent with the local architectural vernacular, establish a sense of permanence, and avoid over-commercialization. Building design shall reflect local, unique, and traditional designs rather than chain or franchise designs.</p> <p>(n) <i>Color</i>: The overall exterior color scheme shall be included in the permit application as a colored depiction and shall be selected from the approved color palette and be harmonious with the neighborhood and blend with the natural surroundings of the site. Consideration shall be given to the compatibility of colors with those existing in the vicinity. The size of the structure and the amount of shading it will receive are also a factor in selection of colors. Examples of incompatible colors include day glow and metallic colors.</p>	

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1010. Proportion and scale for multi-family and non-residential uses.</b></p> <p>The following requirements shall apply to all multi-family and non-residential development, including parking decks structures:</p> <ul style="list-style-type: none"> <li>(a) <i>Building massing:</i> All new development proposals shall incorporate means of reducing the apparent size and bulk of the building. The following methods for reducing the apparent size and mass of larger buildings shall be required.</li> <li>(1) <i>Discontinuous building massing:</i> Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding one hundred (100) continuous linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative visual effect of a simple long wall.</li> <li>(2) <i>Variation in building silhouettes:</i> Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding one hundred (100) continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dental, brick soldier courses, or similar detail.</li> <li>(3) <i>Building step backs:</i> Buildings in excess of fifty (50) feet in height shall be required to step back that portion of the building greater than fifty (50) feet in height a minimum linear distance of</li> </ul>	<p><b>Existing Sec. 1010 was moved to proposed Sec. 521.</b></p> <p><b>Sec. 521. Proportion and scale for multi-family and non-residential uses.</b></p> <p>The following requirements shall apply to all multi-family and non-residential development, including parking decks structures:</p> <ul style="list-style-type: none"> <li>(a) <i>Building massing:</i> All new development proposals shall incorporate means of reducing the apparent size and bulk of the building. The following methods for reducing the apparent size and mass of larger buildings shall be required. <ul style="list-style-type: none"> <li>(1) <i>Discontinuous building massing:</i> Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding one hundred (100) continuous linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative visual effect of a simple long wall.</li> <li>(2) <i>Variation in building silhouettes:</i> Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding one hundred (100) continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown or dental moldings, brick soldier courses, or similar detail.</li> <li>(3) <i>Building step backs:</i> Buildings in excess of fifty (50) feet in height shall be required to step back that portion of the building greater than fifty (50) feet in height a minimum linear distance of ten (10) feet away from the building facade located below the fifty (50) foot height plane as described in section</li> </ul> </li> </ul>

EXISTING CODE	PROPOSED CODE
<p>ten (10) feet away from the building facade located below the fifty (50) foot height plane as described in section 1004.</p> <p><b>Sec. 1009. Site design.</b></p> <p>(a) <i>Blocks and street infrastructure.</i></p> <ol style="list-style-type: none"> <li>(1) Non-residential developments with more than six hundred (600) feet of frontage along a single street shall be divided by streets into blocks having a maximum length of six hundred (600) feet, as measured from street curb to street curb.</li> <li>(2) Streets used to divide properties into blocks shall meet all of the street and sidewalk designations of this zoning ordinance.</li> <li>(3) Opportunities for inter-parcel vehicle access points between all contiguous commercial, office, industrial or multi-family residential tracts shall be provided.</li> <li>(4) Streets with greater than two hundred and fifty (250) total linear feet of un-intersected street frontage shall be prohibited from terminating with a cul-de-sac.</li> <li>(5) Gates and security arms shall be prohibited from crossing any public street or sidewalk.</li> </ol>	<p>1004.</p> <p><b>Existing Sec. 1009(a) was moved to proposed Sec. 522. Revised language is red.</b></p> <p><b>Sec. 522. Blocks and street infrastructure.</b></p> <ol style="list-style-type: none"> <li>(a) Non-residential developments with more than six hundred (600) feet of frontage along a single street shall be divided by streets into blocks having a maximum length of six hundred (600) feet, as measured from street curb to street curb. <b>Number and location of curb cuts shall be approved by the city manager.</b></li> <li>(b) Streets used to divide properties into blocks shall meet all of the street and sidewalk designations of this zoning ordinance.</li> <li>(c) Opportunities for inter-parcel vehicle access points between all contiguous commercial, office, industrial or multi-family residential tracts shall be provided.</li> <li>(d) Streets with greater than two hundred and fifty (250) total linear feet of un-intersected street frontage shall be prohibited from terminating with a cul-de-sac.</li> <li>(e) Gates and security arms shall be prohibited from crossing any public street or sidewalk.</li> </ol>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1009. Site design.</b></p> <p>(b) Pedestrian and bicycle pathways.</p> <ol style="list-style-type: none"> <li>(1) Pathways shall form a logical, safe and convenient system for pedestrian access to all dwelling units and other buildings and facilities.</li> <li>(2) Pathways shall be so located and safeguarded as to minimize contacts with automotive traffic.</li> <li>(3) Pathways that are appropriately located, designed and constructed may be combined with other easements and used by emergency and service vehicles, but shall not be used by other automotive traffic.</li> </ol>	<p><b>Existing Sec. 1009(b) was moved to proposed Sec. 523. Revised language is red.</b></p> <p><b>Sec. 523. Pedestrian and bicycle pathways.</b></p> <ol style="list-style-type: none"> <li>(a) Pathways shall form a logical, safe and convenient system for pedestrian access to all dwelling units and other buildings and facilities.</li> <li>(b) Pathways shall be so located and safeguarded as to minimize contact with automotive traffic.</li> <li>(c) Pathways that are appropriately located, designed and constructed may be combined with other easements and used by emergency and service vehicles, but shall not be used by other automotive traffic.</li> <li>(d) Pathways shall meet the width requirements depending on the street type described in Sec. 511.</li> </ol>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1011. Lighting.</b></p> <p>(a) <i>General provisions.</i></p> <ol style="list-style-type: none"> <li>(1) The purpose of these criteria is to create standards for outdoor lighting which will provide nighttime safety, security and utility, while reducing light pollution and light trespass, and increase conservation of energy.</li> <li>(2) Any lighting used to illuminate parking areas, access drives or loading areas shall be of such a design or level of illumination so as to minimize the amount of ambient lighting perceptible from adjacent properties and that would impair the vision of motorists.</li> <li>(3) The Illuminating Engineering Society of North America (IESNA) Lighting Handbook, Ninth Edition, shall be used as a guide for lighting installations. The definitions in this handbook shall be used for technical terminology.</li> </ol> <p>(b) <i>Lighting standards.</i></p> <ol style="list-style-type: none"> <li>(1) Entrances into developments from a street may be lighted for traffic safety reasons provided such lighting does not exceed the foot candle requirements for lighting walkways and streets.</li> <li>(2) Lighting poles mounted on private property within fifty (50) feet from the street right-of-way may not exceed a height of sixteen (16) feet.</li> <li>(3) Accent lighting for building facades and other vertical structures shall be directed solely onto the building or structure and not toward the sky or onto adjacent</li> </ol>	<p><b>Existing Sec. 1011 was moved to proposed Sec. 524. Revised language is red.</b></p> <p><b>Sec. 524. Lighting.</b></p> <p>(a) <i>General provisions.</i></p> <ol style="list-style-type: none"> <li>(1) The purpose of these criteria are to create standards for outdoor lighting which will provide nighttime safety, security and utility, while reducing light pollution and light trespass, and increase conservation of energy.</li> <li>(2) Any lighting used to illuminate parking areas, access drives or loading areas shall be of such a design or level of illumination so as to minimize the amount of ambient lighting perceptible from adjacent properties and that would impair the vision of motorists.</li> <li>(3) The Illuminating Engineering Society of North America (IESNA) Lighting Handbook, Ninth Edition, shall be used as a guide for lighting installations. The definitions in this handbook shall be used for technical terminology <b>unless otherwise specified in this code.</b></li> </ol> <p>(b) <i>Lighting standards.</i></p> <ol style="list-style-type: none"> <li>(1) Entrances into developments from a street may be lighted for traffic safety reasons provided such lighting does not exceed the foot candle requirements for lighting walkways and streets.</li> <li>(2) Lighting poles mounted on private property within fifty (50) feet from the street right-of-way may not exceed a height of sixteen (16) feet.</li> <li>(3) Accent lighting for building facades and other vertical structures shall be directed solely onto the building or structure and not toward the sky or</li> </ol>

EXISTING CODE	PROPOSED CODE
<p>properties. Direct light emissions shall not be visible above the roofline or beyond the building's edge. Shielding shall be provided to restrict light to the object being accented.</p> <p>(4) All pole mounted fixtures shall be mounted parallel to the ground. Building mounted floodlights shall be direct cutoff type and set parallel to the ground.</p> <p>(5) All interior lighting shall be designed to prevent the light source or high levels of light from being visible from the street.</p> <p>(6) Lighting for uses adjacent to residentially zoned property shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candles along property lines. Lighting for uses adjacent to non-residentially zoned property shall be designed and maintained such that illumination levels do not exceed 3.0 foot-candles along property lines.</p> <p>(7) The use of search lights, laser lighting, LED lighting in the forms of channel strips, ropes or similar configurations, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.</p> <p>(8) All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:</p> <p>a. Fixtures.</p> <p>i. Any wall or pole-mounted light fixture shall be a cutoff luminaire whose source is completely concealed with an opaque housing and shall not be visible from any street. The light output of the fixture shall be 2.5 percent or less of the total output at ninety (90) degrees</p>	<p>onto adjacent properties. Direct light emissions shall not be visible above the roofline or beyond the building's edge. Shielding shall be provided to restrict light to the object being accented.</p> <p>(4) All pole mounted fixtures shall be mounted parallel to the ground. Building mounted floodlights shall be direct cutoff type and set parallel to the ground.</p> <p>(5) All interior lighting shall be designed to prevent the light source or high levels of light from being visible from the street.</p> <p>(6) Lighting for uses adjacent to residentially zoned property shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candles along property lines. Lighting for uses adjacent to non-residentially zoned property shall be designed and maintained such that illumination levels do not exceed 3.0 foot-candles along property lines.</p> <p>(7) The use of search lights, laser lighting, LED lighting in the forms of channel strips, ropes or similar configurations, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.</p> <p>(8) All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:</p> <p>i. Fixtures.</p> <p>(a). Any wall or pole-mounted light fixture shall be a cutoff luminaire whose source is completely concealed with an opaque housing and shall not be visible from any street. The light output of the fixture shall be 2.5 percent or less of the</p>

EXISTING CODE	PROPOSED CODE
<p>from the vertical plane and ten percent or less of total output at eighty (80) degrees from the vertical plane.</p> <p>ii. Light fixtures for canopies covering fueling stations and at individual drive-through facilities shall be mounted such that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy. The light output of the fixture shall be 2.5 percent or less of the total output at 90 degrees from the vertical plane and ten (10) percent or less of total output at eighty (80) degrees from the vertical plane.</p> <p>b. Lamps. For parking lot and site lighting, the same type of lamp must be used for the same or similar type of lighting on any one site or development. All exterior luminaires that operate at greater than one hundred (100) watts shall contain lamps having a minimum efficacy of sixty (60) lumens/watt unless the luminaire is controlled by a motion sensor.</p> <p>i. Illumination levels. All site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the following standards. Minimum and maximum levels are measured at any one point. Average level is not to exceed the specified limit by more than twenty (20) percent, and is derived using only the area of the site included to receive illumination. Points of measure shall not include</p>	<p>total output at ninety (90) degrees from the vertical plane and ten percent or less of total output at eighty (80) degrees from the vertical plane.</p> <p>(b). Light fixtures for canopies covering fueling stations and at individual drive-through facilities shall be mounted such that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy. The light output of the fixture shall be 2.5 percent or less of the total output at 90 degrees from the vertical plane and ten (10) percent or less of total output at eighty (80) degrees from the vertical plane.</p> <p>ii. Lamps.</p> <p>(a) For parking lot and site lighting, the same type of lamp must be used for the same or similar type of lighting on any one site or development. All exterior luminaires that operate at greater than one hundred (100) watts shall contain lamps having a minimum efficacy of sixty (60) lumens/watt unless the luminaire is controlled by a motion sensor.</p> <p>(b). Illumination levels. All site lighting shall be designed so that the level of illumination as</p>

EXISTING CODE				PROPOSED CODE																																			
<p>the area of the building or areas which do not lend themselves to pedestrian traffic. Also, if the major portion of the lighting design is to be in the front of a building, the average level should not be affected by additional lighting in the back of the same building, which would raise the average of the intended area for lighting.</p> <p>Illumination levels are as follows:</p>				<p>measured in foot-candles (fc) at any one point meets the following standards. Minimum and maximum levels are measured at any one point. Average level is not to exceed the specified limit by more than twenty (20) percent, and is derived using only the area of the site included to receive illumination. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic. Also, if the major portion of the lighting design is to be in the front of a building, the average level should not be affected by additional lighting in the back of the same building, which would raise the average of the intended area for lighting. Illumination levels are as follows:</p>																																			
<table><tr><th>Location or Type of Lighting</th><th>Minimum Level (fc)</th><th>Average Level (fc)</th><th>Maximum Level (fc)</th></tr><tr><td>Advertising Sign</td><td>N/A</td><td>N/A</td><td>20.0</td></tr><tr><td>Walkways and Streets</td><td>0.6</td><td>1.0</td><td>10.0</td></tr><tr><td>Areas for Display of Outdoor Merchandise</td><td>1.0</td><td>5.0</td><td>15.0</td></tr><tr><td>Commercial Parking Areas</td><td>1.0</td><td>5.0</td><td>15.0</td></tr><tr><td>Multi-family Residential Parking Areas</td><td>1.0</td><td>5.0</td><td>15.0</td></tr><tr><td>Building Entrance</td><td>2.0</td><td>10.0</td><td>50.0</td></tr><tr><td>Gas Station Pump Areas</td><td>6.0</td><td>15.0</td><td>50.0</td></tr></table>								Location or Type of Lighting	Minimum Level (fc)	Average Level (fc)	Maximum Level (fc)	Advertising Sign	N/A	N/A	20.0	Walkways and Streets	0.6	1.0	10.0	Areas for Display of Outdoor Merchandise	1.0	5.0	15.0	Commercial Parking Areas	1.0	5.0	15.0	Multi-family Residential Parking Areas	1.0	5.0	15.0	Building Entrance	2.0	10.0	50.0	Gas Station Pump Areas	6.0	15.0	50.0
Location or Type of Lighting	Minimum Level (fc)	Average Level (fc)	Maximum Level (fc)																																				
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<p>c. Methods of measurement Horizontal illumination levels shall be measured at ground level by a light meter certified by its manufacturer as being calibrated in accordance with standards of the</p>																																							

Table 5.2 Lighting Requirements			
Location or Type of Lighting	Minimum Level (fc)	Average Level (fc)	Maximum Level (fc)
Advertising Sign	N/A	N/A	20.0
Walkways and Streets	0.6	1.0	10.0
Areas for Display of Outdoor Merchandise	1.0	5.0	15.0

EXISTING CODE	PROPOSED CODE			
<p>National Institute of Standards and Technology. Maximum illumination readings must be taken directly beneath the luminaire. Vertical illumination readings shall be taken on the surface of the object being lighted or at five (5) feet above the ground for pedestrian areas.</p> <p>d. Exemptions.</p> <p>(i) Decorative seasonal lighting for festivals and holidays with a power rating of seventy-five (75) watts or less.</p> <p>(ii) Temporary emergency lighting used by police, firefighters, or other emergency services.</p> <p>(iii) Hazard warning luminaires or safety or security lighting required by regulatory agencies or state or federal law.</p> <p>e. Requirements for submittals.</p> <p>(i) Site lighting plans shall be submitted for planning and zoning commission review and approved for any new lighting installations. Plans shall be at a scale to allow the reviewer to determine conformance with this chapter, such as 1" = 20' or 1" = 40'.</p> <p>(ii) Site lighting plans shall include:</p> <p>a. Location and mounting information for each light.</p> <p>b. Illumination calculations showing light levels in foot candles at points located on a ten-foot or smaller grid, including an illustration of the areas masked out per the requirements above regarding</p>	Commercial Parking Areas	1.0	5.0	15.0
	Multi-family Residential Parking Areas	1.0	5.0	15.0
	Building Entrance	2.0	10.0	50.0
	Gas Station Pump Areas	6.0	15.0	50.0
	<p>iii. Methods of measurement Horizontal illumination levels shall be measured at ground level by a light meter certified by its manufacturer as being calibrated in accordance with standards of the National Institute of Standards and Technology. Maximum illumination readings must be taken directly beneath the luminaire. Vertical illumination readings shall be taken on the surface of the object being lighted or at five (5) feet above the ground for pedestrian areas.</p> <p>iv. Exemptions.</p> <p>(a) Decorative seasonal lighting for festivals and holidays with a power rating of seventy-five (75) watts or less.</p> <p>(b) Temporary emergency lighting used by police, firefighters, or other emergency services.</p> <p>(c) Hazard warning luminaires or</p>			

EXISTING CODE	PROPOSED CODE
<p>points of measurement.</p> <ul style="list-style-type: none"> <li>c. A fixture schedule listing fixture design, type of lamp, and wattage of each fixture, and number of lumens after using 85 percent depreciation of initial output for both metal halide and high pressure sodium.</li> <li>d. Manufacturer's photometric data for each type of light fixture.</li> <li>e. An illumination summary, including the minimum, average and maximum foot-candles calculations.</li> </ul>	<p>safety or security lighting required by regulatory agencies or state or federal law.</p> <ul style="list-style-type: none"> <li>v. Requirements for submittals. <ul style="list-style-type: none"> <li>(a) Site lighting plans shall be submitted to the city manager for review and approval for any new lighting installations. Plans shall be at a scale to allow the reviewer to determine conformance with this chapter, such as 1" = 20' or 1" = 40'.</li> <li>(b) Site lighting plans shall include: <ol style="list-style-type: none"> <li>1. Location and mounting information for each light.</li> <li>2. Illumination calculations showing light levels in foot candles at points located on a ten-foot or smaller grid, including an illustration of the areas masked out per the requirements above regarding points of measurement.</li> <li>3. A fixture schedule listing fixture design, type of lamp, and wattage of each fixture, and number of lumens after using 85 percent depreciation of initial output for both metal halide and high pressure sodium.</li> <li>4. Manufacturer's</li> </ol> </li> </ul> </li> </ul>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1009. Site design.</b></p> <p>(c) Automobile uses.</p> <ol style="list-style-type: none"> <li>(1) Drive-through service windows and drive-in facilities shall not be located between a building and the street.</li> <li>(2) Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.</li> </ol>	<p>photometric data for each type of light fixture.</p> <p>5. An illumination summary, including the minimum, average and maximum foot-candles calculations.</p> <p><b>Existing Sec. 1009(c) was moved to proposed Sec. 525.</b></p> <p><b>Sec. 525. Automobile uses.</b></p> <ol style="list-style-type: none"> <li>(a) Drive-through service windows and drive-in facilities shall not be located between a building and the street.</li> <li>(b) Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.</li> </ol>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1009. Site design.</b></p> <p>(d) Screening of dumpsters, loading areas and mechanical systems.</p> <ol style="list-style-type: none"> <li>(1) All dumpsters shall be enclosed with a wall of equal or greater height on three (3) sides, the material of which shall be similar to the material on the outside of the main building.</li> <li>(2) Dumpsters shall be placed in the rear yard and may be located five (5) feet from the property line if the adjoining property is zoned non-residential and five (5) feet from all applicable buffers if the adjoining property is zoned residential.</li> <li>(3) Loading areas shall not face any public street.</li> <li>(4) Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.</li> <li>(5) Loading and dumping activities located within one hundred and fifty (150) feet of a single-family residential property shall only be permitted to undertake said activities during normal business hours (7:00 a.m.—1:00 p.m.).</li> <li>(6) Accessory mechanical systems and features including air and heating systems shall not be visible from the public right-of-way.</li> </ol>	<p>Language from existing Sec. 1009(d) was moved to proposed Sec. 526. Revised language is red.</p> <p><b>Sec. 526. Loading Bay Regulations</b></p> <ol style="list-style-type: none"> <li>(a) Loading areas shall not face any public street.</li> <li>(b) Loading and dumping activities located within one hundred and fifty (150) feet of a single-family residential property shall only be permitted to undertake said activities during normal business hours (8:00 a.m.—5:00 p.m.).</li> <li>(c) Accessory mechanical systems and features including HVAC systems shall not be visible from the public right-of-way.</li> </ol>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 903. Standards applying to all planned unit developments.</b></p> <p>All planned unit developments shall meet the following standards and such other requirements as are set forth with respect to each of the four (4) permitted types of planned unit developments:</p> <p>(a) <i>Types of planned unit developments.</i> The following types of planned unit developments are authorized by this ordinance. They are required to have the minimum footage indicated.</p> <p>(1) Planned residential developments: Twenty thousand (20,000) square feet.</p> <p>(2) Cottage housing developments: Eleven thousand six hundred sixteen (11,616) square feet.</p> <p>(3) Planned mixed-use developments: Forty thousand (40,000) square feet on multiple parcels.</p> <p>(4) Planned commercial development: Two (2) acres.</p> <p>(b) <i>Development standards.</i></p> <p>(1) The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations.</p> <p>(2) Site planning. Site planning in the proposed planned unit development shall give consideration to the topography; it shall be compatible with the topography of the land and shall preserve any unusual and valuable natural features.</p>	<p><b>DIVISION 5. PLANNED DEVELOPMENTS</b></p> <p><b>Existing Secs. 903 and 905 were combined and moved to proposed Sec. 527. Revised language is red.</b></p> <p><b>Sec. 527. Standards applying to all planned unit developments.</b></p> <p>All planned unit developments (PUD) shall meet the following standards and such other requirements as are set forth with respect to each of the four (4) permitted types of planned unit developments:</p> <p>(a) <b>Review of Planned Unit Developments</b></p> <p>(1) <b>Plans for all Planned Unit Developments must be designed and submitted for review and approval pursuant to Article II of this zoning ordinance.</b></p> <p>(b) <b>Permitted locations.</b></p> <p>(2) <b>Planned Unit Developments shall be permitted as outlined in Table 4.1</b></p> <p>(c) <b>Development standards.</b></p> <p>(1) The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations.</p> <p>(2) Site planning. Site planning in the proposed planned unit development shall give consideration to the topography; it shall be compatible with the topography of the land and shall preserve any unusual and valuable natural features.</p> <p>(3) The development shall not adversely affect developed or undeveloped neighboring properties; it should consider the location of structures, screening, setbacks and street design in the evaluation of the relationship of the development to its surrounding</p>

EXISTING CODE	PROPOSED CODE
<p>(3) The development shall not adversely affect developed or undeveloped neighboring properties; it should consider the location of structures, screening, setbacks and street design in the evaluation of the relationship of the development to its surrounding areas.</p> <p>(4) Service and emergency access. Access and circulation shall adequately provide for firefighting and other emergency equipment, service deliveries and refuse collection.</p> <p>(5) Infrastructure. Provision shall be made for acceptable design and construction of storm sewers and stormwater retention facilities, as required by Chapter 19 of the City Code and by DeKalb County. Transportation and school facilities shall be adequate for the proposed development or there shall be a definite proposal for making them so. All planned developments are required to connect to city/county water and sewer system.</p> <p>(6) Covenants. The planned unit development shall include such covenants and legal provisions as will assure conformity to the achievement of the plan</p> <p>(c) <i>Conformance with existing zoning.</i></p> <p>(1) <i>Location.</i> Planned developments may be located in zoning districts as follows:</p> <p>a. Planned residential developments may be located within the NR-2, NR-3, NR-CD and RC zoning districts.</p> <p>b. Planned commercial developments may be located in the NC-1, NC-2, RC, and TC zoning districts.</p>	<p>areas.</p> <p>(4) Service and emergency access. Access and circulation shall adequately provide for firefighting and other emergency equipment, service deliveries and refuse collection.</p> <p>(5) Infrastructure. Provision shall be made for acceptable design and construction of storm sewers and stormwater retention facilities, as required by Chapter 19 of the City Code and by DeKalb County. Transportation and other infrastructure, such as schools, water and sewer shall be adequate for the proposed development or there shall be a definite proposal for making them so. All planned developments are required to connect to county water and sewer system.</p> <p>(6) Covenants. The planned unit development shall include such covenants and legal provisions as will assure conformity to the achievement of the plan</p> <p>(i) <i>General private deed covenants.</i> The entire planned development shall be included within private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and development. No certificate of occupancy shall be issued until a copy of the recorded legal covenants has been submitted to the city.</p> <p>(d) Conformance with existing zoning.</p> <p>(1) <b>Future land use map.</b> Planned unit developments shall not violate the</p>

EXISTING CODE	PROPOSED CODE
<p>c. Planned mixed use developments may be located in the NC-1, NC-2, NR-CD and TC zoning districts.</p> <p>(2) <i>Permitted uses.</i> Only those uses permitted in the zoning district in which the proposed development is located shall be permitted in the planned unit development.</p> <p>(3) <i>Future development plan.</i> Planned unit developments shall not violate the provisions of the future development plan.</p> <p>(4) <i>Height.</i> The height limitations of the zoning district in which the planned unit development is located shall be met.</p> <p>(5) <i>Density.</i> The maximum density of a planned residential development shall not exceed the density of the zoning district in which it is located. Cottage housing developments may attain the density as provided herein.</p> <p>(6) <i>Signs.</i> Planned unit developments shall strictly comply with the signage provisions of Chapter 15.5 of the Clarkston City Code.</p> <p>(7) <i>Off-street parking requirements.</i> The off-street parking requirements of this zoning ordinance shall be met.</p> <p>(8) <i>Yards.</i> Along the exterior boundaries of a planned development, no yard shall be less than five (5) feet in width and buffer requirements of this ordinance shall be met.</p> <p>(9) <i>Common open space requirements.</i> The open space requirements for the underlying district shall be met.</p>	<p>provisions of the future land use map.</p> <p>(2) <i>Permitted Uses.</i> Only those uses permitted in the zoning district in which the proposed development is located shall be permitted in the planned unit development.</p> <p>(3) <i>Signs.</i> Planned unit developments shall strictly comply with the signage provisions of Chapter 15.5 of the Clarkston City Code.</p> <p>(4) <i>Off-street parking requirements.</i> The off-street parking requirements of this zoning ordinance shall be met.</p> <p>(5) <i>Yards.</i> Along the exterior boundaries of a planned development, no yard shall be less than five (5) feet in width and buffer requirements of this ordinance shall be met.</p> <p>(6) <i>Common open space requirements.</i> The open space requirements for the underlying district shall be met <b>unless otherwise stated in this section.</b></p> <p>(i) <i>Open space maintenance.</i> In the event the property owners' association for a planned residential or cottage housing development fails to maintain the common open space property, the city may serve written notice upon the property owners' association and upon the residents and owners of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30)</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 905. Standards applying to construction, development, and maintenance of planned developments.</b></p> <p>(a) <i>General private deed covenants.</i> The entire planned development shall be included within private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and development. No certificate of occupancy shall be issued until a copy of the recorded legal covenants has been submitted to the city.</p> <p>(b) <i>Phased development projects.</i> PUD applicants may propose construction phases (commencement and completion dates) for a planned residential development project that has identified, logical geographical sections or pods; a construction phasing plan shall be reviewed by the city zoning and review commission and the mayor and city council for approval.</p> <p>(c) <i>Performance bonds required.</i> The landowner shall furnish such bond or bonds as may be recommended to the city council by the zoning and review commission and approved by the mayor and city council to be reasonably required to assure performance in accordance with the planned development plan and to protect the public interest in the event of abandonment of said plan before completion.</p> <p>(d) <i>Open space maintenance.</i> In event the property owners' association for a planned residential or cottage housing development fails to maintain the common open space property, the city may serve written notice upon the property owners' association and upon the residents and owners of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall</p>	<p>days thereof, and shall state the date and place of a hearing thereon which shall be held within fifteen (15) days of the notice.</p> <p>(a) If the deficiencies are not corrected within said thirty (30) days, the city, in order to preserve the taxable values of the properties within the planned development and to prevent the common open space from becoming a public nuisance, may enter upon said common open spaces and maintain the same for one (1) year and thereafter until the property owners' association is prepared to provide proper maintenance.</p> <p>(b) The cost of such maintenance by the city shall be assessed ratably against the properties within the planned residential or cottage development that have a right of enjoyment of the common open space and shall become a tax lien upon said properties. The city at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the county tax assessor upon the properties affected by such lien within the planned residential development.</p>

EXISTING CODE	PROPOSED CODE
<p>include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fifteen (15) days of the notice.</p> <p>(1) If the deficiencies are not corrected within said thirty (30) days, the city, in order to preserve the taxable values of the properties within the planned development and to prevent the common open space from becoming a public nuisance, may enter upon said common open spaces and maintain the same for one (1) year and thereafter until the property owners' association is prepared to provide proper maintenance.</p> <p>(2) The cost of such maintenance by the city shall be assessed ratably against the properties within the planned residential or cottage development that have a right of enjoyment of the common open space and shall become a tax lien upon said properties. The city at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the county tax assessor upon the properties affected by such lien within the planned residential development.</p>	<p>(ii) <i>Phased development projects.</i> Planned Unit Development applicants may propose construction phases (commencement and completion dates) for a planned residential development project that has identified, logical geographical sections or pods; a construction phasing plan shall be reviewed by the planning and zoning board and the mayor and city council for approval.</p> <p>(iii) <i>Performance bonds required.</i> The landowner shall furnish such bond(s) as may be recommended to the mayor and city council by the planning and zoning board and approved by the mayor and city council to be reasonably required to assure performance in accordance with the planned development plan and to protect the public interest in the event of abandonment of said plan before completion.</p>
<p><b>Sec. 906. Procedures.</b></p>	<p><b>Existing Sec. 906. has been incorporated into proposed Article II.</b></p>

## EXISTING CODE

## PROPOSED CODE

**Sec. 528. Planned Residential Development**

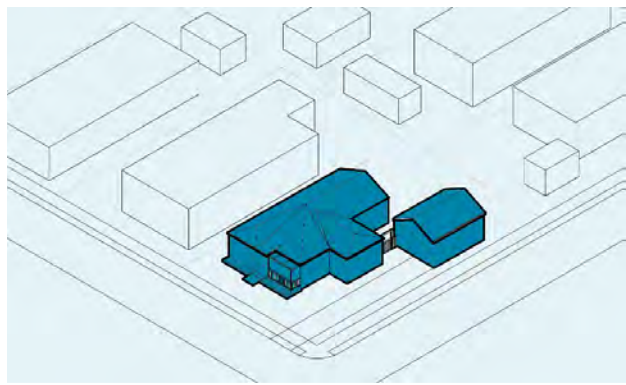
The following regulations apply to planned residential developments:

**(a) Density**

- (1) The overall density for a development is determined by an approved overall concept plan for new development.

**(b) Permitted Uses.** At least two types of residential structures can be permitted in a planned residential development.

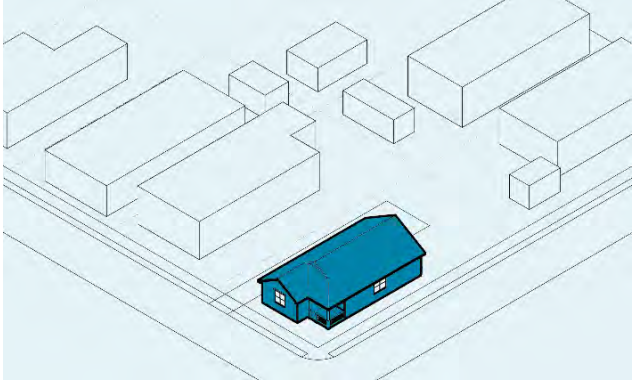
- (1) Single family detached homes
- (2) Single family attached homes (townhomes)
- (3) Duplexes
- (4) Multi Family

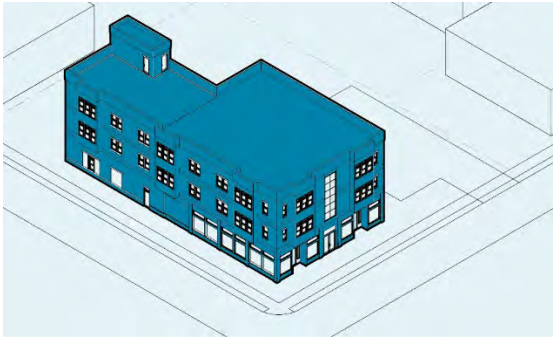
**(c) Perimeter compatibility.** Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.

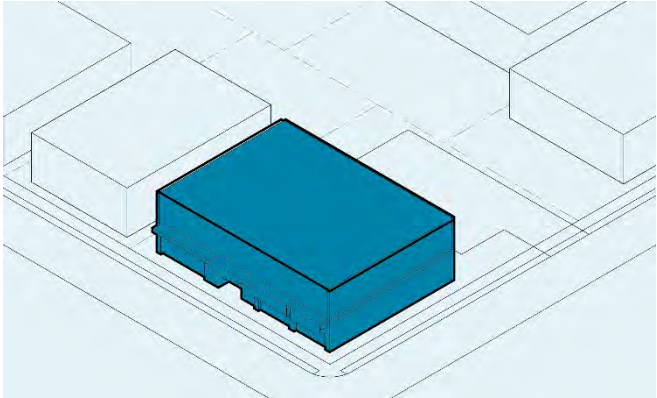
EXISTING CODE	PROPOSED CODE
<p><b>Sec. 904. Standards for cottage housing developments (CHD).</b></p> <p>The following regulations apply to cottage housing developments (CHDs):</p> <ul style="list-style-type: none"> <li>(a) CHDs are allowed in the following zoning districts: Medium Density Neighborhood Residential (NR-2); High Density Neighborhood Residential (NR-3), Neighborhood Residential-Community Development (NR-CD) and Residential-Commercial (RC).</li> <li>(b) The following requirements shall apply to all CHDs: <ul style="list-style-type: none"> <li>(1) <i>Density and minimum lot area.</i> <ul style="list-style-type: none"> <li>a. In CHDs, the permitted density shall be one (1) dwelling unit per two thousand nine hundred four (2,904) square feet of lot area (fifteen (15)/acre).</li> <li>b. The minimum lot area for a CHD shall be seven thousand (7,000) square feet.</li> <li>c. Cottage homes shall be developed in clusters of a minimum of two (2) homes to a maximum of twelve (12) homes.</li> </ul> </li> <li>(2) <i>Height limit and roof pitch.</i> <ul style="list-style-type: none"> <li>a. The height limit permitted for structures in CHDs shall be eighteen (18) feet from the finished first floor height, subject to the exception described in subsection (b).</li> </ul> </li> </ul> </li> </ul>	<p><b>Existing Sec. 904 was moved to proposed Sec. 529. Revised language is in red.</b></p> <p><b>Sec. 529. Cottage Housing Development</b></p> <p>The following regulations apply to cottage housing developments (CHDs):</p> <ul style="list-style-type: none"> <li>(a) The following requirements shall apply to all CHDs: <ul style="list-style-type: none"> <li>(1) <i>Density and minimum lot area.</i> <ul style="list-style-type: none"> <li>i. In CHDs, the permitted density shall be one (1) dwelling unit per two thousand nine hundred four (2,904) square feet of lot area (fifteen (15)/acre).</li> <li>ii. Cottage homes shall be developed in clusters of a minimum of two (2) homes to a maximum of twelve (12) homes.</li> </ul> </li> <li>(2) <i>Lot coverage and floor area.</i> The maximum first floor or main floor area for an individual principal structure in a CHD shall be one thousand two hundred fifty (1,250) square feet.</li> <li>(3) <i>Front yard setbacks.</i> When fronting a public street, the front yard setback shall be at least fifteen (15) feet with an allowable seven (7) foot encroachment for a front porch. On non-public streets, the front yard setback shall be at least ten (10) feet with an allowable encroachment for a front porch of no greater than five (5) feet.</li> <li>(4) <i>Required open space.</i> <ul style="list-style-type: none"> <li>i. A minimum of four hundred (400) square feet per unit of common open space is required.</li> <li>ii. At least fifty (50) percent of the</li> </ul> </li> </ul> </li> </ul>

EXISTING CODE	PROPOSED CODE
<p>b. Where the ridge of a roof is pitched with a minimum slope of six (6) to twelve (12), the maximum roof height may extend up to twenty-five (25) feet. All parts of the roof above eighteen (18) feet shall be pitched. These heights are intended to allow maximum one and one-half (1½) story homes.</p> <p>(3) <i>Lot coverage and floor area.</i> The maximum first floor or main floor area for an individual principal structure in a CHD shall be one thousand two hundred fifty (1,250) square feet.</p> <p>(4) <i>Yard setbacks.</i></p> <p>a. Front yard setbacks. When fronting a public street, the front yard setback shall be at least fifteen (15) feet with an allowable seven (7) foot encroachment for a front porch. On non-public streets, the front yard setback shall be at least ten (10) feet with an allowable encroachment for a front porch of no greater than five (5) feet.</p> <p>b. Rear yards. The minimum rear yard shall be ten (10) feet.</p> <p>(5) <i>Required open space.</i></p> <p>a. A minimum of four hundred (400) square feet per unit of common open space is required.</p> <p>b. At least fifty (50) percent of the cottage units shall abut the common open space.</p> <p>c. All of the cottage units shall be located within one-hundred (100) feet walking distance of the common open space.</p> <p>d. The common open space shall</p>	<p>cottage home units shall be oriented around the common open space with their covered porches or main entry facing the common open space.</p> <p>iii. All of the cottage units shall be located within one-hundred (100) feet walking distance of the common open space.</p> <p>iv. The common open space shall have cottages abutting at least two (2) sides.</p> <p>(5) <i>Parking.</i> Parking spaces for each cottage home unit shall be provided as follows;</p> <p>i. Units that exceed six hundred fifty (650) square feet on main floor: two (2) spaces. Units that do not exceed six hundred fifty (650) square feet on main floor: one and one half (1.5) spaces.</p> <p>ii. Location. Parking shall be located on the CHD property. It may be located in a structure, under a structure, or outside a structure provided that:</p> <p>(a) Parking is screened from direct view from street by one or more building facades, by garage doors, or by a fence and landscaping;</p> <p>(b) Parking is not located in the front yard;</p> <p>(c) Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line which is not a street</p>

EXISTING CODE	PROPOSED CODE
<p>have cottages abutting at least two (2) sides.</p> <p>e. At least fifty (50) percent of the cottage home units shall be oriented around the common open space with their covered porches or main entry facing the common open space.</p> <p>(6) <i>Parking.</i> Parking spaces for each cottage home unit shall be provided as follows;</p> <p>a. Units that exceed six hundred fifty (650) square feet on main floor: two (2) spaces. Units that do not exceed six hundred fifty (650) square feet on main floor: one and one half (1.5) spaces.</p> <p>b. Location. Parking shall be located on the CHD property. It may be located in a structure, under a structure, or outside a structure provided that:</p> <p>(i) Parking is screened from direct view from street by one or more building facades, by garage doors, or by a fence and landscaping;</p> <p>(ii) Parking is not located in the front yard;</p> <p>(iii) Parking is only allowed between structures when it is located toward the rear of the principal structure and is served by an alley or private driveway;</p> <p>(iv) Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line which is not a street side lot line.</p>	<p>side lot line.</p> <p>(6) <i>Additional requirements.</i></p> <p>i. Cottage homes shall have a covered porch at least sixty (60) square feet in size.</p> <p>ii. All structures shall maintain ten (10) feet of separation between houses.</p> <p>iii. The condominium association or homeowners' association shall maintain the required open space and all common areas.</p> <p>iv. Each cottage home shall have access to clothes washers and dryer facilities, either through installation of connections to clothes washers and dryers in the cottage home, or access to clothes washers and dryers in a building located off the common open space.</p> <p>v. Developers of cottage homes are encouraged to provide pervious parking areas. In any event, every cottage home development shall comply with Chapter 22 of the Clarkston City Code regarding stormwater management.</p> <p>(b) Lots may be reduced in size, as would otherwise be prohibited by section 507, in order to develop cottage housing in compliance with this section.</p> <p>(c) Common areas shall be required for four or more homes and owned by a condominium association, homeowners' association or jointly by the owners of the individual parcels within the planned development. (Sec. 902).</p>

EXISTING CODE	PROPOSED CODE
<p>(7) <i>Additional requirements.</i></p> <ul style="list-style-type: none"> <li>a. Cottage homes shall have a covered porch at least sixty (60) square feet in size.</li> <li>b. All structures shall maintain ten (10) feet of separation between houses.</li> <li>c. The condominium association or home owners' association shall maintain the required open space and all common areas.</li> <li>d. Each cottage home shall have access to clothes washers and dryer facilities, either through installation of connections to clothes washers and dryers in the cottage home, or access to clothes washers and dryers in a building located in the common open space.</li> <li>e. Developers of cottage homes are encouraged to provide pervious parking areas. In any event, every cottage home development shall comply with Chapter 22 of the Clarkston City Code regarding stormwater management.</li> </ul> <p>(c) Other provisions of the Zoning Ordinance, including but not limited to sections 608 and 609, shall be construed to permit cottage housing development in conformance with this section. Lots may be reduced in size, as would otherwise be prohibited by section 608, in order to develop cottage housing in compliance with sections 901 through 906.</p>	 <p>The diagram is an isometric line drawing of a residential development. In the foreground, a small, single-story blue cottage home is shown with a dark roof and a small porch. It is situated on a lot that is outlined with a dashed line. Behind and around this lot are several other rectangular blocks of varying sizes, representing other buildings or lots in the development. The entire scene is set against a light blue background, suggesting a sky or open area.</p>

EXISTING CODE	PROPOSED CODE
	<p><b>Sec. 530. Planned Mixed-Use Development</b></p> <p>(a) Density</p> <p>(1) The overall density for a development is determined by an approved overall concept plan for new development.</p> <p>(b) Permitted Uses.</p> <p>(1) Single family attached (townhomes)</p> <p>(2) Multi-family (duplex, triplex, and apartment buildings)</p> <p>(3) Commercial</p> <p>(4) Office</p> <p>(5) Retail</p> <p>(c) Land Use Mix. A Planned Mixed-Use Development (PMU) must contain at least two types of land use that are not otherwise allowed together in another zoning district. Each Planned Mixed-Use development is anticipated to include a mix of land uses. Non-residential development must be at a scale and type that is compatible with the residential component of the development</p> <p>(d) Perimeter compatibility. Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.</p> 

EXISTING CODE	PROPOSED CODE
	<p><b>Sec. 531. Planned Commercial Development</b></p> <p>(a) Density</p> <p>(1) The overall density for a development is determined by an approved overall concept plan for new development.</p> <p>(b) Permitted Uses.</p> <p>(1) Commercial</p> <p>(2) Office</p> <p>(3) Retail</p> <p>(c) Land Use Mix. A Planned Commercial Development must contain at least two types of land use that are not otherwise allowed together in another zoning district. Each Planned Commercial development is anticipated to include a mix of commercial land uses.</p> <p>(d) Perimeter compatibility. Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.</p> 

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 623. Open space.</b></p> <p>The following provisions shall apply to all "open space" required by the Clarkston Zoning Ordinance:</p> <p>(a) <i>Open space requirement.</i></p> <ol style="list-style-type: none"> <li>(1) Required yards and, sidewalk zones and landscape zones which are constructed on private property may be counted towards this requirement.</li> <li>(2) Open space may also include balconies, roof-top terraces, front yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property.</li> <li>(3) Open space shall not include areas devoted to public or private vehicular access.</li> <li>(4) Where open space is held in common ownership, covenants or other legal arrangements shall specify ownership of the open space; method of and responsibility for maintenance; taxes and insurance; compulsory membership and assessment provisions; and shall be incorporated into legal instruments sufficient to ensure that the open space criteria are maintained.</li> </ol>	<p><b>DIVISION 6: OPEN SPACE</b></p> <p><b>Existing Sec. 623 was moved to proposed Sec. 532. Revised language is red.</b></p> <p><b>Sec. 532. Open space.</b></p> <p>The following provisions shall apply to all <b>open space</b> required by the Clarkston Zoning Ordinance:</p> <p>(a) <i>Open space requirement.</i></p> <ol style="list-style-type: none"> <li>(1) Required yards and, sidewalk <b>clear</b> zones and landscape <b>strips</b> which are constructed on private property may be counted towards this requirement.</li> <li>(2) Open space may also include balconies, roof-top terraces, <b>landscaped</b> areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property.</li> <li>(3) Open space shall not include areas devoted to public or private vehicular access.</li> <li>(4) Where open space is held in common ownership, covenants or other legal arrangements shall specify ownership of the open space; method of and responsibility for maintenance; taxes and insurance; compulsory membership and assessment provisions; and shall be incorporated into legal instruments sufficient to ensure that the open space criteria are maintained.</li> <li>(5) <b>10% of the required open space shall be green space</b> <ol style="list-style-type: none"> <li>a. <b>Green space is left natural or undeveloped.</b></li> <li>b. <b>Can be activated or non-activated.</b></li> </ol> </li> </ol>

EXISTING CODE	PROPOSED CODE
<p>(b) <i>Open space implementation and maintenance.</i></p> <p>(1) <i>Implementation.</i> All open space including buffers, setbacks, sidewalk clear zones, sidewalk zones and open spaces shall be fully implemented prior to occupancy and if not completed, the occupancy permit shall not be issued.</p> <p>(2) <i>Maintenance.</i> The owner shall provide adequate maintenance of the opens space improvements for a minimum of one (1) year from the date of issuance of the certificate of occupancy. The city shall inspect landscape improvements at least once during this period to ensure that the approved plan has been fully implemented and maintained. When a private property owner provides landscaping within the public right-of-way and the landscaping dies within a one-year period, such landscaping shall be replaced within a reasonable time not to exceed six (6) months for planting by the owner at the owner's sole expense.</p> <p>(c) <i>Relocation of open space.</i> Relocation of minimum open space requirements: At the option of the property owner, up to fifty (50) percent of a development's required open space may be relocated to an offsite location provided:</p> <p>(1) The city council has reviewed and approved the transfer request;</p> <p>(2) A written agreement among all owners of record shall be provided with the request and held on file with the city clerk. All renewed or terminated leases shall be filed with the city clerk.</p> <p>(3) The receiving site(s) is designated an open space site in the comprehensive development plan;</p>	<p>(b) Open space implementation and maintenance.</p> <p>(1) Implementation. All open space including buffers, setbacks, <b>and</b> sidewalk clear zones, shall be fully implemented prior to occupancy and if not completed, the occupancy permit shall not be issued.</p> <p>(2) Maintenance. The <b>owner of the open space improvements</b> shall provide adequate maintenance of the opens space improvements for a minimum of one (1) year from the date of issuance of the certificate of occupancy. The city shall inspect landscape improvements at least once during this period to ensure that the approved plan has been fully implemented and maintained. When a private property owner provides landscaping within the public right-of-way and the landscaping dies within a one-year period, such landscaping shall be replaced within a reasonable time not to exceed six (6) months for planting by the owner at the owner's sole expense.</p> <p>(c) Relocation of open space. Relocation of minimum open space requirements: <b>Up to twenty (20)</b> percent of a development's required open space may be relocated to an offsite location provided:</p> <p>(1) The city council has reviewed and approved the transfer request;</p> <p>(2) A written agreement among all owners of record shall be provided with the request and held on file with the <b>planning and development director</b>. All renewed or terminated leases shall be filed with the <b>planning and development director</b>.</p> <p>(3) The receiving site(s) is designated as <b>a park</b> in the comprehensive plan;</p>

EXISTING CODE	PROPOSED CODE
<p>(4) The receiving site(s) is located within three thousand (3,000) linear feet of the donating property;</p> <p>(5) The receiving site(s) contains the required amount of open space; and</p> <p>(6) Designated open space sites shall comply with the following:</p> <ul style="list-style-type: none"> <li>a. The open space shall provide active or passive recreational amenities;</li> <li>b. The open space shall be no greater than twenty-four (24) inches above or below the adjacent public sidewalk for a minimum distance of fifteen (15) feet from the beginning of the adjacent sidewalk;</li> <li>c. The open space shall be visible and accessible from any point along ninety (90) percent of any adjacent sidewalk; and</li> <li>d. The open space shall permit and encourage pedestrians to walk on a minimum of eighty (80) percent of the surface of the parcel excluding fountains, pedestrian furniture, public art and similar elements.</li> </ul>	<p>(4) The receiving site(s) is located within one thousand three hundred and twenty (1,320) linear feet of the donating property (.25 miles);</p> <p>(5) Designated open space sites shall comply with the following:</p> <ul style="list-style-type: none"> <li>(i) The open space shall provide active or passive recreational amenities;</li> <li>(ii) The open space shall be no greater than twenty-four (24) inches above or below the adjacent public sidewalk for a minimum distance of fifteen (15) feet from the beginning of the adjacent sidewalk;</li> <li>(iii) The open space shall be visible and accessible from any point along ninety (90) percent of any adjacent sidewalk; and</li> <li>(iv) The open space shall permit and encourage pedestrians to walk on a minimum of eighty (80) percent of the surface of the parcel.</li> </ul>
<p><b>Sec. 708 (k)</b></p> <p><i>Open space density bonus:</i> Every one (1) square foot of additional open space provided in excess of the minimum open space requirement in section 708 (g) shall increase the maximum floor area for the development by ten (10) square feet.</p>	<p>(d) Additional square footage can be obtained through a density bonus in the TC,</p> <p>(1) For every one (1) square foot of additional open space provided in excess of the minimum open space requirement in this section the maximum floor area for the development shall increase by five (5) square feet.</p> <p>(2) For every one (1) square foot of additional green space provided in excess of the minimum green space requirement in this section the maximum floor area for the development shall increase by ten (10) square feet.</p>

EXISTING CODE	PROPOSED CODE
	<p>(3) To receive density bonus for additional open space requires that at least 25% of the total open space for the project be open to the public.</p>

EXISTING CODE	PROPOSED CODE
<p style="text-align: center;"><b>ARTICLE XII. BUFFER, SCREENING AND LANDSCAPE REQUIREMENTS</b></p> <p><b>Sec. 1201. Purpose.</b></p> <p>The purpose of this article is to ensure and facilitate the preservation and/or replacement of trees and landscaping as part of the land development process within Clarkston and to provide minimum landscape, buffer and screening standards for commercial developments in the city so as to enhance architectural features, improve energy efficiency, improve water quality, reduce environmental damage, reduce urban heat island effect, provide quality wildlife habitat, control of soil erosion and aesthetics and to provide a scenic amenity within Clarkston. In addition to the regulations set forth herein, the regulations in The Clarkston Tree Protection Plan shall also apply. All tree protection plans and landscape plans submitted to meet city requirements shall be prepared and stamped by a Georgia licensed landscape architect, provided however that an architect or engineer may also provide such plans if knowledgeable in landscape architectural design and/or tree protection plan preparation.</p> <p><b>Sec. 1202. Buffer required.</b></p> <p>The mayor and city council recognize that the location of non-residential land uses directly adjacent to single-family, two-family, or multiple-family residential uses can create an incompatible situation. Similarly, the location of two-family or multiple-family land uses directly adjacent to single-family land uses can also create an incompatible situation.</p>	<p>Existing Article XII was moved to proposed Article V. Revised language is red.</p> <p><b>DIVISION 7: BUFFERS, SCREENING, AND LANDSCAPING</b></p> <p>The purpose of this section is to ensure and facilitate the preservation and/or replacement of trees and landscaping as part of the land development process within Clarkston and to provide minimum landscape, buffer and screening standards for development in the city so as to enhance architectural features, improve energy efficiency, improve water quality, reduce environmental damage, reduce urban heat island effect, provide quality wildlife habitat, control of soil erosion and aesthetics and to provide a scenic amenity within Clarkston. In addition to the regulations set forth herein, the regulations in The Clarkston Tree Protection Plan shall also apply. All tree protection plans and landscape plans submitted to meet city requirements shall be prepared and stamped by a Georgia licensed landscape architect, provided however that an architect or engineer may also provide such plans if knowledgeable in landscape architectural design and/or tree protection plan preparation.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1203. General buffer requirements.</b></p> <p>A planted or natural buffer strip is required to protect single-family, two-family, and multiple-family residential land uses from negative impacts such as litter, dust, wind, light spill, noise, unsightly views, and other characteristics commonly associated with non-residential land uses and related vehicular and pedestrian traffic which adversely impact the quality of residential life. The required buffer shall provide necessary visual and acoustical privacy for the conduct of residential uses in an undisturbed environment and shall assist in the protection and preservation of property values in residential districts.</p> <p>Required buffer strips shall be established and maintained by the owner of the non-residential land use. The required buffer strip shall:</p> <ol style="list-style-type: none"> <li>(1) Be depicted in detail on each site plan or plat prior to final approval. Type and location of natural and planted vegetation shall be included.</li> <li>(2) Not be disturbed by grading, property improvements or construction activities except where necessary to prevent a nuisance, or to thin such natural growth where too dense to permit normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers, or any similar city approved enhancement. Any contemplated disturbance shall first be brought to the attention of the city and formal approval secured prior to initiating activity within the required buffer areas.</li> <li>(3) Utilize existing vegetation where the city has determined that existing vegetation is appropriate for inclusion within the buffer strip, or when required, be supplemented with approved, additional plantings.</li> <li>(4) Be completely installed in accordance with the approved plan prior to issuance of a certificate of occupancy.</li> </ol>	<p><b>Sec. 533. Buffers</b></p> <p>A planted or natural buffer strip is required to protect <b>single-family, and multiple-family</b> residential land uses from negative impacts such as litter, dust, wind, light spill, noise, unsightly views, and other characteristics commonly associated with non-residential land uses and related vehicular and pedestrian traffic which adversely impact the quality of residential life. The required buffer shall provide necessary visual and acoustical privacy for the conduct of residential uses in an undisturbed environment and shall assist in the protection and preservation of property values in residential districts.</p> <p>(a) <b>General Requirements.</b> Required buffer strips shall be established and maintained by the owner of the non-residential land use. The required buffer strip shall:</p> <ol style="list-style-type: none"> <li>(1) Be depicted in detail on each site plan or plat prior to final approval. Type and location of natural and planted vegetation shall be included.</li> <li>(2) Not be disturbed by grading, property improvements or construction activities except where necessary to prevent a nuisance, or to thin such natural growth where too dense to permit normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers, or any similar city approved enhancement. Any contemplated disturbance shall first be brought to the attention of the city and formal approval secured prior to initiating activity within the required buffer areas.</li> <li>(3) Utilize existing vegetation where the city has determined that existing vegetation is appropriate for inclusion within the buffer strip, or when required, be supplemented with approved, additional plantings.</li> <li>(4) Be completely installed in accordance with the approved plan prior to issuance of a certificate of occupancy.</li> </ol>

EXISTING CODE	PROPOSED CODE
<p>(5) Not be used for temporary or permanent parking or loading other than for provision of drainage improvements as mandated by local law, or for a structure other than a fence.</p> <p>(6) Be planted and maintained in a healthy, growing condition by the property owner.</p> <p>(7) Not extend nearer to a street right-of-way line than the established building setback line of the adjoining lot.</p> <p>(8) Preserve the natural topography of the land and shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin such natural growth where too dense for normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers. However, a slope easement may be cleared and graded where required to prevent soil erosion; provided such easement shall be immediately replanted upon completion of easement improvements.</p>	<p>(5) Not be used for temporary or permanent parking or loading other than for provision of drainage improvements as mandated by local law, or for a structure other than a fence.</p> <p>(6) Be planted and maintained in a healthy, growing condition by the property owner.</p> <p>(7) Not extend nearer to a street right-of-way line than the established primary building setback line of the <b>nearest</b> adjoining lot.</p> <p>(8) Preserve the natural topography of the land and shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin such natural growth where too dense for normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers. However, a slope easement may be cleared and graded where required to prevent soil erosion; provided such easement shall be immediately replanted upon completion of easement improvements.</p>
<p><b>Sec. 1204. Reserved.</b></p> <p>Editor's note(s)—Ord. No. 375, § 13, adopted Oct. 1, 2013, repealed former § 1204 in its entirety which pertained to minimum buffer specifications and derived from Ord. No. 325, § 1, adopted April 23, 2007.</p>	

## EXISTING CODE

## PROPOSED CODE

**Sec. 534. Buffer dimensions**

Transitional buffers are intended to create a visual screen in order to diminish the potential negative impacts of nonresidential and mixed land uses on adjacent residential land uses. Similarly, transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses.

**Table 5.3 Required Transitional Buffers (feet)**

	NR-1	NR-2	NR-3	NC-1	NC-2	TC	I	R-OS	NR-CD	RC
NR-1	-	-	-	-	-	-	-	-	-	-
NR-2	0	-	-	-	-	-	-	-	-	-
NR-3	15	10	-	-	-	-	-	-	-	-
NC-1	30	30	30	-	-	-	-	-	-	-
NC-2	30	30	30	0	-	-	-	-	-	-
TC	20	20	15	15	15	-	-	-	-	-
I	50	50	50	30	30	50	-	-	-	-
R-OS	20	20	20	20	20	20	30	-	-	-
NR-CD	20-30	20-30	20-30	20	20	20	50	20	-	-
RC	20	20	20	15	15	15	50	20	0	-

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1205. Buffers and landscaping.</b></p> <p>(a) Existing conditions.</p> <ol style="list-style-type: none"> <li>(1) In those instances where the existing natural vegetation and topography are insufficient to achieve the desired level of screening as required by this article, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an opaque acoustical and visual screen having a height of not less than six (6) feet at the time of planting and planted in a minimum of two (2) rows, with staggered on center spacing such that a continuous opaque screen is created within two (2) years of planting.</li> <li>(2) Existing natural vegetation and topography within a buffer shall be preserved and protected with a five-foot setback required along the buffer.</li> </ol> <p>(b) Materials and ratios.</p> <ol style="list-style-type: none"> <li>(1) <i>Plant materials.</i> Buffers shall contain a minimum of seventy-five (75) percent of evergreen plant materials comprised of at least three (3) different species for every fifty (50) linear feet and a maximum of twenty-five (25) percent of deciduous plant materials. Plant species shall be native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and obtained from nurseries in USDA hardiness zones 6 or 7.</li> <li>(2) <i>Planting ratios.</i> One (1) tree shall be planted for every fifty (50) square feet of buffer area and five (5) shrubs shall be planted for every fifty (50) square feet of buffer area.</li> </ol> <p>(c) The following plants shall be approved for</p>	<p><b>Existing Sec. 1205 was moved to proposed Sec. 535. Revised language is red.</b></p> <p><b>Sec. 535. Buffers and landscaping.</b></p> <p>(a) Existing conditions.</p> <ol style="list-style-type: none"> <li>(1) In those instances where the existing natural vegetation and topography are insufficient to achieve the desired level of screening as required by this article, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an opaque acoustical and visual screen having a height of not less than six (6) feet at the time of planting and planted in a minimum of two (2) rows, with staggered on center spacing such that a continuous opaque screen is created within two (2) years of planting.</li> <li>(2) Existing natural vegetation and topography within a buffer shall be preserved and protected with a five-foot setback required <b>between the vegetated and planted</b> buffer.</li> </ol> <p>(b) Materials and ratios.</p> <ol style="list-style-type: none"> <li>(1) Plant materials. Buffers shall contain a minimum of seventy-five (75) percent of evergreen plant materials comprised of at least three (3) different species for every fifty (50) linear feet and a maximum of twenty-five (25) percent of deciduous plant materials. Plant species shall be native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and obtained from nurseries in USDA hardiness zones 6 or 7.</li> <li>(2) Planting ratios. <b>One (1) tree and five (5) shrubs</b> shall be planted for every fifty (50) square feet of buffer area.</li> </ol> <p>(c) The following plants shall be approved for</p>

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Loropetalum chinese	Chinese Loropetalum	Loropetalum chinese	<i>Chinese Loropetalum</i>
Southern Magnolia	Magnolia Grandiflora	Southern Magnolia	<i>Magnolia Grandiflora</i>
Leatherleaf Mahonia or Oregon Hollygrape	Mahonia bealeii or aquifolium	Leatherleaf Mahonia or Oregon Hollygrape	<i>Mahonia bealeii or aquifolium</i>
Fragrant Tea Olive	Osmanthas Frangans	Fragrant Tea Olive	<i>Osmanthas Frangans</i>
Raphiolepis umbellata	Yeddo Hawthorn	Raphiolepis umbellata	<i>Yeddo Hawthorn</i>
Native Rhododendron varieties	Rhododendron carolinianum or maximum	Native Rhododendron varieties	<i>Rhododendron carolinianum or maximum</i>
White Pine	Pinus Strobus	White Pine	<i>Pinus Strobus</i>

- (d) Substitute materials. Other evergreen plant materials having the same growth characteristics as the aforementioned may be substituted, subject to approval by the city prior to installation.
- (e) Invasive species are prohibited. Bamboo, Eleagnus, Privet, Kudzu, English Ivy, Japanese Honey Suckle and Wisteria shall be prohibited from being planted.
- (f) Detention ponds. In addition to the screening requirements regulated by this article, the following additional regulations shall apply:
- (1) The bottom and sides of detention ponds shall be planted with fast-germinating erosion-controlling vegetation, continuous over the entire surface of disturbed soils both inside and outside of the pond.
  - (2) Larger-growing species of perennial plants shall be interplanted in the wet areas of the pond (up to the 25-year storm inundation line) on minimum ten (10) foot centers, that are capable of thriving in intermittently wet and dry soils and will provide food and habitat for

- (d) Substitute materials. Other evergreen plant materials having the same growth characteristics as the aforementioned may be substituted, subject to approval by the city prior to installation.
- (e) Invasive species are prohibited. Bamboo, Eleagnus, Privet, Kudzu, English Ivy, Japanese Honey Suckle and Wisteria shall be prohibited from being planted.
- (f) Detention ponds. In addition to the screening requirements regulated by this article, the following additional regulations shall apply:
- (1) The bottom and sides of detention ponds shall be planted with fast-germinating erosion-controlling vegetation, continuous over the entire surface of disturbed soils both inside and outside of the pond.
  - (2) Larger-growing species of perennial plants shall be interplanted in the wet areas of the pond (up to the 25-year storm inundation line) on minimum ten (10) foot centers, that are capable of thriving in intermittently wet and dry

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<p>birds and other wildlife.</p> <p>(3) Trees are prohibited within or on the outer slopes of detention ponds in order to prevent damage to the pond structure.</p>	<p>soils and will provide food and habitat for birds and other wildlife.</p> <p>(3) Trees are prohibited within or on the outer slopes of detention ponds in order to prevent damage to the pond structure.</p>																													
<p><b>Sec. 1207. Walls and fences.</b></p> <p>The setback requirements of this zoning ordinance shall not prohibit any necessary retaining wall or fence except those which cause a public or safety hazard. Additionally, retaining walls and fences in a residential zoning district shall adhere to the following requirements:</p> <p>(a) Front yard fences and walls shall not exceed forty-two (42) inches in height and shall not extend into the public right-of-way.</p> <p>(b) Front yard fences shall be within six (6) inches of the property line and shall not be made of wire, woven metal, or chain link unless located on property of an agricultural or undeveloped use or of a lot size larger than three (3) acres.</p> <p>(c) Ornamental or decorative fences constructed of brick, stone, stucco, split rail, wood or wrought iron and not constructed of exposed block, tires, junk or other discarded material shall be permitted within the front yard setback.</p> <p>(d) Fence foundations and frames shall be on the interior facing of the fence only.</p> <p>(e) No fence or wall shall exceed eight (8) feet in height within a rear or side yard.</p> <p>(f) Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two (2) feet and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five (5) feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be from finished</p>	<p><b>Sec. 536. Screening</b></p> <p>The setback requirements of this zoning ordinance shall not prohibit any necessary retaining wall or fence except those which cause a public or safety hazard. Additionally, retaining walls and fences in a residential zoning district shall adhere to the following requirements:</p> <p>(a) Fences and walls shall meet the height and location standards in Table 5.2</p> <table><tr><th colspan="5">Table 5.5 Screening Requirements</th></tr><tr><th></th><th></th><th>Fence</th><th>Retaining wall</th><th>Maximum fence height with a variance</th></tr><tr><td rowspan="2">Front Yard</td><td>Maximum Height</td><td>4 ft.</td><td>3.5 ft.</td><td>N/A</td></tr><tr><td>Distance from property line (minimum)</td><td>.5 ft.</td><td>.5 ft.</td><td>N/A</td></tr><tr><td>Side and Rear Yard</td><td>Maximum height</td><td>8 ft.</td><td>8 ft.</td><td>10 ft.</td></tr><tr><td>Along a public street</td><td>Maximum height</td><td>5 ft.</td><td>2 ft.</td><td>6 ft.</td></tr></table> <p>(b) Fences and walls shall meet the following material standards:</p> <p>(1) Front yard fences shall be made of brick, stone, stucco, split rail, wood, wrought iron. Side and rear yard fences may be vinyl-coated chain link.</p> <p>(c) Fence foundations and frames shall be on the interior facing of the fence only.</p>	Table 5.5 Screening Requirements							Fence	Retaining wall	Maximum fence height with a variance	Front Yard	Maximum Height	4 ft.	3.5 ft.	N/A	Distance from property line (minimum)	.5 ft.	.5 ft.	N/A	Side and Rear Yard	Maximum height	8 ft.	8 ft.	10 ft.	Along a public street	Maximum height	5 ft.	2 ft.	6 ft.
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<p>poured concrete or shall be faced with stone, brick or smooth stucco.</p> <p>(g) No "barbed wire" fences shall be erected or maintained in any residential district within in the city. "Barbed wire" fence shall include any wire fence which is outfitted with, or designed to incorporate wire barbs, prongs, or other sharp projections along the wire portion of the fence.</p> <p><b>Sec. 1206. Fences in buffers.</b></p> <p>Fences within required buffer strips shall meet the following requirements:</p> <ol style="list-style-type: none"> <li>(1) Fences shall be constructed of solid materials. Use of cyclone fencing which utilizes inserts as screening shall be prohibited.</li> <li>(2) Painted or stained wood shall be maintained.</li> <li>(3) Metal fencing shall be painted or vinyl coated.</li> <li>(4) Fence supports shall face inwards.</li> <li>(5) Posts shall be anchored in concrete.</li> <li>(6) A minimum of four (4) inches shall be clear underwood.</li> <li>(7) Fences may step down a slope, however supports shall be vertical and plumb.</li> </ol>	<p><b>Sec. 537. Fences in buffers.</b></p> <p>Fences within required buffer strips shall meet the following requirements:</p> <ol style="list-style-type: none"> <li>(a) Fences shall be constructed of solid materials. Use of cyclone fencing which utilizes inserts as screening shall be prohibited.</li> <li>(b) Painted or stained wood shall be maintained.</li> <li>(c) Metal fencing shall be painted or vinyl coated.</li> <li>(d) Fence supports shall face inwards.</li> <li>(e) Posts shall be anchored in concrete when the fence will be over 6 feet.</li> <li>(f) Fences may step down a slope, however supports shall be vertical and plumb.</li> </ol>

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<p><b>Sec. 1208. Fences and hedges, corner visibility.</b></p> <p>On corner lots within all zoning districts, no fence, shrubbery, or other obstruction to traffic line of sight vision shall exceed a height of two and one-half (2½) feet within the triangular area formed by the intersection of right-of-way lines at two (2) points measured twenty (20) feet along the property line from the intersection. Within said triangle there shall be no sight obscuring wall, fence or foliage higher than thirty (30) inches above grade or in the case of trees, foliage lower than eight (8) feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.</p> <p><b>Sec. 1209. Fences and hedges, measurement rule.</b></p> <p>Heights of fences, hedges, and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley, or the official established grade thereof, whichever is higher. Along interior lot lines, the measurement shall be from the average grade of the lot line of the parcel on which the fence is located.</p> <p><b>Sec. 1210. Fences and hedges, exceptions.</b></p> <p>The mayor and city council may approve, or may direct as a condition for granting approval, that fences or plantings of a height in excess of these regulations be placed as shielding between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.</p>	<p><b>Sec. 538. Other fence standards</b></p> <p>(a) <b>Site visibility</b></p> <p>(1) On corner lots within all zoning districts, no <b>wall</b>, fence, <b>foliage</b>, or other obstruction to traffic line of sight vision shall exceed a height of two and one-half (2½) feet within the triangular area formed by the intersection of right-of-way lines at two (2) points measured twenty (20) feet along the property line from the intersection. Within said triangle there shall be no sight obscuring wall, fence or foliage higher than thirty (30) inches above grade or in the case of trees, foliage lower than eight (8) feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.</p> <p>(b) <b>Fences measurement rule.</b></p> <p>(1) Heights of fences, hedges, and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley, or the official established grade thereof, whichever is higher. Along interior lot lines, the measurement shall be from the average grade of the lot line of the parcel on which the fence is located.</p> <p>(c) <b>Fences and hedges, exceptions.</b></p> <p>(1) The <b>city manager may approve</b> that fences or plantings of a height in excess of these regulations be placed as shielding between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.</p>

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<p><b>Sec. 1009 Site design</b></p> <p>(d) Screening of dumpsters, loading areas and mechanical systems.</p> <ol style="list-style-type: none"> <li>(1) All dumpsters shall be enclosed with a wall of equal or greater height on three (3) sides, the material of which shall be similar to the material on the outside of the main building.</li> <li>(2) Dumpsters shall be placed in the rear yard and may be located five (5) feet from the property line if the adjoining property is zoned non-residential and five (5) feet from all applicable buffers if the adjoining property is zoned residential.</li> <li>(3) Loading areas shall not face any public street.</li> <li>(4) Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.</li> <li>(5) Loading and dumping activities located within one hundred and fifty (150) feet of a single-family residential property shall only be permitted to undertake said activities during normal business hours (7:00 a.m.—1:00 p.m.).</li> <li>(6) Accessory mechanical systems and features including air and heating systems shall not be visible from the public right-of-way.</li> </ol>	<p><b>Existing Sec. 1009(d) was moved to proposed Sec. 539. Revised language is red.</b></p> <p><b>Sec. 539. Screening of dumpsters, loading areas and mechanical systems.</b></p> <ol style="list-style-type: none"> <li>(a) All dumpsters, trash, and recycling receptacles shall be enclosed with a wall of equal or greater height on three (3) sides, the material of which shall be similar to the material on the outside of the primary building.</li> <li>(b) Dumpsters shall be placed in the rear yard and may be located five (5) feet from the property line if the adjoining property is zoned non-residential and five (5) feet from all applicable buffers if the adjoining property is zoned residential.</li> <li>(c) Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.</li> <li>(d) Pursuant to section 5-44 of this Code of Ordinances, temporary construction trash and recycling dumpsters which are not enclosed shall be permitted from the time a building or land disturbance permit is issued, until the certificate of occupancy is granted.</li> </ol>

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<p><b>Sec. 1003. Sidewalks and street trees.</b></p> <p>In addition to the requirements below, the city may provide developers with adopted typical streetscape designs for designated areas. Such design may include additional materials, details and specifications regarding street trees, street lights, litter containers, benches and similar sidewalk-related items. Conformity with the city bike and pedestrian plan is also required where applicable. In addition, properties with required landscape or sidewalk clear zones which are located on private property shall provide a permanent easement arrangement with the city to ensure public access to said zones.</p> <p>(a) Public sidewalks shall be located along both sides of all streets and shall have minimum widths as specified in the Street Type Dimensions Table. Sidewalks shall consist of two (2) zones: a landscape zone and a sidewalk clear zone.</p> <p>(b) Landscape zone requirements.</p> <p>(1) Said zone shall be located immediately adjacent to the curb and shall be continuous.</p> <p>(2) This zone may be used for street trees, street lights, benches, planters, trash receptacles, bicycle parking racks and other street furniture, pedestrian lights, landscaping, or sod. Additional pavement or other similar elements shall be permitted only as approved by the planning and zoning board.</p> <p>(c) Sidewalk clear zone requirements.</p> <p>(1) Said zone shall be located immediately contiguous to the landscape zone and</p>	<p><b>Existing Sec. 1003 was moved to proposed Sec. 540. Revised language is red.</b></p> <p><b>Sec. 540. Sidewalks and street trees.</b></p> <p>In addition to the requirements below, the city may provide developers with adopted typical streetscape designs for designated areas. Such design may include additional materials, details and specifications regarding street trees, street lights, litter containers, benches and similar sidewalk-related items. Conformity with the city bike and pedestrian plan is also required where applicable. In addition, properties with required landscape strip or sidewalk clear zones which are located on private property shall provide a permanent easement arrangement with the city to ensure public access to said zones.</p> <p>(a) Public sidewalks shall be located along both sides of all streets and shall have minimum widths as specified in the Street Type Dimensions Table. Sidewalks shall consist of two (2) zones: a landscape <b>strip</b> and a sidewalk clear zone.</p> <table><tr><th colspan="4">Table 5.6 Streetscape Dimensions</th></tr><tr><td></td><td>Local Streets (NR-1, NR-2, NR-3 Districts)</td><td>Local Streets (All Other Districts)</td><td>Arterials &amp; Collectors</td></tr><tr><td>Landscape Strip (minimum, ft)</td><td>5-6'</td><td>5-6'</td><td>5-6'</td></tr><tr><td>Sidewalk Clear Zone (minimum, ft)</td><td>2'</td><td>5'</td><td>2'</td></tr></table>	Table 5.6 Streetscape Dimensions					Local Streets (NR-1, NR-2, NR-3 Districts)	Local Streets (All Other Districts)	Arterials & Collectors	Landscape Strip (minimum, ft)	5-6'	5-6'	5-6'	Sidewalk Clear Zone (minimum, ft)	2'	5'	2'
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Landscape Strip (minimum, ft)	5-6'	5-6'	5-6'														
Sidewalk Clear Zone (minimum, ft)	2'	5'	2'														

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<p>shall be continuous.</p> <p>(2) Said zone shall be hardscape, and shall be unobstructed for a minimum height of eight (8) feet. Special paving within the sidewalk clear zone shall be permitted only as approved by the planning and zoning board.</p> <p>(3) Where newly constructed sidewalks abut narrower existing adjacent sidewalks, the newly constructed sidewalk shall provide an adequate transitional clear zone width for the purposes of providing a safe facilitation of pedestrian traffic flow between the adjacent sidewalks, as approved by the planning and zoning board.</p> <p>(4) Utilities, including telephone, electric power and cable television in both public and private rights-of-way, shall be placed underground except when extreme conditions of underlying rock or other conditions prevent this requirement from being met and only as approved by the planning and zoning board.</p> <p>(d) Street tree planting requirements:</p> <p>(1) Street trees are required and shall be planted in the ground a maximum of fifty (50) feet on center or grouped one hundred and twenty (120) feet on-center within the landscape zone and spaced equal distance between street lights.</p> <p>(2) All newly planted trees shall be a minimum of four (4) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of sixteen (16) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of ten (10) feet. Said trees shall be in proportion in height to the first floor of building.</p>	

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<p>(3) Trees shall have a minimum planting area of thirty-six (36) square feet and shall have a three-inch raised curb provided along the perimeter of the planting area. All plantings, planting replacement and planting removal shall be approved by the designated city planner, in keeping with the City of Clarkston's tree ordinance replacement values.</p> <p>(4) Tree planting areas shall provide porous drainage systems that allow for drainage of the planting area.</p> <p>(5) The area between required plantings shall either be planted with sod or shall be paved as approved by the planning and zoning board. Paving within the landscape zone shall be limited to a maximum of fifty (50) percent of the total area within the landscape zone.</p> <p>(6) Physical permanent root barriers shall be required along the required street curbs to prevent roots from damaging the curbs.</p> <p>(7) Required tree plantings may be permitted to be planted in the adjacent front yard when extreme conditions prevent the planting of street trees within the landscape zone and only as approved by the planning and zoning board.</p> <p>(8) Street tree species shall be consistent for an entire block length. Similar species shall be permitted to change on individual block faces and only when approved by the planning and zoning board.</p> <p>(9) Street lights or pedestrian lights in the landscape zone shall be spaced equidistant between all required street trees.</p> <p>(e) Sidewalks disturbed by development. Any development that disturbs existing city-funded sidewalks including the clear zone and landscape zone shall be replaced by the property owner to its</p>	

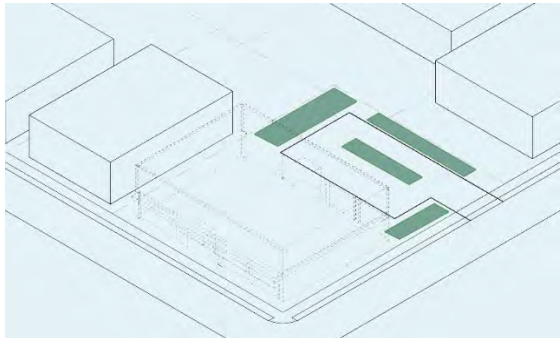
EXISTING CODE	PROPOSED CODE
<p>pre-disturbance state and condition.</p> <p><b>Sec. 1212. Landscape strips.</b></p> <p>(a) Minimum landscape strip dimensions for front yards and street side corner yards along the street frontage for each lot in any zoning district shall be ten (10) linear feet.</p> <p>(b) Permanent structures shall be prohibited within landscape strips (such as buildings, parking spaces, dumpsters, drainage structures and detention facilities). Exceptions include driveways, sidewalks foot paths, necessary retaining walls, signs, and the deposition of storm water runoff or drainage swales through landscape strips perpendicular to the strip.</p> <p>(c) Signs within landscape strips may only be located in areas of turf or ground cover and must not conflict with the growth potential of trees and shrubs.</p> <p>(d) Design standards: All required landscape strips must be designed with at least sixty (60) percent coverage in trees and shrubs, and no more than forty (40) percent coverage in grass and ground cover. Landscape strip coverage will be calculated as follows:</p> <ol style="list-style-type: none"> <li>(1) Calculate the total spatial area of the landscape strip.</li> <li>(2) Count the number of trees within the landscape strip and multiply by fifty (50) square feet for trees less than six (6) inch caliper and one hundred and fifty (150) square feet for trees greater than six-inch caliper. (This will allow some credit for the spatial coverage of the tree canopy).</li> <li>(3) Measure the spatial coverage of the proposed shrub beds and add to the tree coverage. <ol style="list-style-type: none"> <li>a. Twelve (12) square feet for each five-gallon shrub;</li> </ol> </li> </ol>	<p>(b) Landscape strip requirements.</p> <ol style="list-style-type: none"> <li>(1) Minimum landscape strip dimensions for front yards along the street frontage for each lot in any zoning district shall be ten (10) linear feet.</li> <li>(2) Permanent structures shall be prohibited within landscape strips (such as buildings, parking spaces, dumpsters, drainage structures and detention facilities). Exceptions include driveways, sidewalks foot paths, necessary retaining walls, signs, and the deposition of storm water runoff or drainage swales through landscape strips perpendicular to the strip.</li> <li>(3) Signs within landscape strips may only be located in areas of turf or ground cover and must not conflict with the growth potential of trees and shrubs.</li> <li>(4) Design standards: All required landscape strips must be designed with at least sixty (60) percent coverage in trees and shrubs, and no more than forty (40) percent coverage in grass and ground cover. Landscape strip coverage will be calculated as follows: <ol style="list-style-type: none"> <li>(i) Calculate the total spatial area of the landscape strip.</li> <li>(ii) Count the number of trees within the landscape strip and multiply by fifty (50) square feet for trees less than six (6) inch caliper and one hundred and fifty (150) square feet for trees greater than six-inch caliper. (This will allow some credit for the spatial coverage of the tree canopy).</li> </ol> </li> </ol>

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<ul style="list-style-type: none"> <li>b. Nine (9) square feet for each three-gallon shrub;</li> <li>c. Six (6) square feet for each two-gallon shrub or ground cover; or</li> <li>d. Three (3) square feet for each one-gallon shrub or ground cover.</li> <li>e. This total area shall be greater than or equal to sixty (60) percent of the total area of the strip.</li> </ul> <p>(4) The required overstory trees within the front landscaping areas shall be a minimum of three-inch caliper or twelve (12) feet to fourteen (14) feet tall at the time of planting.</p> <p>(5) The required understory trees within the front landscaping areas shall be a minimum of two-inch caliper or eight (8) feet to ten (10) feet tall at the time of planting.</p> <p>(6) Any exposed ground shall be planted with a living ground cover or lawn, with an appropriate mulching material.</p> <p>(7) All trees and landscape materials should be planted at the proper planting times, preferably in the fall, winter or spring and maintained in perpetuity. The city may require performance bonds be posted if planting is delayed due to seasonality.</p> <p>(8) Trees within required landscape strips shall be provided as follows:</p> <ul style="list-style-type: none"> <li>a. Landscape strips shall have a minimum of one (1) tree for every thirty (30) linear feet of a landscape strip to the nearest whole number.</li> <li>b. Clumping is permitted provided that adequate spacing is allowed for future growth.</li> </ul> <p>(9) Landscape strips shall be shown on the landscape plan for review and approval as part of the building permit process.</p>	<ul style="list-style-type: none"> <li>(iii) Measure the spatial coverage of the proposed shrub beds and add to the tree coverage.</li> </ul> <ul style="list-style-type: none"> <li>1. Twelve (12) square feet for each five-gallon shrub;</li> <li>2. Nine (9) square feet for each three-gallon shrub;</li> <li>3. Six (6) square feet for each two-gallon shrub or ground cover; or</li> <li>4. Three (3) square feet for each one-gallon shrub or ground cover.</li> <li>5. This total area shall be greater than or equal to sixty (60) percent of the total area of the strip.</li> </ul> <p>(5) The required overstory trees within the front landscape strip(s) shall be a minimum of three-inch caliper or twelve (12) feet to fourteen (14) feet tall at the time of planting.</p> <p>(6) The required understory trees within the front landscape strip(s) shall be a minimum of two-inch caliper or eight (8) feet to ten (10) feet tall at the time of planting.</p> <p>(7) Any exposed ground shall be planted with a living ground cover or lawn, with an appropriate mulching material.</p> <p>(8) All trees and landscape materials should be planted at the proper planting times, preferably in the fall, winter or spring and maintained in perpetuity. The city may require performance bonds be posted if planting is delayed due to seasonality.</p> <p>(9) Trees within required landscape strips shall be provided as follows:</p> <ul style="list-style-type: none"> <li>(i) Landscape strips shall have a minimum of one (1) tree</li> </ul>

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	<p>development director.</p> <p>(4) Utilities, including telephone, electric power and cable television in both public and private rights-of-way, shall be placed underground except when extreme conditions of underlying rock or other conditions prevent this requirement from being met and only as approved by the planning and development director.</p> <p>(e) <i>Street tree planting requirements:</i></p> <p>(1) Street trees are required and shall be planted in the ground a maximum of fifty (50) feet on center or grouped one hundred and twenty (120) feet on-center within the landscape zone and spaced equal distance between street lights.</p> <p>(2) All newly planted trees shall be a minimum of four (4) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of sixteen (16) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of ten (10) feet. Said trees shall be in proportion in height to the first floor of building.</p> <p>(3) Trees shall have a minimum planting area of thirty-six (36) square feet and shall have a three-inch raised curb provided along the perimeter of the planting area. All plantings, planting replacement and planting removal shall be approved by the designated City manager , in keeping with the City of Clarkston's tree ordinance replacement values.</p> <p>(4) Tree planting areas shall provide porous drainage systems that allow for drainage of the planting area.</p> <p>(5) The area between required plantings shall either be mulched, planted with sod or shall be paved as approved by the city manager. Paving within the</p>

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	<p>landscape strip shall be limited to a maximum of fifty (50) percent of the total area within the landscape zone.</p> <p>(6) Physical permanent root barriers shall be required along the required street curbs to prevent roots from damaging the curbs.</p> <p>(7) Required tree plantings may be permitted to be planted in the adjacent front yard when extreme conditions like topography prevent the planting of street trees within the landscape zone and only as approved by the city manager.</p> <p>(8) Street tree species shall be consistent for an entire block length. Similar species shall be permitted to change on individual block faces and only when approved by the planning and zoning board.</p> <p>(9) Street lights or pedestrian lights in the landscape zone shall be spaced equidistant between all required street trees.</p> <p>(f) <i>Sidewalks disturbed by development.</i> Any development that disturbs existing city-funded sidewalks including the clear zone and landscape zone shall be replaced by the property owner to its pre-disturbance state and condition.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1213. Parking areas.</b></p> <p>Parking lots designed with fifteen (15) or more parking spaces shall be designed as follows:</p> <p>(a) Where parking bays exceed fifteen (15) continuous spaces, a planter island meeting the following criteria is required. The planting islands shall be located no farther apart than every ten (10) parking spaces and at the terminus of all rows of parking.</p> <p>(1) Each separated planter island shall contain a minimum of two hundred (200) square feet.</p> <p>(2) Each planter island area shall include at least one (1) shade tree. The remaining area may be planted with shrubs, lawn or living ground cover not to exceed three (3) feet in height with mulch of pine straw, bark, wood chips, turf grass, rocks and the like.</p> <p>(3) All planter islands must be curbed to prevent vehicular encroachment.</p> <p>(b) To promote better growth of trees and shrubs and to encourage flexibility in parking design, the area of not more than four (4) planter islands may be combined into one (1) large island, provided that the large island include one (1) shade tree per two hundred (200) square feet, with a minimum distance of thirty (30) feet exists between shade trees.</p>	<p><b>Existing Sec. 1213 was moved to proposed Sec 541. Revised language is red.</b></p> <p><b>Sec. 541. Parking areas.</b></p> <p>Parking lots designed with fifteen (15) or more parking spaces shall be designed as follows:</p> <p>(a) Where parking bays exceed fifteen (15) continuous spaces, a planter island meeting the following criteria is required. The planting islands shall be located no farther apart than every ten (10) parking spaces and at the terminus of all rows of parking.</p> <p>(1) Each separated planter island shall contain a minimum of <b>two hundred fifty (250)</b> square feet per tree.</p> <p>(2) Each planter island area shall include at least one (1) shade tree. The remaining area may be planted with shrubs, lawn or living ground cover not to exceed three (3) feet in height with mulch of pine straw, bark, wood chips, turf grass, rocks and the like.</p> <p>(3) All planter islands must be curbed to prevent vehicular encroachment.</p> <p>(b) To promote better growth of trees and shrubs and to encourage flexibility in parking design, the area of not more than four (4) planter islands may be combined into one (1) large island, provided that the large island include one (1) shade tree per two hundred (200) square feet, with a minimum distance of thirty (30) feet exists between shade trees.</p> 

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1211. Tree requirements.</b></p> <ul style="list-style-type: none"> <li>(a) Existing tree cover and natural vegetation shall be preserved and/or replaced with suitable vegetation. All existing, healthy hardwood or softwood trees with a caliper of two (2) or more inches at a point three (3) feet above the ground shall be retained whenever feasible; if not feasible, the tree shall be replaced.</li> <li>(b) A minimum of one (1) overstory tree and one (1) understory tree shall be required for each five hundred (500) square feet of the total minimum required open space outside the parking areas. All other existing trees of at least twenty (20) feet in canopy diameter and height shall be counted. Trees required for screening purposes shall not be included in the aforementioned calculation.</li> <li>(c) Except as required by this section and to meet specific community design policies established for various areas of Clarkston, trees shall be planted and/or retained in areas of the site to enhance the overall project design and provide such amenities as visual attractiveness, natural resources preservation, energy conservation, etc.</li> <li>(d) All retained or planted trees shall be protected or situated as to prevent damage from environmental changes, particularly grading and other contractor operations, resulting from any building or other improvements as stipulated in the Clarkston Tree Protection Plan.</li> <li>(e) Tree replacement and all tree plantings shall be submitted and approved coincident with the landscaping plan for the site.</li> <li>(f) The following trees shall be permitted:</li> </ul>	<p><b>Existing Sec. 1211 was moved to proposed Sec 542.</b></p> <p><b>Sec. 542. Tree requirements.</b></p> <ul style="list-style-type: none"> <li>(a) Existing tree cover and natural vegetation shall be preserved and/or replaced with suitable vegetation. All existing, healthy hardwood or softwood trees with a caliper of two (2) or more inches at a point three (3) feet above the ground shall be retained whenever feasible; if not feasible, the tree shall be replaced.</li> <li>(b) A minimum of one (1) overstory tree and one (1) understory tree shall be required for each five hundred (500) square feet of the total minimum required open space outside the parking areas. All other existing trees of at least twenty (20) feet in canopy diameter and height shall be counted. Trees required for screening purposes shall not be included in the aforementioned calculation.</li> <li>(c) Except as required by this section and to meet specific community design policies established for various areas of Clarkston, trees shall be planted and/or retained in areas of the site to enhance the overall project design and provide such amenities as visual attractiveness, natural resources preservation, energy conservation, etc.</li> <li>(d) All retained or planted trees shall be protected or situated as to prevent damage from environmental changes, particularly grading and other contractor operations, resulting from any building or other improvements as stipulated in the Clarkston Tree Protection Plan.</li> <li>(e) Tree replacement and all tree plantings shall be submitted and approved coincident with the landscaping plan for the site.</li> <li>(f) The following trees shall be permitted:</li> </ul>

EXISTING CODE		PROPOSED CODE	
Canopy (Overstory) Trees		<b>Table 5.7 Permitted Trees</b>	
Canopy (Overstory) Trees		Canopy (Overstory) Trees	
Common Name	Scientific Name	Common Name	Scientific Name
Green Ash (seedless)	Fraxinus pennsylvanica	Green Ash (seedless)	Fraxinus pennsylvanica
White Ash	Fraxinus americana	White Ash	Fraxinus americana
American Beech	Fagus grandifolia	American Beech	Fagus grandifolia
River Birch	Betula nigra	River Birch	Betula nigra
Bald Cypress	Taxodium distichum	Bald Cypress	Taxodium distichum
Chinese Elm	Ulmus parvifolia	Chinese Elm	Ulmus parvifolia
Ginkgo (male only)	Ginkgo biloba	Ginkgo (male only)	Ginkgo biloba
Thornless Honeylocust	Gleditsia triacanthos "inermis"	Thornless Honeylocust	Gleditsia triacanthos "inermis"
European Hornbeam	Carpinus betulus	European Hornbeam	Carpinus betulus
Katsura Tree	Cercidiphyllum japonicum	Katsura Tree	Cercidiphyllum japonicum
Florida or Southern Sugar Maple	Acer barbatum	Florida or Southern Sugar Maple	Acer barbatum
Red Maple and varieties	Acer rubrum	Red Maple and varieties	Acer rubrum
Sugar Maple (heat-adapted varieties)	Acer saccharum	Sugar Maple (heat-adapted varieties)	Acer saccharum
Southern Magnolia	Magnolia grandiflora	Southern Magnolia	Magnolia grandiflora
Chestnut Oak	Quercus prinus	Chestnut Oak	Quercus prinus
Laurel Oak	Quercus laurifolia	Laurel Oak	Quercus laurifolia
Overcup Oak	Quercus lyrata	Overcup Oak	Quercus lyrata
		Pin Oak	Quercus palustris
		Red Oak	Quercus rubra
		Sawtooth Oak	Quercus accutissima

EXISTING CODE		PROPOSED CODE	
Pin Oak	Quercus palustris	Scarlet Oak	Quercus coccinea
Red Oak	Quercus rubra	Southern Red Oak	Quercus falcate
Sawtooth Oak	Quercus accutissima	Willow Oak	Quercus phellos
Scarlet Oak	Quercus coccinea	Japanese Pagodatree	Sophora japonica
Southern Red Oak	Quercus falcate	Loblolly Pine	Pinus taeda
Willow Oak	Quercus phellos	Dawn Redwood	Metasequoia glyptostroboides
Japanese Pagodatree	Sophora japonica	Japanese Zelkova	Zelkova serrata
Loblolly Pine	Pinus taeda	Understory Trees	
Dawn Redwood	Metasequoia glyptostroboides	Common Name	Scientific Name
Japanese Zelkova	Zelkova serrata	Kwanzan Cherry	Prunus cerasifera
Understory Trees		Yoshino Cherry	Prunus x yedoensis
Common Name	Scientific Name	Crabapple (disease resistant varieties)	Malus spp.
Kwanzan Cherry	Prunus cerasifera	Flowering Dogwood	Cornus florida
Yoshino Cherry	Prunus x yedoensis	Kousa Dogwood	Cornus kousa
Crabapple (disease resistant varieties)	Malus spp.	'Brown Turkey' Fig	Ficus carica
Flowering Dogwood	Cornus florida	Lilac Chaste Tree	Vitex agnus-castus
Kousa Dogwood	Cornus kousa	Little Gem Magnolia	Magnolia grandiflora 'Little Gem'
		Saucer Magnolia	Magnolia soulangeana
		Star Magnolia	Magnolia stellata
		Japanese Maple	Acer palmatum
		Paperbark Maple	Acer griseum

EXISTING CODE		PROPOSED CODE	
'Brown Turkey' Fig	Ficus carica	Trident Maple	Acer buergeranum
Lilac Chaste Tree	Vitex agnus-castus	Crepe Myrtle (disease resistant)	Lagerstroemia indica
Little Gem Magnolia	Magnolia grandiflora 'Little Gem'	Hybrid Crepe Myrtles (disease resistant)	Lagerstroemia faureii
Saucer Magnolia	Magnolia soulangeana	Wax Myrtle	Myrica cerifera
Star Magnolia	Magnolia stellata	Redbud	Cercis Canadensis
Japanese Maple	Acer palmatum	Sassafrass Tree	Sassafrass albidum
Paperbark Maple	Acer griseum	Carolina Silverbell	Halesia caroliniana
Trident Maple	Acer buergeranum	American or European Smoke Tree	Cottinus obovatus or coggygia
Crepe Myrtle (disease resistant)	Lagerstroemia indica	Sourwood	Oxydendron arborum
Hybrid Crepe Myrtles (disease resistant)	Lagerstroemia faureii	<p>Other trees may be approved on a case by case basis. The general criteria for overstory replacement trees are large growing (forty (40) feet tall or greater), and ecologically compatible with the site. The general criteria for understory replacement trees are medium growing (ten (10) to thirty-five (35) in height), and ecologically compatible with the site. All planting and replanting plans are subject to the city arborist's approval.</p>	
Wax Myrtle	Myrica cerifera		
Redbud	Cercis Canadensis		
Sassafrass Tree	Sassafrass albidum		
Carolina Silverbell	Halesia caroliniana		
American or European Smoke Tree	Cottinus obovatus or coggygia		
Sourwood	Oxydendron		

EXISTING CODE	PROPOSED CODE		
<table border="1" data-bbox="159 289 808 367"> <tr> <td data-bbox="159 289 483 367"></td><td data-bbox="483 289 808 367">arborum</td></tr> </table> <p>Other trees may be approved on a case by case basis. The general criteria for overstory replacement trees are large growing (forty (40) feet tall or greater), and ecologically compatible with the site. The general criteria for understory replacement trees are medium growing (ten (10) to thirty-five (35) in height), and ecologically compatible with the site. All planting and replanting plans are subject to the city tree consultant's approval.</p> <p>Sec. 1214. Installation and maintenance.</p> <p>(a) Installation. All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures. The city tree consultant shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements provided in this zoning ordinance.</p> <p>(b) Agreement and bonding. Prior to issuance of a certificate of occupancy, the developer or owner shall post a performance bond or cash escrow guaranteeing all landscaping materials and work for a period of two (2) years after approval or acceptance thereof by the city in a sum established by the city tree consultant. The bond will be in the amount of one hundred (100) percent of the estimated cost of replacing all of the landscaping required by these specifications. At the end of two (2) years, the building inspector shall make an inspection and notify the owner or developer and the bond company of any corrections to be made.</p> <p>(c) Maintenance. The owner, occupant, tenant and respective agent of each, if any, shall be</p>		arborum	<p><b>Existing Sec. 1214 was moved to proposed Sec 543.</b></p> <p><b>Sec. 543. Installation and maintenance.</b></p> <p>(a) Installation. All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures. The <b>city arborist</b> shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements provided in this zoning ordinance.</p> <p>(b) Agreement and bonding. Prior to issuance of a certificate of occupancy, the developer or owner shall post a performance bond or cash escrow guaranteeing all landscaping materials and work for a period of two (2) years after approval or acceptance thereof by the city in a sum established by the <b>city arborist</b>. The bond will be in the amount of one hundred (100) percent of the estimated cost of replacing all of the landscaping required by these specifications. At the end of two (2) years, the building inspector shall make an inspection and notify the owner or developer and the bond company of any corrections to be made.</p>
	arborum		

EXISTING CODE	PROPOSED CODE
<p>jointly and severally responsible for the maintenance and protection of all required landscaping in perpetuity, in accordance with the following standards:</p> <ol style="list-style-type: none"> <li>(1) Keep landscaping reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition;</li> <li>(2) Mow or trim landscaping in a manner and at a frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Growth of plant material at maturity shall be considered where future conflicts such as view, signage, street lighting, utilities and circulation might arise;</li> <li>(3) Maintain all landscaping to minimize property damage and public safety hazards, including removal of dead or decaying plant material, and removal of low hanging branches next to sidewalks and walkways obstructing street lighting;</li> <li>(4) Plantings in the buffer area shall be replaced unless the city tree consultant deems such replacement unnecessary;</li> <li>(5) Pruning, trimming, and maintenance shall be performed to maintaining healthy plant matter in accordance with the specifications set forth by the American Forestry Association, the National Arborist Association, or other professional arboricultural organizations; and</li> <li>(6) See Article VI, District Regulations for additional maintenance requirements.</li> </ol>	<p>(c) Maintenance. The owner, occupant, tenant and respective agent of each, if any, shall be jointly and severally responsible for the maintenance and protection of all required landscaping in perpetuity, in accordance with the following standards:</p> <ol style="list-style-type: none"> <li>(1) Keep landscaping reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition;</li> <li>(2) Mow or trim landscaping in a manner and at a frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Growth of plant material at maturity shall be considered where future conflicts such as view, signage, street lighting, utilities and circulation might arise;</li> <li>(3) Maintain all landscaping to minimize property damage and public safety hazards, including removal of dead or decaying plant material, and removal of low hanging branches next to sidewalks and walkways obstructing street lighting;</li> <li>(4) Plantings in the buffer area shall be replaced unless the <b>city arborist</b> deems such replacement unnecessary;</li> <li>(5) Pruning, trimming, and maintenance shall be performed to maintaining healthy plant matter in accordance with the specifications set forth by the American Forestry Association, the National Arborist Association, or other professional arboricultural organizations; and</li> <li>(6) See Article VI, District Regulations for additional maintenance requirements.</li> </ol>

EXISTING CODE	PROPOSED CODE
<p align="center"><b>ARTICLE XI. PARKING AND LOADING REQUIREMENTS</b></p> <p><b>Sec. 1101. Off-street parking and loading spaces required.</b></p> <p>(a) It is the intent of this zoning ordinance that all buildings, structures, and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces are so oriented that they are readily useable for such purposes.</p> <p>(b) Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. When an addition is proposed to a building that is nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.</p> <p>(c) No addition to an existing building shall be constructed which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.</p> <p>(d) Off-street parking shall incorporate handicapped spaces into the design of parking facilities.</p>	<p align="center"><b>ARTICLE VI. PARKING AND LOADING REQUIREMENTS</b></p> <p>Existing Article XI was moved to proposed Article VI. Revised language is red.</p> <p><b>DIVISION 1. GENERAL PROVISIONS</b></p> <p><b>Sec. 601. Off-street parking and loading spaces required.</b></p> <p>(a) It is the intent of this zoning ordinance that all buildings, structures, and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces are so oriented that they are readily useable for such purposes.</p> <p>(a) Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. When an addition is proposed to a building that is nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.</p> <p>(b) No addition to an existing building shall be constructed which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein, <b>except when the reduced number of parking spaces still meets the requirements of this article.</b></p> <p>(c) Off-street parking shall incorporate handicapped spaces into the design of parking facilities.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1102. Design standards.</b></p> <p>The following design requirements shall apply to all off-street parking spaces, driveways, and loading spaces.</p> <p>(a) <i>Parking Spaces.</i></p> <ol style="list-style-type: none"> <li>(1) Off-street surface parking shall not be located between a building and the street without an intervening building, except where otherwise permitted in section 904 (b)(6) and 1005(a)(5).</li> <li>(2) Required dimensions for each parking space. Each automobile parking space shall be not less than nine (9) feet wide and twenty (20) feet deep. Parking spaces for compact cars shall not be less than eight (8) feet wide and fifteen (15) feet deep. Adequate interior driveways shall connect each parking space with a public right-of-way.</li> <li>(3) Surfacing, drainage and lighting. All off-street parking spaces, access and interior driveways shall be provided with a paved, dust free surface. If the off-street parking facilities are used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. The lighting shall be designed so as not to reflect onto or cause glare in any adjacent residential district.</li> <li>(4) Striping and marking. <ol style="list-style-type: none"> <li>a. All pavement markings intended to delineate off-street parking spaces shall be striped with durable reflective striping designed for that purpose.</li> <li>b. All handicapped spaces shall be striped and marked in accordance with applicable federal and state standards.</li> </ol> </li> </ol>	<p><b>DIVISION 2. DESIGN STANDARDS</b></p> <p><b>Sec. 602. <b>General standards.</b></b></p> <p>The following design requirements shall apply to all off-street parking spaces, driveways, and loading spaces.</p> <p>(a) <i>Parking Spaces.</i></p> <ol style="list-style-type: none"> <li>(1) Off-street surface parking shall not be located between a building and the street without an intervening building, except where otherwise permitted <b>in this zoning ordinance.</b></li> <li>(2) <b>Required dimensions for each parking space. Each automobile parking space shall be not less than nine (9) feet wide and twenty (20) feet deep.</b></li> <li>(3) Surfacing, drainage and lighting. All off-street parking spaces, access and interior driveways shall be provided with a paved, dust free surface. If the off-street parking facilities are used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. The lighting shall be designed so as not to reflect onto or cause glare in any adjacent residential district.</li> <li>(4) <b>Adequate interior driveways shall connect each parking space with a public right-of-way.</b></li> <li>(5) Striping and marking. <ol style="list-style-type: none"> <li>(i) All pavement markings intended to delineate off-street parking spaces shall be striped with durable reflective striping designed for that purpose.</li> <li>(i) All handicapped spaces shall be striped and marked in accordance with applicable federal and state standards.</li> </ol> </li> </ol>

EXISTING CODE	PROPOSED CODE
<p>(b) <i>Compact parking spaces.</i></p> <p>(1) Developments where thirty (30) or more parking spaces are provided shall have the option to allot up to twenty (20) percent of the parking spaces as compact parking spaces.</p> <p>(2) Compact parking spaces shall be identified by pavement markings and/or by appropriate signage.</p> <p>(c) <i>Bicycle parking.</i></p> <p>(1) Developments in all TC, NC-1, and NC-2 districts shall provide bicycle parking racks at a ratio of at least one (1) bicycle parking space for every twenty (20) automobile parking spaces.</p> <p>(2) No development shall have fewer than three (3) bicycle parking spaces nor be required to exceed a maximum of thirty (30) spaces.</p> <p>(3) Bicycle parking spaces shall be located within the landscape zone a maximum distance of one hundred (100) feet from the building entrance, or shall be located at least as close as the closest automobile space and shall provide a concrete pad upon which the bicycle parking space shall be firmly rooted.</p>	<p>(b) Compact parking spaces.</p> <p>(1) No more than 20% of the required parking spaces for industrial, commercial, institutional, or multi-family uses can be designated for compact cars.</p> <p>(2) Compact parking spaces shall be identified by pavement markings and/or by appropriate signage.</p> <p>(3) Parking spaces for compact cars shall not be less than eight (8) feet wide and fifteen (15) feet deep.</p> <p>(c) Bicycle parking.</p> <p>(1) Developments in all NR-CD, RC, TC, NC-1, and NC-2 districts shall provide bicycle parking racks at a ratio of at least one (1) bicycle parking space for every twenty (20) automobile parking spaces.</p> <p>(2) No development shall have fewer than three (3) bicycle parking spaces nor be required to exceed a maximum of thirty (30) spaces.</p> <p>(3) Bicycle parking spaces shall be located within the landscape zone a maximum distance of one hundred (100) feet from the building entrance, or shall be located at least as close as the closest automobile space and shall provide a concrete pad upon which the bicycle parking space shall be firmly rooted.</p>

EXISTING CODE	PROPOSED CODE
<p>(d) Additional requirements for non single-family districts. All required off-street parking facilities (other than those for single-family dwellings), including entrances, exits, and maneuvering areas, shall comply with the following provisions. Each parking facility:</p> <ol style="list-style-type: none"> <li>(1) Shall have access to a public street;</li> <li>(2) Shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control;</li> <li>(3) Shall have all spaces marked with paint lines, curb stones or other similar devices;</li> <li>(4) Shall be drained so as to prevent damage to abutting properties or public streets and where possible shall be drained towards infiltration swales located in the five-foot head-to-head landscape strips required between vehicles in section 1205(f).</li> <li>(5) To the extent practicable, adjacent parking lots serving nonresidential or mixed-use buildings shall be interconnected and shall provide for future interconnectivity.</li> <li>(6) Shall have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties;</li> <li>(7) Shall be designed to conform to the geometric design standards of the institute of traffic engineers;</li> <li>(8) Wheel bumpers shall be placed at the head of all parking spaces that abut a landscape strip or sidewalk. When wheel bumpers are adjacent to a</li> </ol>	<p><b>Existing Sec. 1107(d) was moved to proposed Sec. 603(d).</b></p> <p>(d) Additional requirements for non single-family districts.</p> <p>All required off-street parking facilities (other than those for single-family dwellings), including entrances, exits, and maneuvering areas, shall comply with the following provisions. Each parking facility:</p> <ol style="list-style-type: none"> <li>(1) Shall have access to a public street;</li> <li>(2) Shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control;</li> <li>(3) Shall have all spaces marked with paint lines, curb stones or other similar devices;</li> <li>(4) Shall be drained so as to prevent damage to abutting properties or public streets and where possible shall be drained towards infiltration swales located in the five-foot head-to-head landscape strips required between vehicles in section 1205(f).</li> <li>(5) To the extent practicable, adjacent parking lots serving nonresidential or mixed-use buildings shall be interconnected and shall provide for future interconnectivity.</li> <li>(6) Shall have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties;</li> <li>(7) Shall be designed to conform to the geometric design standards of the institute of traffic engineers;</li> <li>(8) Wheel bumpers shall be placed at the head of all parking spaces that abut a landscape strip or sidewalk. When wheel bumpers are adjacent to a</li> </ol>

EXISTING CODE	PROPOSED CODE
<p>sidewalk, a two-foot extension of the sidewalk shall be permitted to be substituted in the place of the required wheel bumpers.</p> <p>(9) No parking area may be used for the sale, repair, dismantling, servicing or long term storage of any vehicles or equipment unless such use is permitted within the district in which the parking area is located.</p> <p>(10) Location on other property. If the required automobile parking spaces cannot be reasonably provided on the same lot on which the principal use is conducted, such spaces may be provided on adjacent or nearby property within the same zoning district, provided a major portion lies within twelve hundred (1,200) feet of the main entrance to the principal use for which such parking is provided. A written agreement among all owners of record shall be provided and held on file with the city clerk. All renewed or terminated leases shall be filed with the city clerk.</p>	<p>sidewalk, a two-foot extension of the sidewalk shall be permitted to be substituted in the place of the required wheel bumpers.</p> <p>(9) No parking area may be used for the sale, repair, dismantling, servicing or long term storage of any vehicles or equipment unless such use is permitted within the district in which the parking area is located.</p> <p>(10) Location on other property. If the required automobile parking spaces cannot be reasonably provided on the same lot on which the <b>primary</b> use is conducted, such spaces may be provided on adjacent or nearby property within the same zoning district, provided a major portion lies within <b>one thousand (1,000) feet</b> of the main entrance to the primary use for which such parking is provided. A written agreement among all owners of record shall be provided and held on file with <b>the Planning and Development Director</b>. All renewed or terminated leases shall be filed with <b>the Planning and Development Director</b>.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1103. Driveways and curb cuts.</b></p> <p>Driveways and curb cuts shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Interior driveway. Where ninety (90) degree parking is utilized, all interior driveways shall be a minimum of twenty two (22) feet in width. If forty five (45) or sixty (60) degree angle parking is used, then interior driveways shall be at least twelve (12) feet in width for one-way traffic and twenty two (22) feet in width for two-way traffic. Where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of ten (10) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic.</li> <li>(b) All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone. A corresponding interior sign or painted bar on the driveway shall be provided adjacent to the sidewalk paving as it intersects the driveway which shall communicate that vehicles must stop or yield for the intervening sidewalk.</li> <li>(c) Driveway curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances, unless otherwise permitted by the DeKalb or Georgia Department of Transportation. For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one (1) curb cut provided that each curb cut does not exceed one (1) lane in width.</li> <li>(d) Driveway curb cuts on any street that functions as an arterial street or collector street are permitted only when access cannot be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception</li> </ul>	<p><b>Sec. 603. Driveways and curb cuts.</b></p> <p>Driveways and curb cuts shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Interior driveway. Where ninety (90) degree parking is utilized, all interior driveways shall be a minimum of twenty two (22) feet in width. If forty five (45) or sixty (60) degree angle parking is used, then interior driveways shall be at least twelve (12) feet in width for one-way traffic and twenty two (22) feet in width for two-way traffic. Where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of ten (10) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic.</li> <li>(b) All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone. A corresponding interior sign or painted bar on the driveway shall be provided adjacent to the sidewalk paving as it intersects the driveway which shall communicate that vehicles must stop or yield for the intervening sidewalk.</li> <li>(c) Driveway curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances, unless otherwise permitted by the Georgia Department of Transportation. For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one (1) curb cut provided that each curb cut does not exceed one (1) lane in width.</li> <li>(d) Driveway curb cuts on any street that functions as an arterial street or collector street are permitted only when access cannot be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of</li> </ul>

EXISTING CODE	PROPOSED CODE
<p>of hotel patron drop-off drives.</p> <p>(e) Driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.</p> <p>(f) No more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut located on each street frontage. However, developments on properties with a single street frontage greater than four hundred (400) feet shall be permitted two (2) curb cuts along one street frontage provided that each curb is at least 300 feet apart.</p> <p>(g) A common or joint driveway may be authorized by the planning and development commission.</p> <p>(h) All developments shall have pedestrian walkways a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.</p>	<p>hotel patron drop-off drives.</p> <p>(e) Driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.</p> <p>(f) No more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut located on each street frontage. However, developments on properties with a single street frontage greater than four hundred (400) feet shall be permitted two (2) curb cuts along one street frontage provided that each curb is at least 300 feet apart.</p> <p>(g) A common or joint driveway may be authorized by the City manager pursuant to Sec. 216 of this zoning ordinance.</p> <p>(h) All developments shall have pedestrian walkways a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1104. Parking area landscaping requirements.</b></p> <p>Interior landscaping for parking areas shall be required for all parking lots designed for according to the requirements of section 1213.</p> <p><b>Sec. 1105. Parking decks and parking structures.</b></p> <p>The following regulations shall apply to parking decks and parking structures:</p> <ul style="list-style-type: none"> <li>(a) Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.</li> <li>(b) All parking decks and parking structures shall have pedestrian walkways a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.</li> <li>(c) All parking decks and parking structures shall have a landscape strip a minimum width of six (6) feet immediately contiguous to the parking facility for the whole of the exterior perimeter of the parking facility containing at least one (1) understory or overstory tree, as appropriate, and ten (10) shrubs per fifty (50) linear feet, and a minimum of ninety (90) percent living groundcover, sod, and/or annual or perennial color in the landscape strip surface area.</li> </ul>	<p><b>Existing Sec. 1104 was moved to proposed Sec. 606.</b></p> <p><b>Sec. 604. Parking decks and parking structures.</b></p> <p>The following regulations shall apply to parking decks and parking structures:</p> <ul style="list-style-type: none"> <li>(a) Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public and shall have the appearance of a horizontal storied building.</li> <li>(b) All parking decks and parking structures shall have pedestrian walkways a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.</li> <li>(c) All parking decks and parking structures shall have a landscape strip a minimum area of 250 square feet per tree immediately contiguous to the parking facility for the whole of the exterior perimeter of the parking facility containing at least one (1) understory or overstory tree, as appropriate, and ten (10) shrubs per fifty (50) linear feet, and a minimum of ninety (90) percent living groundcover, sod, and/or annual or perennial color in the landscape strip surface area.</li> <li>(d) Parking structures directly adjacent to a minor arterial or collector street shall have a use on the first floor that meets the requirements in Sec. 519.</li> </ul>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1115. Parking in residential districts.</b></p> <p>Parking any automobile, motorcycle, motor vehicle or trailer shall not be allowed in the front yard, side yard or rear yard of a residence unless said automobile, motorcycle, motor vehicle or trailer is parked on a concrete, asphalt or gravel driveway or parking area. It shall be unlawful to park any automobile, motorcycle, motor vehicle or trailer on the grass, lawn or dirt areas in the yard of any residence located within the corporate boundaries of the City of Clarkston.</p> <p><b>Sec. 1106. Interpretations.</b></p> <p>(a) Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.</p> <p>(b) Where the parking requirement for a particular use is not described in this article, and where no similar use is listed, the mayor or his/her designee shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, and other expected demand and traffic generated by the proposed use. In making any such determination, the mayor or his/her designee shall follow the principles set forth in the statement of purpose at the beginning of this article.</p> <p><b>Sec. 1104. Parking area landscaping requirements.</b></p> <p>Interior landscaping for parking areas shall be required for all parking lots designed for according to the requirements of section 1213.</p>	<p><b>Existing Sec. 1115 was moved to proposed Sec. 605.</b></p> <p><b>Sec. 605. Parking in residential districts.</b></p> <p>Parking any automobile, motorcycle, motor vehicle or trailer shall not be allowed in the front yard, side yard or rear yard of a residence unless said automobile, motorcycle, motor vehicle or trailer is parked on a concrete, asphalt or gravel driveway or parking area. It shall be unlawful to park any automobile, motorcycle, motor vehicle or trailer on the grass, lawn or dirt areas in the yard of any residence located within the corporate boundaries of the City of Clarkston.</p> <p><b>Existing Sec. 1106 was moved to proposed Division 7 of Article VI.</b></p> <p><b>Sec. 606. Parking area landscaping requirements.</b></p> <p>Interior landscaping for parking areas shall be required for all parking lots designed for according to the requirements of Sec. 537.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1107. Minimum off-street parking requirements.</b></p> <p>The following are the minimum number of off-street parking spaces required by type of permitted use. The square footage is the gross square footage unless otherwise indicated.</p> <ul style="list-style-type: none"> <li>(a) The total number of permitted parking spaces shall not exceed one hundred ten (110) percent of the minimum number of off-street parking spaces required by type of permitted use.</li> <li>(b) All surface parking provided in excess of one hundred (100) percent of the minimum number of off-street parking spaces required by type of permitted use shall be of porous paving or grass paving systems and as approved by the planning and zoning board.</li> <li>(c) The minimum number of off-street parking spaces required by use are as follows:</li> </ul>	<p><b>DIVISION 3. OFF-STREET PARKING REQUIREMENTS</b></p> <p>Existing Sec. 1107 was moved to proposed Sec. 607.</p> <p><b>Sec. 607. Minimum off-street parking requirements.</b></p> <p>The following are the minimum number of off-street parking spaces required by type of permitted use. The square footage is the gross square footage unless otherwise indicated.</p> <ul style="list-style-type: none"> <li>(a) The total number of permitted parking spaces shall not exceed one hundred (100) percent of the minimum number of off-street parking spaces required by type of permitted use.</li> <li>(b) The number of off-street parking spaces required by use are as follows:</li> </ul>

EXISTING CODE		PROPOSED CODE	
		<b>Table 6.1 Parking Requirements</b>	
Use	Number of Spaces Per Unit	Use	Maximum Number of Spaces Per Unit
<b>Commercial:</b>		<b>Commercial:</b>	
Automotive sales	1 space per 150 sq. ft.	Government, Office, Retail, Service Establishment, Restaurant, and Similar Commercial Uses	1.5 per 300 square feet of gross floor
Automotive service garages	3 spaces per service bay with a minimum of 10	Vehicle Repair Garages, Paint and Body Shops, Welding Shops, and Similar Establishments	1 per 200 square feet of gross floor area
Beauty and barber shops	3 spaces per operator	Vehicle rental establishment	1 per 200 square feet of gross floor area plus one space for every vehicle for rent
Commercial, manufacturing and industrial not for retail	1 space per 2,000 sq. ft. of gross office, plant and storage area	Vehicle service garages	3 spaces per service bay
Convenience store	1 space per 200 sq. ft. of gross floor area	Hotel and motel	.75 spaces per guest room
Grocery or food stores	1 space per 250 sq. ft. of gross floor space	Recreation—Subdivision recreation area	1 space per 10 dwelling units
Furniture and appliances	1 space per 500 sq. ft. of space	Recreation—Commercial and public	1 space per 200 sq. ft. of recreational space
Gasoline service stations	2 spaces per gas pump, plus 3 spaces per service bay, plus 1 space for each attendant	Wholesale stores	1 space per 600 sq. ft. of gross floor area, plus 1 space 2000 sq. ft. of gross storage area
Hotel and motel	1 space per unit, plus 1 space per 5 units for visitors, plus 1 space per 2 employees on the same shift		
Hotel and motel with meeting rooms or banquet facilities	1 space per unit, plus 1 space per 5 units for visitors, plus 1 space per 2 employees on		

EXISTING CODE		PROPOSED CODE	
	the same shift, plus 1 space per 200 sq ft of accessory use	<b>Institutional:</b>	
Recreation— Subdivision recreation area	1 space per 10 dwelling units	Places of worship and other places of assembly	1 per each 8 seats in the sanctuary or meeting room where seating is fixed or 1 per 50 square feet of gross floor area of sanctuary or meeting room where seating is not fixed
Recreation— Commercial and public	1 space per 200 sq. ft. of recreational space with 20 spaces minimum	Theaters, Auditoriums, Funeral Homes, Community Centers and Other Places of Assembly	1 per each 4 seats where seating is fixed; 1 per 25 square feet of gross floor area of assembly area where seating is not fixed
Restaurants and taverns	1 space per 3 seats or 100 sq. ft. if no seats are provided, plus 1 per employee on the largest shift with a minimum of 10	Social organizations including lodges and fraternal organizations	1 space per 250 sq. ft.
Retail stores	1 space per 250 sq. ft. of gross floor space	Hospitals or group homes	1 space per 2 beds
Shopping centers	5 spaces per 1,000 sq. ft. of gross floor area	Libraries, galleries, and similar uses	1 space per each 400 sq. ft. of gross space to which the public has access
Small item service and repair shops	1 space per 250 sq. ft. of gross floor area	Schools (elementary, middle, high schools)	2 per classroom, plus 1 space per each 8 seats in auditorium or assembly area where seating is fixed or 1 per 50 square feet of gross floor area of auditorium or assembly area where seating is not fixed
Wholesale stores	1 space per 200 sq. ft. of gross floor area, plus 1 space 2000 sq. ft. of gross storage area	Schools (colleges,	As determined as part
<b>Institutional:</b>			
Religious institutions, other places of worship and funeral parlors	1 space per 3 seats in the main assembly area or 1 space per 50 sq. ft. where fixed seats are not provided		

EXISTING CODE		PROPOSED CODE	
Social organizations including lodges and fraternal organizations	1 space per 250 sq. ft.	universities or adult education facilities)	of the design approval
Hospitals or group homes	1 space per 2 beds, plus 1 space for each employee on the largest shift	Daycare or nursery	2 spaces per classroom
Libraries, galleries, and similar uses	1 space per each 400 sq. ft. of gross space to which the public has access	<b>Offices:</b>	
Places of public assembly	1 space per 3 seats or 1 space per 50 sq. ft. where fixed seats are not provided	Offices—Government, banks, professional, medical, general	1.5 per 300 square feet of gross floor
Schools (elementary and middle schools)	2 spaces per classroom, plus 1 space per teacher and employee, plus 1 space per 100 sq. ft. of seating space in the auditorium(s).	<b>Residential:</b>	
Schools (high schools)	2 spaces per classroom, plus 1 space per teacher and employee, plus 1 space per 100 sq. ft. of seating space in the auditorium(s), plus 1 space per 10 students	Apartments, townhomes, condominiums, and other multi-family attached uses	1 space per dwelling unit
Schools (colleges, universities or adult education facilities)	10 spaces per classroom	Boarding or rooming houses	1 space per 2 bedrooms
Daycare or nursery	3 spaces per 1,000 sq. ft.	Cottage housing	1.25 to 2.0 spaces per dwelling unit as regulated in section 529
		Residences including single-family, duplexes, triplexes	2 spaces per dwelling unit
		Senior citizen independent living facility	.75 space per unit

EXISTING CODE		PROPOSED CODE
<b>Offices:</b>		
Offices—Government, banks, professional, general	1 space per 250 sq. ft.	
Medical and dental offices	6 spaces per practioner	
<b>Residential:</b>		
Apartments, townhomes, condominiums, and other multifamily attached uses	2 spaces per dwelling unit	
Boarding or rooming houses	1 space per bedroom	
Cottage housing	1.25 to 2.0 spaces per dwelling unit as regulated in section 904	
Residences including single-family, duplexes, triplexes	2 spaces per dwelling unit	
Senior citizen independent living facility	1 space per unit	

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1108. Shared or reduced parking standards.</b></p> <p>Reduced parking for NR-1, NR-2, and NR-3 districts shall be prohibited. For all other districts, the applicant may request a reduction to or waiver of parking standards based on the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Reduction of parking requirements through a shared parking arrangement may be permissible only through the permission of the mayor and city council provided the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.</li> <li>(b) A to-scale map indicating location of proposed parking spaces shall be provided.</li> <li>(c) A shared parking calculation projection shall be provided that demonstrates that each use will have adequate parking provisions at all times. The process for determining the minimum parking requirements for a mixed-use development or for contiguous properties containing multiple uses is: <ul style="list-style-type: none"> <li>(1) Determine the minimum number of parking spaces required for each use category from section 1107 of this article.</li> <li>(2) Multiply each parking requirement by the corresponding percentage for each of the time periods shown on the table below.</li> <li>(3) Total the number of parking spaces for each of the time periods (that is, add together all of the numbers in each column).</li> </ul> </li> </ul>	<p>Existing Sec. 1108 was moved to proposed Sec. 608.</p> <p><b>DIVISION 4. SHARED OR REDUCED PARKING STANDARDS</b></p> <p><b>Sec. 608. Shared parking standards.</b></p> <p>Reduced parking for NR-1, NR-2, and NR-3 districts shall be prohibited. For all other districts, the applicant may request a reduction to parking standards based on the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Reduction of parking requirements through a shared parking arrangement may be permissible only through the permission of the mayor and city council provided the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.</li> <li>(b) A to-scale map indicating location of proposed parking spaces shall be provided.</li> <li>(c) A shared parking calculation projection shall be provided that demonstrates that each use will have adequate parking provisions at all times. The process for determining the minimum parking requirements for a mixed-use development or for contiguous properties containing multiple uses is: <ul style="list-style-type: none"> <li>(1) Determine the minimum number of parking spaces required for each use category from section 607 of this article.</li> <li>(2) Multiply each parking requirement by the corresponding percentage for each of the time periods shown on the table below.</li> <li>(3) Total the number of parking spaces for each of the time periods.</li> <li>(4) The largest column total is the minimum shared parking requirement</li> </ul> </li> </ul>

EXISTING CODE					PROPOSED CODE				
(4) The largest column total is the minimum shared parking requirement for the development or collectively for the contiguous properties.					for the development or collectively for the contiguous properties.				
TABLE: SHARED PARKING SPACE REQUIREMENTS					<b>Table 6.2 Shared Parking Space Requirements</b>				
Use	Weekdays		Weekends		Use	Weekdays (M-F)		Weekends (Sat. & Sun.)	
	Daytime 6 a.m.— 5 p.m.	Evening 5 p.m.— 1 a.m.	Daytime 6 a.m.— 5 p.m.	Evening 5 p.m.— 1 a.m.		Daytime 6 a.m.— 5 p.m.	Evening 5 p.m.— 1 a.m.	Daytime 6 a.m.— 5 p.m.	Evening 5 p.m.— 1 a.m.
Residential	80%	100%	80%	100%	Residential	80%	100%	80%	100%
Office	100%	10%	20%	5%	Office	100%	10%	20%	5%
Retail	95%	85%	100%	70%	Retail	95%	85%	100%	70%
Hotel	60%	100%	60%	100%	Hotel	60%	100%	60%	100%
Restaurant	75%	100%	60%	100%	Restaurant	75%	100%	60%	100%
Entertainment	50%	85%	70%	100%	Entertainment	50%	85%	70%	100%
Church	50%	50%	100%	60%	Church	50%	50%	100%	60%
(d) For contiguous properties sharing parking spaces under this provision, cross-easements shall be filed establishing access to the parking spaces in perpetuity.					(d) For contiguous properties sharing parking spaces under this provision, cross-easements shall be filed establishing access to the parking spaces in perpetuity.				
(e) A reduction in the number of parking spaces that would otherwise be required for each of the various uses on a multiple-use property must be clearly shown on the development plan. If shared parking is proposed for a					(e) A reduction in the number of parking spaces that would otherwise be required for each of the various uses on a <b>mixed-use development</b> must be clearly shown on the development plan. If shared parking is proposed for a combination of contiguous properties, a plan must be submitted covering all of the properties				

EXISTING CODE	PROPOSED CODE
<p>combination of contiguous properties, a plan must be submitted covering all of the properties that will be sharing the parking spaces.</p> <p>(f) A written agreement among all owners of record shall be provided and held on file with the city clerk. All renewed or terminated leases shall be filed with the city clerk.</p> <p>(g) One-half (½) of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be shared with a use that will be closed at night or on Sundays.</p>	<p>that will be sharing the parking spaces.</p> <p>(f) A written agreement among all owners of record shall be provided and held on file with the city clerk. All renewed or terminated leases shall be filed with the city clerk.</p> <p>(g) One-half (½) of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be shared with a use that will be closed at night or on Sundays.</p>
<p><b>Sec. 1119. Pervious parking bonus.</b></p> <p>In the NC-2 district only, for every full size parking space required by section 1107 of this article that is paved with pervious paving as defined in Article IV, an additional fifty (50) square feet of floor area shall be permitted.</p>	<p><b>Sec. 610. Pervious parking bonus.</b></p> <p>In the TC, NC-1, and NC-2 district, for every full size parking space required by section 607 of this article that is paved with pervious paving as defined in Article IV, an additional fifty (50) square feet of floor area shall be permitted.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1110. Minimum off-street loading requirements.</b></p> <p>When required, one (1) or more off-street loading stalls shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building or structure. A loading berth shall have minimum dimensions of twelve (12) feet wide and thirty five (35) feet deep with an overhead clearance of fourteen (14) feet. A loading space need not be a full berth but shall be sufficient to allow normal loading of a magnitude appropriate to the use served. However, in no case shall such space or its use hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk or alley.</p> <p>(a) The following design requirements shall apply to all off-street loading stalls.</p> <ol style="list-style-type: none"> <li>(1) Access. All off-street loading stalls shall have access from an alley, or if there is no alley, from a public street.</li> <li>(2) Surfacing, drainage and lighting. All off-street loading stalls and access shall be provided with a paved, dust free surface. If loading stalls are to be used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. Lighting shall be designed to preclude light spill onto adjacent properties.</li> <li>(3) Location. The off-street loading and unloading stalls shall be located to cause a minimum of interference with the free movement of vehicles and pedestrians over a street, sidewalk or alley.</li> </ol> <p>(b) The following are the minimum number of off-street loading stalls required by type of permitted use. Square footage is the gross amount unless otherwise</p>	<p><b>DIVISION 5. OFF-STREET LOADING REQUIREMENTS</b></p> <p><b>Sec. 611. Minimum off-street loading requirements.</b></p> <p>When required, one (1) or more off-street loading stalls shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building or structure. A loading berth shall have minimum dimensions of twelve (12) feet wide and thirty five (35) feet deep with an overhead clearance of fourteen (14) feet. A loading space need not be a full berth but shall be sufficient to allow normal loading of a magnitude appropriate to the use served. However, in no case shall such space or its use hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk or alley.</p> <p>(a) The following design requirements shall apply to all off-street loading stalls.</p> <ol style="list-style-type: none"> <li>(1) Access. All off-street loading stalls shall have access from an alley, or if there is no alley, from a public street.</li> <li>(2) <i>Surfacing, drainage and lighting.</i> All off-street loading stalls and access shall be provided with a paved, dust free surface. Loading stalls shall be properly illuminated for the safety of pedestrians, vehicles and for security. Lighting shall be designed to preclude light spill onto adjacent properties.</li> <li>(3) <i>Location.</i> The off-street loading and unloading stalls shall be located to cause a minimum of interference with the free movement of vehicles and pedestrians over a street, sidewalk or alley.</li> </ol> <p>(b) The following are the minimum number of off-street loading stalls required by type of permitted use. Square footage is the gross amount unless otherwise indicated.</p> <ol style="list-style-type: none"> <li>(1) Retail operations, and all first floor nonresidential uses, with a gross floor</li> </ol>

EXISTING CODE	PROPOSED CODE
<p>indicated.</p> <ol style="list-style-type: none"> <li>(1) Retail operations and all first floor nonresidential uses with a gross floor area of two thousand five hundred (2,500) square feet or less: One (1) loading space which may be located adjacent to the street curb.</li> <li>(2) Retail operations, and all first floor nonresidential uses, with a gross floor area of greater than two thousand five hundred (2,500) square feet and less than twenty thousand (20,000) square feet, and all wholesale and light industrial operations with a gross floor area of less than ten thousand (10,000) square feet: One (1) loading space.</li> <li>(3) Retail operations, including restaurant and dining facilities within hotels and office buildings, with a total usable floor area of twenty thousand (20,000) square feet or more devoted to such purposes: One (1) loading berth for every forty thousand (40,000) square feet of floor area or fraction thereof; one (1) loading space for every twenty thousand (20,000) square feet of floor area or fraction thereof.</li> <li>(4) Office buildings and hotels with total usable floor area of one hundred thousand (100,000) square feet or more devoted to such purposes: One (1) loading berth for every one hundred thousand (100,000) square feet of floor area or fraction thereof.</li> <li>(5) Industrial and wholesale operations with a gross floor area of ten thousand (10,000) square feet or over shall conform to the following schedule:</li> </ol>	<p>area of less than 20,000 square feet, and all wholesale and light industrial operations with a gross floor area of less than ten thousand (10,000) square feet: One (1) loading space.</p> <ol style="list-style-type: none"> <li>(2) Retail operations, including restaurant and dining facilities within hotels and office buildings, with a total usable floor area of twenty thousand (20,000) square feet or more devoted to such purposes: One (1) loading space for every twenty thousand (20,000) square feet of floor area or fraction thereof and one (1) loading berth for every forty thousand (40,000) square feet of floor area or fraction thereof.</li> <li>(3) Office buildings and hotels with total usable floor area of one hundred thousand (100,000) square feet or more devoted to such purposes: One (1) loading berth for every one hundred thousand (100,000) square feet of floor area or fraction thereof.</li> <li>(4) Industrial and wholesale operations with a gross floor area of ten thousand (10,000) square feet or over shall conform to the following schedule:</li> </ol>

EXISTING CODE		PROPOSED CODE	
		<b>Table 6.3 Required Loading Berths</b>	
Gross Floor Area	Required Loading Berths	Gross Floor Area	Required Loading Berths
10,000—49,000 square feet	1	10,000—49,000 square feet	1
49,000—100,000 square feet	2	49,000—100,000 square feet	2
100,000—160,000 square feet	3	100,000—160,000 square feet	3
160,000—240,000 square feet	4	160,000—240,000 square feet	4
240,000—320,000 square feet	5	240,000—320,000 square feet	5
320,000—400,000 square feet	6	320,000—400,000 square feet	6
Each 90,000 above 400,000 square feet	1	Each 90,000 above 400,000 square feet	1
<p>(c) This space may be shared by up to four (4) adjacent users by contractual arrangement specifying details of the sharing, a copy of which is to be provided to the mayor or his/her designee.</p> <p>(d) Applicants may request a reduction to or waiver of loading requirements. The reduction of loading requirements may be permissible only through the permission of the mayor and city council provided the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access. When loading berths are shared by numerous users, those users shall provide a contractual arrangement specifying details of the shared</p>		<p>(c) This space may be shared by up to four (4) adjacent users by contractual arrangement specifying details of the sharing. A written agreement among all owners of record shall be provided and held on file with the city clerk. All renewed or terminated leases shall be filed with the city clerk.</p> <p>(d) Applicants may request a reduction to or exemption from loading requirements. The reduction of loading requirements may be permissible through the permission of the City manager pursuant to Sec. 216 of this zoning ordinance provided the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access. When loading berths are shared by numerous users a written agreement</p>	

EXISTING CODE	PROPOSED CODE
<p>arrangement to the mayor or his/her designee.</p>	<p>among all owners of record shall be provided and held on file with the city clerk. All renewed or terminated leases shall be filed with the city clerk.</p>
<p><b>Sec. 1111. Automobile rental establishment parking requirements.</b></p> <p>Automobile rental establishments, where permitted, shall park all automobiles for lease in marked spaces that are separate and over and above in number from the required parking spaces for rental business establishments.</p>	<p>Existing Sec. 1111 was removed.</p>
<p><b>Sec. 1112. Automobile wash servicees parking requirements.</b></p> <p>Automobile wash services, where permitted as a principal use, shall provide a paved area located on the same lot for the storage of vehicles awaiting service. Said space shall be adequate in size to accommodate the number of vehicles equal to one-third (<math>\frac{1}{3}</math>) of the practical hourly capacity of the washing facilities. The preceding space requirements do not apply to automobile service stations which provide automobile wash services as an accessory use.</p>	<p>Existing Sec. 1111 was removed.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1114. Parking and storage of certain vehicles.</b></p> <p>In all residential zoning districts the parking or storage of any vehicle larger than a pickup truck, larger than a van, or in excess of two thousand (2,000) pounds load capacity as identified or defined by the manufacturer (other than recreational vehicles) is prohibited except when the following provisions apply:</p> <ul style="list-style-type: none"> <li>(a) Such vehicle may park within a fully enclosed structure that meets all other criteria of the zoning district.</li> <li>(b) Such vehicle may park on the side or to the rear of the primary residential structure on the lot provided that the lot is three (3) acres or larger, but in no case may be closer than one hundred (100) feet from any property line.</li> </ul> <p>This section shall not apply to vehicles that park or stand in residential zoning districts for less than eight (8) hours unless engaged in the loading or unloading of the vehicle.</p> <p><b>Sec. 1113. Multi-wheeled vehicle and bus parking.</b></p> <p>Automotive vehicles having more than four (4) wheels, major recreational equipment, school, and other buses are prohibited from parking on residential streets or within public rights-of-way. This section shall not apply to vehicles that park or stand in residential districts for less than eight (8) hours unless engaged in the loading or unloading of the vehicle nor shall it apply to franchised or regulated utility vehicles. See also Ch. 18, Traffic of this Code.</p>	<p><b>DIVISION 6. PARKING AND STORAGE OF CERTAIN VEHICLES</b></p> <p><b>Existing Sec. 1114 moved to Sec. 612.</b></p> <p><b>Sec. 612. Parking and storage of certain vehicles.</b></p> <p>In all residential zoning districts the parking or storage of any commercial truck or vehicle in excess of eight tons (other than recreational vehicles) is prohibited except when the following provisions apply:</p> <ul style="list-style-type: none"> <li>(a) Such vehicle may park within a fully enclosed structure that meets all other criteria of the zoning district.</li> <li>(b) Such vehicle may park on the side or to the rear of the primary residential structure on the lot, but in no case may be closer than one hundred (100) feet from any property line.</li> </ul> <p>This section shall not apply to vehicles that park or stand in residential zoning districts for less than eight (8) hours engaged in the loading or unloading of the vehicle.</p> <p><b>Sec. 613. Multi-wheeled vehicle and bus parking.</b></p> <p>Automotive vehicles having more than four (4) wheels, major recreational equipment, school, and other buses are prohibited from parking on residential streets or within public rights-of-way. This section shall not apply to vehicles that park or stand in residential districts for less than eight (8) hours engaged in the loading or unloading of the vehicle nor shall it apply to franchised or regulated utility vehicles. See also Ch. 18, Traffic of this Code.</p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1115. Parking in residential districts.</b></p> <p>Parking any automobile, motorcycle, motor vehicle or trailer shall not be allowed in the front yard, side yard or rear yard of a residence unless said automobile, motorcycle, motor vehicle or trailer is parked on a concrete, asphalt or gravel driveway or parking area. It shall be unlawful to park any automobile, motorcycle, motor vehicle or trailer on the grass, lawn or dirt areas in the yard of any residence located within the corporate boundaries of the City of Clarkston.</p> <p><b>Sec. 1116. Parking, storage, or use of major recreational equipment.</b></p> <p>For the purpose of this ordinance, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automobile vehicles), motorized dwellings tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Such major recreational equipment may be parked or stored in side or rear yards or in a carport or enclosed buildings, provided however, that such equipment may be parked anywhere on residential premises for a period of not more than twenty four (24) hours during loading or unloading. In the case of a corner lot, no such equipment may be parked or stored in the side yard on the street side of the lot. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.</p> <p>If the lot topography and/or location or size of existing residential structure prevent access to any potential parking area in the side or rear yards of the lot, major recreational equipment may be parked and stored in the required front yard of the lot subject to being located on a concrete, asphalt or gravel driveway or parking area.</p>	<p><b>Existing Sec. 1115 was moved to proposed Sec. 605.</b></p> <p><b>Sec. 614. Parking, storage, or use of major recreational equipment.</b></p> <p>Major recreational equipment may be parked or stored in side or rear yards or in a carport or enclosed buildings, provided:</p> <ul style="list-style-type: none"> <li>(a) The equipment may be parked anywhere on residential premises for a period of not more than twenty four (24) hours during loading or unloading.</li> <li>(b) In the case of a corner lot, no such equipment may be parked or stored in the side yard on the street side of the lot.</li> <li>(c) No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.</li> </ul>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1117. Reduction in front yard setback.</b></p> <p>In the NC-2 district only, fifty (50) percent reduction in the required front yard setback is allowed when all required parking is located exclusively in the rear yard of the parcel.</p> <p><b>Sec. 1118. Reductions in required parking.</b></p> <p>Reduced parking requirements may be aggregated to include reductions based on any of the following factors, with a maximum parking reduction of twenty-five (25) percent for any zoning district.</p> <ul style="list-style-type: none"> <li>(a) In commercial districts including TC, NC-1, NC-2, and RC, the following reductions in required parking can be applied. <ul style="list-style-type: none"> <li>(1) When an existing site without vehicular interconnection is retrofitted to provide permanent access to adjacent sites' parking, a ten-percent reduction in the number of required parking spaces shall be allowed.</li> <li>(2) Developments wherein the front door is located within two hundred fifty (250) feet of a public transit stop shall be allowed a ten-percent reduction in the required number of parking spaces.</li> <li>(3) Mixed use developments that include residential and commercial uses integrated into one structure shall be allowed a ten-percent reduction in the required number of parking spaces.</li> </ul> </li> <li>(b) Development within the TC district shall be allowed a ten percent reduction in the required number of parking spaces.</li> </ul> <p><b>Sec. 1119. Pervious parking bonus.</b></p> <p>In the NC-2 district only, for every full size parking space required by section 1107 of this article that is paved with pervious paving as defined in Article IV, an additional fifty (50) square feet of floor area shall be permitted.</p>	<p><b>Existing Sec. 1117 was moved to proposed Sec. 516.</b></p> <p><b>Existing Sec. 1118 was incorporated into proposed Article VI.</b></p> <p><b>Existing Sec. 1119 was moved to proposed Sec. 610.</b></p>

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1109. Handicapped parking requirements.</b></p> <p>Handicapped parking spaces shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Handicapped Spaces. Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act. All handicapped spaces shall be identified by pavement markings and by appropriate signage. Handicapped parking shall be required on all multi-family and non-residential sites.</li> <li>(b) Handicapped parking spaces shall be located in the closest proximity to major building entrances, but in no event shall such spaces be located more than one hundred (100) feet from a major building entrance.</li> <li>(c) Handicapped parking spaces shall be a minimum of eight (8) feet in width by twenty (20) feet in length and shall have an adjacent access aisle with a minimum width of five (5) feet. Two (2) accessible parking spaces may share a common access aisle.</li> <li>(d) The first one (1) out of every eight (8) accessible parking spaces shall be a van accessible space. Van parking spaces shall have an adjacent access aisle a minimum of eight (8) feet in width and a vertical clearance of at least eight (8) feet along the vehicular route to the parking space.</li> <li>(e) Handicapped parking will be required on all sites. The minimum number to be provided for all multifamily and nonresidential developments is as follows:</li> </ul>	<p><b>Sec. 615. Handicapped parking requirements.</b></p> <p>The minimum number of and dimensions for handicapped parking spaces shall comply with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136), the state building code, and the American National Standards Institute, and any other applicable state or federal law.</p>

EXISTING CODE		PROPOSED CODE
Number of Spaces in the Parking Lot	Required Number of Handicapped Spaces	
0—25	1	
26—50	2	
51—75	3	
76—100	4	
101—150	5	
151—200	6	
201—300	7	
301—400	8	
Over 400	2% of Total Spaces	

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 1106. Interpretations.</b></p> <p>(a) Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.</p> <p>(b) Where the parking requirement for a particular use is not described in this article, and where no similar use is listed, the mayor or his/her designee shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, and other expected demand and traffic generated by the proposed use. In making any such determination, the mayor or his/her designee shall follow the principles set forth in the statement of purpose at the beginning of this article.</p>	<p><b>DIVISION 7. INTERPRETATIONS</b></p> <p>(a) Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.</p> <p>(b) Where the parking requirement for a particular use is not described in this article, and where no similar use is listed, the <b>City manager</b> or his/her designee shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, and other expected demand and traffic generated by the proposed use. In making any such determination, the <b>City manager</b> or his/her designee shall follow the principles set forth in the statement of purpose at the beginning of this article.</p>

EXISTING CODE	PROPOSED CODE
<p style="text-align: center;"><b>ARTICLE IV. DEFINITIONS</b></p> <p>Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purposes of this ordinance certain words or terms used herein shall be defined as follows:</p> <ul style="list-style-type: none"> <li>• Words used in the singular include the plural and words used in the plural include the singular.</li> <li>• Words used in the present tense include the future tense.</li> <li>• The word "building" includes the word "structure".</li> <li>• The word "erected" includes the words "constructed" "moved" "located" or "relocated".</li> <li>• The word "lot" includes the words "plot" or "parcel".</li> <li>• The word "map" or "zoning map" means the zoning map of Clarkston, Georgia.</li> <li>• The word, "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.</li> <li>• The word "shall" is always mandatory and never discretionary.</li> <li>• The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied".</li> </ul> <p><i>Accessory building:</i> A structure that is incidental and subordinate to the principal structure, located on the same lot, and operated or maintained under the same ownership as the</p>	<p>Existing Article IV was moved to proposed Article VII. Revised language is below.</p> <p style="text-align: center;"><b>ARTICLE VII. DEFINITIONS<sup>1</sup></b></p> <p>Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purposes of this ordinance certain words or terms used herein shall be defined as follows:</p> <ul style="list-style-type: none"> <li>• Words used in the singular include the plural and words used in the plural include the singular.</li> <li>• Words used in the present tense include the future tense.</li> <li>• The word "erected" includes the words "constructed" "moved" "located" or "relocated".</li> <li>• The word "lot" includes the words "plot" or "parcel".</li> <li>• The word "map" or "zoning map" means the zoning map of Clarkston, Georgia.</li> <li>• The word, "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.</li> <li>• The word "shall" is always mandatory and never discretionary.</li> <li>• The word "structure" includes the word "building".</li> <li>• The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied".</li> </ul> <p><i>Accessory building:</i> A structure that is incidental and subordinate to the primary structure, located on the same lot, and operated or maintained under the same ownership as the</p>

EXISTING CODE	PROPOSED CODE
<p>principal structure."</p> <p><i>Accessory use:</i> A land use that is incidental and subordinate to the principal use.</p> <p><i>Adult day care center</i> means an "adult day care center" as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 49-6-82 currently defines an "adult day care center" as a facility serving aging adults that provides adult day care or adult day health services (as such terms are defined by O.C.G.A. Section 49-6-82) for compensation, to three or more persons. The term "adult day care center" shall not include a respite care services program. This definition shall automatically be updated if the State of Georgia amends its definition of "adult day care center."</p> <p><i>Agriculture:</i> The production, rearing or storage of crops and/or livestock for sale, lease or personal use, or lands devoted to a soil conservation or forestry management program.</p> <p><i>Alley:</i> A public street which ordinarily affords only a secondary means of access to abutting property and is not intended for general traffic circulation.</p> <p><i>Alteration:</i> A change or rearrangement in the exterior walls or structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing the height, or the moving of said building or structure from one location or position to another. In addition to the foregoing, any building or structure shall be considered as being altered whenever it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty (50) percent of its fair sales value immediately prior to the beginning of such repairs, renovation, remodeling, or rebuilding.</p>	<p><b>primary</b> structure.</p> <p><i>Accessory use:</i> A land use that is incidental and subordinate to the <b>primary</b> use.</p> <p><i>Adult day care center:</i> An "adult day care center" as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 49-6-82 currently defines an "adult day care center" as a facility serving aging adults that provides adult day care or adult day health services (as such terms are defined by O.C.G.A. Section 49-6-82) for compensation, to three or more persons. The term "adult day care center" shall not include a respite care services program. This definition shall automatically be updated if the State of Georgia amends its definition of "adult day care center."</p> <p><i>Agriculture:</i> The production, rearing or storage of crops and/or livestock for sale, lease or personal use, or lands devoted to a soil conservation or forestry management program.</p> <p><i>Alley:</i> A public street which ordinarily affords only a secondary means of access to abutting property and is not intended for general traffic circulation.</p> <p><i>Alteration:</i> A change or rearrangement in the exterior walls or structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing the height, or the moving of said building or structure from one location or position to another. In addition to the foregoing, any building or structure shall be considered as being altered whenever it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty (50) percent of its fair sales value immediately prior to the beginning of such repairs, renovation, remodeling, or rebuilding.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Automobile repair center or garage:</i> General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating. For vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any goods, articles or merchandise. Such engines, motor vehicles, trailers, or parts thereof may remain in an inoperable condition for a maximum of thirty (30) days.</p> <p><i>Automobile service center:</i> Any building, structure or land used for the dispensing, sale, any automobile fuels, oils, or accessories and where general automotive servicing is performed, such as replacement of mufflers, shocks and tires and motor tune-ups, as distinguished from major automotive repairs.</p>	<p><b><i>Assisted living:</i></b> A profit or nonprofit facility, home, or structure, licensed by the state, for the protective care of two or more adults who need a watchful environment, but do not have an illness, injury, or disability, which requires chronic or convalescent care, including medical and nursing services. Protective care and watchful oversight includes, but is not limited to, a daily awareness by management of the residents' whereabouts, the asking and reminding of residents of their appointments for medical checkups, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care, with a 24-hour responsibility for the well-being of residents of the facility. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, halfway house, a treatment center for alcoholism or drug abuse, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.</p> <p><b><i>Automobile repair center or garage:</i></b> General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating.</p> <p><b><i>Automobile service center:</i></b> Any building, structure or land used for the dispensing or sale of any automobile fuels, oils, or accessories and where general automotive servicing is performed, such as replacement of mufflers, shocks and tires and motor tune-ups, as distinguished from major automotive repairs.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Automobile service station (filling station):</i> A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation or minor services, customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.</p> <p><i>Automobile storage yard or used car lot:</i> A lot or group of continuous lots used for the storage, display or sale of operable automobiles where no repair work is done. This would include secondhand car lots.</p> <p><i>Automobile sales:</i> The use of any building, land area or other premise for the display and sale of new or used motor vehicles, and including any warranty repair work or other repair service; provided, however, that such definition shall not include the sale by an individual of motor vehicles acquired for such individual's own use and actually so used.</p> <p><i>Automobile storage yard and wrecker service:</i> An establishment used for the short-term storage of damaged or confiscated vehicles.</p> <p><i>Basement (daylight):</i> A story partly underground and having at least one-half (½) of its height above the average level of the adjoining ground. A basement shall be counted as one-half (½) story for the purpose of height measurement if used for dwelling or business purposes.</p> <p><i>Boarding house:</i> A dwelling in which meals or lodging or both are furnished for compensation to more than two (2) but not more than ten (10) non-transient persons.</p>	<p><i>Automobile service station (filling station):</i> A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation or minor services, customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.</p> <p><i>Automobile storage yard or used car lot:</i> A lot or group of continuous lots used for the storage, display or sale of operable automobiles where no repair work is done. This would include secondhand car lots.</p> <p><i>Automobile sales:</i> The use of any building, land area or other premise for the display and sale of new or used motor vehicles, and including any warranty repair work or other repair service; provided, however, that such definition shall not include the sale by an individual of motor vehicles acquired for such individual's own use and actually so used.</p> <p><i>Automobile storage yard and wrecker service:</i> An establishment used for the short-term storage of damaged or confiscated vehicles.</p> <p><i>Basement (daylight):</i> A story partly underground and having at least one-half (½) of its height above the average level of the adjoining ground. A basement shall be counted as one-half (½) story for the purpose of height measurement if used for dwelling or business purposes.</p> <p><i>Bed and breakfast inn:</i> A business establishment operated within a dwelling by the owner-occupant, offering temporary lodging and one or more meals to the traveling public while away from their normal places of residence.</p> <p><i>Boarding house:</i> A dwelling in which meals or lodging or both are furnished for compensation to more than two (2) but not more than ten (10) non-transient persons.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Buffer:</i> An undisturbed area that shall remain in its natural state and enhanced with additional landscaping in order to provide separation and screening for adjacent properties and adjacent rights-of-way.</p> <p><i>Buffer area:</i> A strip of land established to protect 1 type of land use from another with which it is incompatible containing a continuous visual screening of vegetation and fencing.</p> <p><i>Buffer, landscape:</i> An area using transitional screening elements such as fences, walls, and/or landscape plantings to separate and partially screen adjacent properties and adjacent rights-of-way.</p> <p><i>Building:</i> Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.</p> <p><i>Building coverage:</i> The horizontal area measured from the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.</p> <p><i>Building facade:</i> The portion of any exterior elevation of a building extended from grade to the top of the parapet wall or eaves and the entire width of the building elevation fronting a public street, excluding alleys and lanes, and which may also be referred to as the building face.</p> <p><i>Building height, residential:</i> For all single-family residential detached buildings and structures, building heights shall be the vertical distance measured from the highest point of the front door threshold of the existing or previously existing house on the property, to the highest point of the roof. See "threshold, front door" definition.</p> <p><i>Building height, non-residential:</i> For all buildings and structures not classified as residential, building heights shall be the vertical distance measured from the finished front yard grade to the highest point of the roof.</p>	<p><i>Buffer:</i> An undisturbed area that shall remain in its natural state and enhanced with additional landscaping in order to provide separation and screening for adjacent properties and adjacent rights-of-way.</p> <p><i>Buffer area:</i> A strip of land established to protect 1 type of land use from another with which it is incompatible containing a continuous visual screening of vegetation and fencing.</p> <p><i>Buffer, landscape:</i> An area using transitional screening elements such as fences, walls, and/or landscape plantings to separate and partially screen adjacent properties and adjacent rights-of-way.</p> <p><i>Building:</i> Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.</p> <p><i>Building coverage:</i> The horizontal area measured from the outside of the exterior walls of the ground floor of all <b>primary</b> and accessory buildings on a lot.</p> <p><i>Building facade:</i> The portion of any exterior elevation of a building extended from grade to the top of the parapet wall or eaves and the entire width of the building elevation fronting a public street, excluding alleys and lanes, and which may also be referred to as the building face.</p> <p><i>Building height, residential:</i> For all single-family residential detached buildings and structures, building heights shall be the vertical distance measured from the highest point of the front door threshold of the existing or previously existing house on the property, to the highest point of the roof. See "threshold, front door" definition.</p> <p><i>Building height, non-residential:</i> For all buildings and structures not classified as residential, building heights shall be the vertical distance measured from the finished front yard grade to the highest point of the roof.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Building line or front yard set back line:</i> A line, usually fixed parallel to the lot line, beyond which a building, or any projection thereof, cannot extend, excluding uncovered steps, terraces, stoops or similar fixtures.</p> <p><i>Canopy:</i> A roof-like covering that projects from the wall of a building, or is freestanding, for the purpose of shielding from the elements.</p> <p><i>Canopy, gas station:</i> A permanent structure above gasoline pumps supported independently or partially by other means, such as via a connection to the main building at the gas station location.</p> <p><i>Carport or garage, private:</i> An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of main building. A carport would be considered a private garage.</p> <p><i>Car wash:</i> A building, or portion thereof, where automobiles are washed by mechanical or high pressure water devices.</p> <ol style="list-style-type: none"> <li>(1) <i>Automatic car wash</i> means a car wash where the labor is not supplied by the patron.</li> <li>(2) <i>Coin operated car wash</i> means a car wash where the patron supplies the labor.</li> </ol>	<p><i>Building line or front yard set back line:</i> A line, usually fixed parallel to the lot line, beyond which a building, or any projection thereof, cannot extend, excluding uncovered steps, terraces, stoops or similar fixtures.</p> <p><i>Canopy:</i> A roof-like covering that projects from the wall of a building, or is freestanding, for the purpose of shielding from the elements.</p> <p><i>Canopy, gas station:</i> A permanent structure above gasoline pumps supported independently or partially by other means, such as via a connection to the main building at the gas station location.</p> <p><i>Carport or garage, private:</i> An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of main building. A carport would be considered a private garage.</p> <p><i>Car wash:</i> A building, or portion thereof, where automobiles are washed by mechanical or high pressure water devices.</p> <ol style="list-style-type: none"> <li>(1) <i>Automatic car wash</i> means a car wash where the labor is not supplied by the patron.</li> <li>(2) <i>Coin operated car wash</i> means a car wash where the patron supplies the labor.</li> </ol>

EXISTING CODE	PROPOSED CODE
<p><i>Child care learning center</i> means "child care learning center" as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 20-1A-2 currently defines a "child care learning center" as any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than twenty-four (24) hours per day, without transfer of legal custody, seven or more children under eighteen (18) years of age; provided, however, that this term shall not include a private school which provides kindergarten through grade 12 education, meets the requirements of O.C.G.A. Section 20-2-690, and is accredited by one or more of the entities listed in subparagraph (A) of paragraph (6) of O.C.G.A. Section 20-3-519 and which provides care before, after, or both before and after the customary school day to its students as an auxiliary service to such students during the regular school year only. This definition shall automatically be updated if the State of Georgia amends its definition of "child care learning center."</p> <p><i>City:</i> The City of Clarkston, Georgia.</p> <p><i>City council:</i> The City Council of Clarkston, Georgia.</p> <p><i>Club:</i> Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.</p>	<p><b><i>Child care learning center:</i></b> "Child care learning center" as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 20-1A-2 currently defines a "child care learning center" as any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than twenty-four (24) hours per day, without transfer of legal custody, seven or more children under eighteen (18) years of age; provided, however, that this term shall not include a private school which provides kindergarten through grade 12 education, meets the requirements of O.C.G.A. Section 20-2-690, and is accredited by one or more of the entities listed in subparagraph (A) of paragraph (6) of O.C.G.A. Section 20-3-519 and which provides care before, after, or both before and after the customary school day to its students as an auxiliary service to such students during the regular school year only. This definition shall automatically be updated if the State of Georgia amends its definition of "child care learning center."</p> <p><b><i>Child day care:</i></b> The use of a premises for the care and supervision of children who do not reside on the property for periods less than 24 hours. A child day care facility or center may also be a day nursery, kindergarten or preschool. Child day cares must be licensed by the state where required and shall receive all necessary county board of health and fire marshal approvals prior to issuance of a permit for construction and/or operation and follow the provisions of Section 407 of this Zoning Code.</p> <p><b><i>City:</i></b> The City of Clarkston, Georgia.</p> <p><b><i>City council:</i></b> The City Council of Clarkston, Georgia.</p> <p><b><i>Club:</i></b> Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Comprehensive plan:</i> A policy guideline including the future development map adopted by the mayor and council representing issues, goals, policies, and actions for the growth and development of the city. While adopted by the mayor and council, it does not serve as a development ordinance nor does it carry the force of law, but rather serves as a guide to desired and/or continued growth and development citywide.</p> <p><i>Conditional use:</i> A use permitted in a particular zoning district only upon showing that such use would not be detrimental to public health, safety or general welfare. Such uses may be required to meet additional standards and may be controlled as to the number, area and spacing from other uses and each other.</p> <p><i>Condominium:</i> Individual ownership units in a multi-family residential, commercial, and/or industrial structure(s), combined with joint ownership of common areas and facilities.</p> <p><i>Convenience store:</i> Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than two thousand (2,000) square feet.</p> <p><i>Cottage housing development:</i> Planned unit developments comprised of cottage housing residential units, organized in clusters. Cottage housing is a style of small lot/home development designed for single-family dwelling, and is restricted in square footage, density, and architectural standards as defined within section 904. CHDs are characterized by a shared central open space.</p>	<p><i>Comprehensive plan:</i> A policy guideline including the future <b>land use</b> map adopted by the mayor and council representing issues, goals, policies, and actions for the growth and development of the city. While adopted by the mayor and council, it does not serve as a development ordinance nor does it carry the force of law, but rather serves as a guide to desired and/or continued growth and development citywide.</p> <p><i>Conditional use:</i> A use permitted in a particular zoning district only upon showing that such use would not be detrimental to public health, safety or general welfare. Such uses may be required to meet additional standards and may be controlled as to the number, area and spacing from other uses and each other.</p> <p><i>Condominium:</i> Individual ownership units in a multi-family residential, commercial, and/or industrial structure(s), combined with joint ownership of common areas and facilities.</p> <p><i>Convalescent home:</i> An intermediate care facility primarily engaged in providing inpatient nursing or rehabilitative services to residents who require watchful care or medical attention or treatment, but not on a continuous basis, although staff is on duty 24-hours per day.</p> <p><i>Convenience store:</i> Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than two thousand (2,000) square feet.</p> <p><i>Cottage housing development:</i> Planned unit developments comprised of cottage housing residential units, organized in clusters. Cottage housing is a style of small lot/home development designed for single-family dwelling, and is restricted in square footage, density, and architectural standards as defined within section 904. CHDs are characterized by a shared central open space.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Customary home occupations:</i> Any occupation or activity carried on by a member of the family residing on the premises, in connection with which there is no group instruction, assembly or activity and no sign is used or no display that will indicate from the exterior that the building is being utilized in any part for any purpose other than that of a dwelling; there is no commodity stored on the premises or held for sale to the public from the premises; no person is employed other than a member of the immediate family residing on the premises and no mechanical or electronic equipment is used for commercial purposes.</p> <p><i>Density:</i> The number of families, individuals, dwelling units, or housing structures per unit of land. The standard for density shall be the gross density which includes all the land within the boundaries of the area excluding floodplains, wetlands and standing bodies of water.</p> <p><i>Developed floor area:</i> The enclosed areas of a building that are heated or cooled.</p> <p><i>Development:</i> The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.</p> <p><i>Driveway:</i> A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.</p> <p><i>Dwelling:</i> A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, but not including hotels, boarding and lodging houses.</p> <p><i>Dwelling, multiple family:</i> A building designed to be occupied by three (3) or more families living independently of each other, and doing their cooking in the said building.</p> <p><i>Dwelling, single-family:</i> A building containing but one (1) housekeeping unit designed to be occupied by not more than one (1) family.</p>	<p><b>Customary Home Occupations changed to Home Occupation.</b></p> <p><i>Density:</i> The number of families, individuals, dwelling units, or housing structures per unit of land. The standard for density shall be the gross density which includes all the land within the boundaries of the area excluding floodplains, wetlands and standing bodies of water.</p> <p><i>Developed floor area:</i> The enclosed areas of a building that are heated or cooled.</p> <p><i>Development:</i> The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.</p> <p><i>Driveway:</i> A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.</p> <p><i>Dwelling:</i> A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multifamily dwellings, but not including hotels, boarding and lodging houses.</p> <p><i>Dwelling, multiple family:</i> A building designed to be occupied by three (3) or more families living independently of each other, and doing their cooking in the said building. <b>Also known as 'multi-family.'</b></p> <p><i>Dwelling, single-family:</i> A building containing but one (1) housekeeping unit designed to be occupied by not more than one (1) family.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Dwelling, two-family (duplex):</i> A building containing not more than two (2) kitchens, designed to be occupied by not more than two (2) families living independently of each other.</p> <p><i>Dwelling unit:</i> One (1) or more rooms designed for the occupancy, cooking, and sleeping of one (1) or more persons living as a family.</p> <p><i>Easement:</i> An incorporeal interest in land owned and legally titled by another, permitting its limited use or enjoyment on, over, or under said land without actual occupancy.</p> <p><i>Erect:</i> To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.</p> <p><i>Erosion:</i> The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.</p> <p><i>Family:</i> One (1) or more related persons or four (4) or less unrelated persons occupying a dwelling and living as a single housekeeping unit. The term "family" shall not be construed to mean fraternity, sorority, club, student center, group care homes, foster homes and is to be distinguished from persons occupying a boarding house, rooming house, hotel, or apartment unit as herein defined.</p>	<p><b>Dwelling, triplex:</b> A building containing not more than three (3) kitchens, designed to be occupied by not more than three (3) families living independently of each other.</p> <p><b>Dwelling, two-family (duplex):</b> A building containing not more than two (2) kitchens, designed to be occupied by not more than two (2) families living independently of each other.</p> <p><b>Dwelling unit:</b> One (1) or more rooms designed for the occupancy, cooking, and sleeping of one (1) or more persons living as a family.</p> <p><b>Easement:</b> An incorporeal interest in land owned and legally titled by another, permitting its limited use or enjoyment on, over, or under said land without actual occupancy.</p> <p><b>Economic Impact Study:</b> A report which measures and analyzes data pertinent to the size and impacts of large scale commercial development to determine impact on the citizens within a neighborhood or affected area.</p> <p><b>Erect:</b> To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.</p> <p><b>Erosion:</b> The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.</p> <p><b>Family:</b> One (1) or more related persons or four (4) or <b>fewer</b> unrelated persons occupying a dwelling and living as a single housekeeping unit. The term "family" shall not be construed to mean fraternity, sorority, club, student center, group care homes, foster homes and is to be distinguished from persons occupying a boarding house, rooming house, hotel, or apartment unit as herein defined.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Family child care learning home</i> means "family child care learning home" as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 20-1A-2 currently defines a "family child care learning home" as a private residence operated by any person who receives therein for pay for supervision and care less than (24) hours per day, without transfer of legal custody, at least three but not more than six (6) children under thirteen (13) years of age who are not related to such person and whose parents or guardians are not residents in the same private residence; provided, however, that the total number of unrelated children cared for in such home, for pay and not for pay, may not exceed six (6) children under thirteen (13) years of age at one time. This definition shall automatically be updated if the State of Georgia amends its definition of "family child care learning home."</p> <p><i>Fence:</i> An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.</p> <p><i>Floodplain:</i> That area within the intermediate regional flood contour elevations subject to periodic flooding as designated by the DeKalb County Roads and Bridges Director based upon the U.S. Corps of Engineers' Floodplain Information Reports and other federal, state or county hydraulic studies.</p> <p><i>Floor area:</i> The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, excluding attached garages, porches, balconies and unfinished basements.</p> <p><i>Floor area ratio (FAR):</i> A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located as: Floor area/Lot area = Floor area ratio.</p> <p><i>Frontage:</i> The length of any property line of a premises which abuts public rights-of-way.</p>	<p><b><i>Family child care learning home:</i></b> "Family child care learning home" as defined by the State of Georgia, as may be amended by the State. O.C.G.A. Section 20-1A-2 currently defines a "family child care learning home" as a private residence operated by any person who receives therein for pay for supervision and care less than (24) hours per day, without transfer of legal custody, at least three (3) but not more than six (6) children under thirteen (13) years of age who are not related to such person and whose parents or guardians are not residents in the same private residence; provided, however, that the total number of unrelated children cared for in such home, for pay and not for pay, may not exceed six (6) children under thirteen (13) years of age at one time. This definition shall automatically be updated if the State of Georgia amends its definition of "family child care learning home."</p> <p><b><i>Fence:</i></b> An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.</p> <p><b><i>Floodplain:</i></b> That area within the intermediate regional flood contour elevations subject to periodic flooding as designated by the DeKalb County Roads and Bridges Director based upon the U.S. Corps of Engineers' Floodplain Information Reports and other federal, state or county hydraulic studies.</p> <p><b><i>Floor area:</i></b> The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, excluding attached garages, porches, balconies and unfinished basements.</p> <p><b><i>Floor area ratio (FAR):</i></b> A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located as: Floor area/Lot area = Floor area ratio.</p> <p><b><i>Frontage:</i></b> The length of any property line of a premises which abuts public rights-of-way.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Future development map:</i> Adopted as part of the comprehensive plan, the future development map establishes future development areas in the City of Clarkston. The intent for future land use and development in each area is established by supporting text in the comprehensive plan.</p> <p><i>Garage apartment:</i> An accessory or subordinate building, not a part of or attached to the main building where a portion thereof contains living facilities for not more than one (1) family and the enclosed space for at least one (1) automobile is attached to such living quarters.</p> <p><i>Garage, commercial:</i> A commercial structure or any portion thereof in which one (1) or more automobiles are housed, or kept or repaired; not including exhibition or showrooms or storage of cars for sale.</p> <p><i>Garage, private residential:</i> A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.</p> <p><i>Grade:</i> An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.</p> <p><i>Gross leasable area (GLA):</i> The total gross floor area within building(s) which is occupied exclusively by individual tenants and upon which the tenants pay rent.</p> <p><i>Guest cottage:</i> Living quarters within a detached accessory building located on the same premises as the main building to be used exclusively for housing members of the family occupying the main building and their non-paying guests; such quarters having no kitchen facilities and not to be rented or otherwise used as a separate dwelling.</p>	<p><b><i>Future land use map:</i></b> Adopted as part of the comprehensive plan, the future <b>land use</b> map establishes future development areas in the City of Clarkston. The intent for future land use and development in each area is established by supporting text in the comprehensive plan.</p> <p><b><i>Garage apartment:</i></b> An accessory or subordinate building, not a part of or attached to the main building where a portion thereof contains living facilities for not more than one (1) family and the enclosed space for at least one (1) automobile is attached to such living quarters.</p> <p><b><i>Garage, commercial:</i></b> A commercial structure or any portion thereof in which one (1) or more automobiles are housed, or kept or repaired; not including exhibition or showrooms or storage of cars for sale.</p> <p><b><i>Garage, private residential:</i></b> A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.</p> <p><b><i>Grade:</i></b> An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.</p> <p><b><i>Greenspace:</i></b> The portion of a property which is left undeveloped or natural and occupied with naturally occurring native species.</p> <p><b><i>Gross leasable area (GLA):</i></b> The total gross floor area within building(s) which is occupied exclusively by individual tenants and upon which the tenants pay rent.</p> <p><b><i>Guest cottage:</i></b> Living quarters within a detached accessory building located on the same premises as the main building to be used exclusively for housing members of the family occupying the main building and their non-paying guests; such quarters having no kitchen facilities and not to be rented or otherwise used as a separate dwelling.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Hotel or motel:</i> Any building or group of buildings containing principally sleeping rooms in which transient guests are lodged with or without meals with payment on a daily or weekly basis.</p> <p><i>Junkyard:</i> Property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk, including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.</p> <p><i>Landfill:</i> See "sanitary landfill."</p> <p><i>Landscaping:</i> The installation and permanent maintenance of trees, shrubs, ground covers, mulch, grass and other planting materials.</p> <p><i>Landscape strip:</i> A ground area installed with landscape materials such as street trees, shrubs, ground cover, etc. (Paving material such as gravel and concrete pavers may be used in combination with plant material.)</p> <p><i>Laundry, self-service:</i> A business rendering a retail service by renting to the individual customer equipment for the washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management, and does not include processing the laundry by the management on behalf of the customer.</p>	<p><b><i>Home occupation:</i></b> Any occupation or activity carried on by a member of the family residing on the premises, in connection with which there is no group instruction, assembly or activity; there is no commodity stored on the premises or held for sale to the public from the premises; <b>no more than three (3) total persons (including residents) may be employed by the home occupation at any given time;</b> and no mechanical or electronic equipment is used for commercial purposes. <b>See Sec. 408 for supplemental provisions.</b></p> <p><b><i>Hotel or motel:</i></b> Any building or group of buildings containing principally sleeping rooms in which transient guests are lodged with or without meals with payment on a daily or weekly basis.</p> <p><b><i>Junkyard:</i></b> Property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk, including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.</p> <p><b><i>Landfill:</i></b> See "sanitary landfill."</p> <p><b><i>Landscaping:</i></b> The installation and permanent maintenance of trees, shrubs, ground covers, mulch, grass and other planting materials.</p> <p><b><i>Landscape strip:</i></b> A ground area installed with landscape materials such as street trees, shrubs, ground cover, etc. (Paving material such as gravel and concrete pavers may be used in combination with plant material.)</p> <p><b><i>Laundry, self-service:</i></b> A business rendering a retail service by renting to the individual customer equipment for the washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management, and does not include processing the laundry by the management on behalf of the customer.</p>

EXISTING CODE	PROPOSED CODE
<p><i>LCI Study:</i> Refers to the City of Clarkston Livable Centers Initiative Study (2004).</p> <p><i>Livestock:</i> Any animal with hooves, including but not limited to, cattle, horses, goats, mules, pigs, and sheep.</p> <p><i>Loading space, off-street:</i> Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.</p> <p><i>Lot:</i> A portion or parcel of land devoted to a common use or occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.</p> <p><i>Corner lot:</i> A lot fronting on two (2) streets or their intersection, provided that the interior angle formed by the intersection is less than one hundred thirty-five (135) degrees. When the frontage on one (1) street exceeds the frontage on the other, the one with the least frontage shall be deemed the front of the lot.</p> <p><i>Interior lot:</i> A lot other than a corner lot.</p> <p><i>Through lot:</i> An "interior lot" having frontage on two (2) parallel or approximately parallel streets.</p> <p><i>Lot depth:</i> The distance measured in a mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite rear line of the lot.</p> <p><i>Lot of record:</i> A part of land subdivision, the map of which has been recorded in the office of the clerk of DeKalb County, Georgia.</p>	<p><b>LCI Study was removed.</b></p> <p><b>Live-work unit:</b> A single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.</p> <p><b>Livestock:</b> Any animal with hooves, including but not limited to, cattle, horses, goats, mules, pigs, and sheep.</p> <p><b>Loading space, off-street:</b> Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.</p> <p><b>Lot:</b> A portion or parcel of land devoted to a common use or occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.</p> <p><b>Corner lot:</b> A lot fronting on two (2) streets or their intersection, provided that the interior angle formed by the intersection is less than one hundred thirty-five (135) degrees. When the frontage on one (1) street exceeds the frontage on the other, the one with the least frontage shall be deemed the front of the lot.</p> <p><b>Interior lot:</b> A lot other than a corner lot.</p> <p><b>Through lot:</b> An "interior lot" having frontage on two (2) parallel or approximately parallel streets. <b>When the frontage on one (1) street exceeds the frontage on the other, the one with the least frontage shall be deemed the front of the lot.</b></p> <p><b>Lot depth:</b> The distance measured in a mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite rear line of the lot.</p> <p><b>Lot of record:</b> A part of land subdivision, the map of which has been recorded in the office of the clerk of DeKalb County, Georgia.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Lot width:</i> The horizontal distance between the side lines of a lot measured at the front building line.</p> <p><i>Microbrewery:</i> An establishment primarily engaged in manufacturing (i.e., brewing) beer and/or malt beverage in an amount not to exceed two million gallons per calendar year.</p> <p><i>Mixed-use development:</i> Development projects that incorporate new residential and non-residential (commercial, community facility and light industrial) uses and are permitted as-of-right in certain zoning districts.</p> <p><i>Modular home:</i> A modular home is a factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes.</p> <p><i>Official zoning map:</i> A legally adopted map that conclusively shows the location and boundaries of zoned districts.</p> <p><i>Open space:</i> An open, unoccupied, unobstructed space that provides a usable amenity area on the same lot as a building. Required yards and requirements for sidewalk zones and landscape zones which are constructed on private property may be counted towards this</p>	<p><i>Lot width:</i> The horizontal distance between the side lines of a lot measured at the front building line.</p> <p><b><i>Major recreational equipment:</i></b> Boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automobile vehicles), motorized dwellings tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.</p> <p><i>Microbrewery:</i> An establishment primarily engaged in manufacturing (i.e., brewing) beer and/or malt beverage in an amount not to exceed two million gallons per calendar year.</p> <p><i>Mixed-use development:</i> Development projects that incorporate new residential and non-residential (commercial, community facility and light industrial) uses and are permitted as-of-right in certain zoning districts.</p> <p><i>Modular home:</i> A modular home is a factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes.</p> <p><b><i>Nursing home:</i></b> A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision, maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical or dental emergency and who will be responsible for the general medical and dental supervision of the home.</p> <p><i>Official zoning map:</i> A legally adopted map that conclusively shows the location and boundaries of zoned districts.</p> <p><i>Open space:</i> An open, unoccupied, unobstructed space that provides a usable amenity area on the same lot as a building. Required yards and requirements for sidewalk zones and landscape zones which are constructed on private property may be counted towards this</p>

EXISTING CODE	PROPOSED CODE
<p>requirement. Open space may also include balconies, roof-top terraces, front yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property. Open space shall not include areas devoted to public or private vehicular access.</p> <p><i>Outdoor storage:</i> The location of any goods, wares, merchandise, commodities, junk, debris or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.</p> <p><i>Parking lot:</i> An area or plot of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.</p> <p><i>Permitted use:</i> Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.</p> <p><i>Pervious paving:</i> A surface that allows water to pass through voids in or between paving materials while providing a stable, load bearing surface for vehicles.</p> <p><i>Planned unit development (PUD):</i> A provision that allows more flexibility to development projects that incorporate two (2) or more buildings on a tract or several tracts of land than would otherwise be allowed by the underlying zoning district regulations. The following types of PUDs are allowed by this ordinance: Planned residential developments; cottage housing developments, and planned mixed-use developments; planned</p>	<p>requirement. Open space may also include balconies, roof-top terraces, front yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property. Open space shall not include areas devoted to public or private vehicular access.</p> <p><i>Outdoor storage:</i> The location of any goods, wares, merchandise, commodities, junk, debris or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.</p> <p><i>Parking lot:</i> An area or plot of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.</p> <p><i>Permitted use:</i> Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.</p> <p><i>Personal care home:</i> Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. This term shall not include host homes, as defined in paragraph (18) of subsection (b) of O.C.G.A. Section 37-1-20.</p> <p><i>Pervious paving:</i> A surface that allows water to pass through voids in or between paving materials while providing a stable, load bearing surface for vehicles.</p> <p><i>Planned unit development (PUD):</i> A provision that allows more flexibility to development projects that incorporate two (2) or more buildings on a tract or several tracts of land than would otherwise be allowed by the underlying zoning district regulations. The following types of PUDs are allowed by this ordinance: <b>Planned Residential Developments; Cottage Housing Developments, and Planned Mixed-use Developments; Planned Commercial</b></p>

EXISTING CODE	PROPOSED CODE
<p>commercial development.</p> <p><i>Planning and zoning board:</i> Refers to the planning and zoning board of the City of Clarkston as described in Chapter 15 of the Clarkston Code of Ordinances.</p> <p><i>Poultry.</i> Any domesticated fowl whether kept for the production of eggs, meat, feathers, or otherwise.</p> <p><i>Private deed restrictions or covenants:</i> Private deed restrictions or covenants are imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the city or other public agency.</p> <p><i>Restaurant, carry-out:</i> A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building.</p> <p><i>Restaurant, dine-in:</i> A retail establishment where food and beverages are offered for sale to the public for either on-site consumption or for carry out to consume off-site.</p> <p><i>Restaurant, drive-through:</i> Any restaurant where all or a portion of the business activity is dedicated serving customers by way of a drive-through window that allows customers to be served while inside an automobile.</p> <p><i>Retail services:</i> Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.</p>	<p>Development.</p> <p><i>Planning and zoning board:</i> Refers to the planning and zoning board of the City of Clarkston as described in Chapter 15 of the Clarkston Code of Ordinances.</p> <p><i>Poultry:</i> Any domesticated fowl whether kept for the production of eggs, meat, feathers, or otherwise.</p> <p><i>Private deed restrictions or covenants:</i> Private deed restrictions or covenants are imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the city or other public agency.</p> <p><b><i>Quasi-judicial officers, boards, or agencies:</i></b> <i>Quasi-judicial officers, boards, or agencies shall have the same meaning as defined in O.C.G.A. § 36-6-3.</i></p> <p><i>Restaurant, carry-out:</i> A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building.</p> <p><i>Restaurant, dine-in:</i> A retail establishment where food and beverages are offered for sale to the public for either on-site consumption or for carry out to consume off-site.</p> <p><i>Restaurant, drive-through:</i> Any restaurant where all or a portion of the business activity is dedicated to serving customers by way of a drive-through window that allows customers to be served while inside an automobile.</p> <p><i>Retail services:</i> Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Retail trade:</i> Establishments engaged in selling goods or merchandise to the general public and for personal or household consumption and rendering services incidental to the sale of such.</p> <p><i>Right-of-way:</i> A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.</p> <p><i>Sanitary landfill:</i> An area of land utilized for sanitary disposal by filling with solid waste refuse and garbage, then covering with layers of earth.</p> <p><i>Setback:</i> The required space between a property line and a building or specified structure.</p> <p><i>Sidewalk clear zone:</i> An unobstructed walkway with a minimum width of seven (7) feet and hardscaped located between the building face and landscape zone.</p> <p><i>Story:</i> That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above. Attic or daylight basement space is construed as one-half (½) story. A fully underground basement is not a story.</p> <p><i>Street:</i> A thoroughfare that affords the principal means of access to abutting property.</p> <p><i>Street grade:</i> The establishment grade of the front street or other higher street upon which the lot abuts at the midpoint of the frontage of the plot thereon.</p> <p><i>Street line or highway margin:</i> The dividing line between a lot, tract or plot of land and a contiguous street, road or highway right-of-way.</p> <p><i>Structure:</i> Anything constructed or erected on the ground or attached to something on the ground.</p>	<p><i>Retail trade:</i> Establishments engaged in selling goods or merchandise to the general public and for personal or household consumption and rendering services incidental to the sale of such.</p> <p><i>Right-of-way:</i> A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.</p> <p><i>Sanitary landfill:</i> An area of land utilized for sanitary disposal by filling with solid waste refuse and garbage, then covering with layers of earth.</p> <p><i>Setback:</i> The required space between a property line and a building or specified structure.</p> <p><i>Sidewalk clear zone:</i> An unobstructed walkway with a minimum width of seven (7) feet and hardscaped located between the building face and landscape <b>strip</b>.</p> <p><i>Story:</i> That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above. Attic or daylight basement space is construed as one-half (½) story. A fully underground basement is not a story.</p> <p><i>Street:</i> A thoroughfare that affords the principal means of access to abutting property.</p> <p><i>Street grade:</i> The <b>established</b> grade of the front street or other higher street upon which the lot abuts at the midpoint of the frontage of the plot thereon.</p> <p><i>Street line or highway margin:</i> The dividing line between a lot, tract or plot of land and a contiguous street, road or highway right-of-way.</p> <p><i>Structure:</i> Anything constructed or erected on the ground or attached to something on the</p>

EXISTING CODE	PROPOSED CODE
<p><i>Structural alterations:</i> Any change, except for repair or replacement, in the supporting members of a building such as load-bearing walls, columns, beams or girders, floor joists or roof joists.</p> <p><i>Structural trim:</i> The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to any structure, including signs.</p> <p><i>Subdivision:</i> All divisions of a tract or parcel of for the purpose (whether immediate or future) of sale, lease, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether private or public) or change in an existing street, and includes re-subdivision. Subdivision is also the process (and the result) of dividing a parcel of raw land into smaller buildable sites, blocks, streets, open space and public areas and the designation of the location of utilities and other improvements.</p> <p><i>Temporary housing:</i> Any tent, trailer, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities systems and which is not on the same premises for more than thirty (30) consecutive days.</p> <p><i>Threshold, front door:</i> Establishes location of new residential construction for purposes of controlling proportion of mass and building height to lot size.</p>	<p>ground.</p> <p><i>Structural alterations:</i> Any change, except for repair or replacement, in the supporting members of a building such as load-bearing walls, columns, beams or girders, floor joists or roof joists.</p> <p><i>Structural trim:</i> The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to any structure, including signs.</p> <p><i>Subdivision:</i> All divisions of a tract or parcel of for the purpose (whether immediate or future) of sale, lease, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether private or public) or change in an existing street, and includes re-subdivision. Subdivision is also the process (and the result) of dividing a parcel of raw land into smaller buildable sites, blocks, streets, open space and public areas and the designation of the location of utilities and other improvements.</p> <p><i>Temporary housing:</i> Any tent, trailer, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities systems and which is not on the same premises for more than thirty (30) consecutive days.</p> <p><i>Threshold, front door:</i> Establishes location of new residential construction for purposes of controlling proportion of mass and building height to lot size.</p> <p><i>Traffic Impact Study:</i> A report which measures and analyzes data pertinent to the flow, rate of speed and density of traffic, to determine its impact on the safety of citizens within a neighborhood or affected area.</p>

EXISTING CODE	PROPOSED CODE
<p><i>Variance:</i> A grant of relief that modifies the strict dimensional or numerical requirements of this ordinance to permit construction in a manner that would otherwise be prohibited by this Code. A variance from the terms of this ordinance may be granted per criteria established here within and provided that the variance not be contrary to the public interest.</p> <p><i>Yard:</i> An open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein.</p> <p><i>Yard, front:</i> An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot. In the case of corners, all sides of the building facing the street are considered the front.</p> <p><i>Yard, rear:</i> An open space not including parking on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.</p> <p><i>Yard, side:</i> An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.</p>	<p><i>Variance:</i> A grant of relief that modifies the strict dimensional or numerical requirements of this ordinance to permit construction in a manner that would otherwise be prohibited by this Code. A variance from the terms of this ordinance may be granted per criteria established here within and provided that the variance not be contrary to the public interest.</p> <p><i>Yard:</i> An open space on a lot situated between the <b>primary</b> building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein.</p> <p><i>Yard, front:</i> An open, unoccupied space on the same lot with a <b>primary</b> building or use, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.</p> <p><i>Yard, rear:</i> An open, <b>unoccupied</b>-space not including parking on the same lot with a <b>primary</b> building or use <b>or an accessory building or use</b>, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.</p> <p><i>Yard, side:</i> An open, unoccupied space on the same lot with a <b>primary</b> building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.</p> <p><b>Zoning decision:</b> Zoning decision shall have the same meaning as defined in O.C.G.A. § 36-6-3.</p>

## Appendix:

A Use Table is a simple way to display what uses are allowed in each zoning district in the City of Clarkston. Across the top are the zoning districts and down the side are the uses. The cells that are shaded (black background with white text) indicate where a change is being proposed.

Table 4.1 Use Table											
	NR-1	NR-2	NR-3	NC-1	NC-2	TC	I	R-OS	NR-CD	RC	Supplemental Standards
<b>Residential</b>											
Apartment childcare or tutoring			P	P	P	P			P		Sec. 404
Assisted Living									P	P	
Boarding or Rooming House, except halfway houses									C	C	
Dwelling, Accessory	P	P	P						P	P	Sec. 414
Dwelling, Duplex			P						P		
Dwelling, Multi-family			P	P	P	P			P	P	
Dwelling, Single-family detached	P	P	P						P	P	
Dwelling, Townhome		P	P						P		
Dwelling, Triplex			P						P		
Home Occupation	P	P	P								Sec. 408
Live work unit		P	P	P		P				P	
Non-commercial horticulture and agriculture	P	P	P								Sec. 409
Non-commercial poultry	P	P	P								Sec. 410
Personal Care Home									C	C	
<b>Planned Unit Developments</b>											
Cottage Housing Developments		P*	P*						P*	P*	
Planned Commercial Development				P*	P*	P*			P*	P*	
Planned Mixed-Use Development				P*	P*	P*			P*		
Planned Residential Development		P*	P*							P*	
<b>Commercial and Retail</b>											
Adult entertainment or establishment							C				
Antique shop				P	P	P				P	
Apparel store				P	P	P					
Art store/gallery				P	P	P			P	P	
Banks and financial institutions				P	P	P				P	
Bed and breakfast inns			C			P				C	Sec. 406
Book and video store (non-adult oriented)				P	P	P				P	
Bottle shop/package store					C	P	P				
Bowling Alleys						P	P		C		
Camera shop				P	P	P			P		
Car washes					C		C				
Child day care, adult day care											Sec. 407
Dry cleaner (except drive thru)				P	P						

Eating and drinking establishment, excluding drive-thru/drive-in establishments				P	P	P	P		P	P	
Electronics and appliance store						P					
Entertainment venues (non-adult oriented)							P				
Florist				P	P	P			P	P	
Fortune tellers, psychics							P				
Funeral home (no on-site crematory services)				P			P				
Furniture and home furnishings						P					
Greenhouses and horticultural nurseries				P	P				P	P	
Grocery store						P					
Hookah/Vape Store											
Hospital							P				
Hotel						C					
Jewelry store				P	P	P			P	P	
Laundry, self-service				C	C		C				
Massage establishment							C				
Microbrewery				P	P	P	P		C		
Movie Theater (non-adult oriented)						P	P				
Non-automotive repair services (cameras, jewelry, shoes)				P	P	P	P				
Parking structure				Pa	Pa	Pa	Pa	Pa	Pa		
Personal service establishment (barber shop, hair salon, nail salon)				P	P	P			P	P	
Pet boarding/breeding kennel							P				
Pet grooming and supply shop				P	P	P					
Pharmacy or Drug store				P	P						
Recycling collection				Pa	Pa	Pa	Pa			Pa	
Recycling collection/drop off centers									Pa		
Research and experimental testing laboratories							C				
Retail, 2,500 - 5,000 s.f.					P	P			P	C	
Retail, 2,500 s.f. or less				P	P				P	P	
Retail, over 5,000 s.f.						P	P				
Shoe store				P	P	P					
Sporting goods store				P	P	P					
Tattoo parlor and piercing studio					P	P	P				
Title loan businesses, pawn shops							C				
Toy store				P	P	P					
<b>Office, Institutional, and Cultural</b>											
Library, Public	P	P	P	P	P	P	P	P	P	P	
Pre-schools and similar establishments				P	P	P			P	P	
Office (Professional)				P	P	P	P			P	

Office (Medical)				P	P	P	P			P	
Office (Veterinary without boarding)				P	P	P	P			P	
<b>Parks/Green Space</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	
Places of assembly, including religious institutions	C	C	C	C	C		P		C	C	Sec. 412
Tutoring Establishments			P	P	P	P			P	P	
<b>Industrial and Manufacturing</b>											
Automobile, truck, motorcycle and heavy equipment sales/service/rental/parts/repair establishments					C		P				
Building and equipment supply/repair services (no outdoor storage)							P				
Commercial dry cleaning plants							C				
Communications towers (cellular)							C				
Crematories							C				
Manufacturing and assembly, provided no gas, fumes or odors are emitted as a result of the activity							P				
Outdoor storage, commercial											
Trade shops (locksmith, gunsmith, sheet metal, upholstery, furniture, appliance, electrical, carpentry)							P				
Wholesaling and warehousing (entirely indoors)							P				
<b>Temporary Uses</b>											
Farmer's market				AP	AP	AP	AP	AP	AP	AP	Sec. 415
Festival				AP	AP	AP	AP	AP	AP	AP	Sec. 415
Food truck				AP	AP	AP	AP	AP	AP	AP	Sec. 415
Seasonal activities and sales				AP	AP	AP	AP	AP	AP	AP	Sec. 415
Storage of construction equipment				AP	AP	AP	AP	AP	AP	AP	Sec. 415
Tent sale/sale of goods from temporary location				AP	AP	AP	AP	AP	AP	AP	Sec. 415

\*when approved by City Council

The background of the slide is a photograph of a serene outdoor scene. In the foreground, there is a body of water, likely a pond or a slow-moving stream, reflecting the sky and the surrounding trees. The water is calm, with gentle ripples. On the left side, a dense line of trees with green and some autumn-colored foliage stands along the water's edge. A small wooden structure, possibly a dock or a shed, is partially visible among the trees. On the right side, a path made of dirt and gravel leads towards the water, bordered by tall grasses and shrubs. The trees on the right are more prominent, with some showing vibrant autumn colors like orange and yellow. The overall atmosphere is peaceful and natural.

# CLARKSTON

## ZONING ORDINANCE REWRITE

TUESDAY, May 23, 2023 | 6:00 PM

# AGENDA

1

INTRODUCTION

2

WHAT'S  
CHANGED

3

SIDE-BY-SIDE  
DOCUMENT  
REVIEW

4

NEXT STEPS

5

COUNCIL  
COMMENTS

# PROJECT TEAM



**POND**



# WHERE ARE WE NOW?



# WHAT'S CHANGED?

Based on City Council input, the draft dated May 16, 2023 has been updated

- Dimensional Standards
- Use Table/Permitted Uses
- Accessory Dwelling Units
- Planned Unit Development standards
- Formatting updates
- HB 1405 updates

# SIDE-BY-SIDE DOCUMENT

Found on project website:



*Scan me!*

## How To Use

- **Red** indicates new language
- **Blue** indicates existing code that has been moved to a new location within the proposed code
- **Black** indicates no change

EXISTING CODE	PROPOSED CODE
<p><b>Sec. 707. NC-2, moderate-density neighborhood commercial district.</b></p> <p>(a) <i>Purpose and intent:</i> The NC-2 zoning district is intended to provide suitable areas for the provision of retail and personal services oriented towards those neighborhoods making up the adjacent community. The regulations which apply within this district are designed to encourage the formation of compatible and economically healthy business and service uses which benefit from close proximity to each other.</p> <p>(b) <i>Permitted uses:</i></p> <ol style="list-style-type: none"><li>(1) Banks and financial institutions.</li><li>(2) Child care/daycare centers, pre-schools and similar establishments.</li><li>(3) Car washes.</li><li>(4) Eating and drinking establishments, including drive-thru/drive-in fast food establishments.</li><li>(5) Funeral homes (no on-site crematory services).</li><li>(6) Retail trade. Single uses shall have no more than twenty (20,000) square feet of gross floor area. Appropriate uses include:<ol style="list-style-type: none"><li>a. Art stores/galleries.</li><li>b. Antique shops.</li><li>c. Book and video stores (non-adult oriented).</li><li>d. Camera shops.</li><li>e. Dry cleaners.</li><li>f. Florists.</li><li>g. Drug stores.</li><li>h. Gift shops.</li><li>i. Toy stores.</li><li>j. Pet grooming and supply shops.</li><li>k. Jewelry stores.</li><li>l. Sporting goods and hobbies.</li></ol></li></ol>	<p><b>Sec. 310. NC-2, moderate-density neighborhood commercial district.</b></p> <p>(a) <i>Purpose and intent:</i> The NC-2 zoning district is intended to provide suitable areas for the provision of retail and personal services oriented towards those neighborhoods making up the adjacent community. The regulations which apply within this district are designed to encourage the formation of compatible and economically healthy business and service uses which benefit from close proximity to each other.</p> <p>(b) <i>Permitted and conditional uses shall be as provided in Table 4.1 of this zoning ordinance. In cases where a use is permitted but there are supplemental use regulations for that use specified in Article IV of this chapter, such regulations shall also apply.</i></p> <p>(c) <i>Dimensional requirements shall be as provided in Table 3.5.</i></p> <p>(d) <i>Site and building standards shall be as provided in Article V.</i></p> <p><b>Permitted Uses, Conditional Uses and Accessory Structure Standards have been moved to proposed Article IV. Dimensional Standards have been moved to proposed Sec. 309.</b></p>

# NEXT STEPS

May 30<sup>th</sup>

City Council Work Session

June 6<sup>th</sup>

City Council Meeting

The background image shows a soccer field with several players in motion. A large, semi-transparent green rectangle is overlaid on the middle of the image, containing the word 'COMMENTS' in white. In the background, there is a large, single-story building with a dark roof and a chain-link fence. The scene is set outdoors during the day.

# COMMENTS

CITY OF CLARKSTON

ITEM NO: 5B

CLARKSTON CITY COUNCIL MEETING

HEARING TYPE:  
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** To review and discuss the appointment of Brittany N. Trammell as the Solicitor.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy, City Manager  
David Will, Municipal Court Judge  
Dorothy Jackson, Chief Court Clerk  
PHONE NUMBER: 404 -296-6489

**PURPOSE:** To review and discuss the appointment of Brittany N. Trammell as the Solicitor.

**NEED/ IMPACT:** The Solicitor will provide prosecuting attorney services to the City of Clarkston Municipal Court.

**RECOMMENDATION:** N/A

CITY OF CLARKSTON

ITEM NO: 5C

CITY COUNCIL WORK SESSION

BUSINESS AGENDA / MINUTES

HEARING TYPE:  
Work Session

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** Review/Discuss the 40 Oaks Farmhouse/ Nature Preserve recommendations.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy, City Manager  
Councilman Awet Eyasu  
PHONE NUMBER: 404-296-6489

**PURPOSE:** To discuss the 40 Oaks Farmhouse/ Nature Preserve recommendations.

**NEED/ IMPACT:** New South Associate, Inc (NSA) contracted with the City of Clarkston to complete a historic resource assessment of Forty Oaks, a historic house within the Forty Oaks Nature Preserve in Clarkston, Georgia. The historic resource assessment inventories the resource, identify its character-defining features, and assess its integrity. The assessment includes the history of the house and its previous owners, the Sutton family.

**RECOMMENDATION:** N/A

# HISTORIC RESOURCE ASSESSMENT OF FORTY OAKS

City of Clarkston, DeKalb County, Georgia

## Sutton Orpington Yards

Clarkston, Georgia

Breeders of the World's Best in

**Black, White and Buff Orpingtons**  
**S. C. White Leghorns**  
**Registered Berkshire Pigs**



First Prize Black Orpington Fallow at Boston, in Sweepstakes Pen Madison Square Garden. One of the Best Hens in the South.

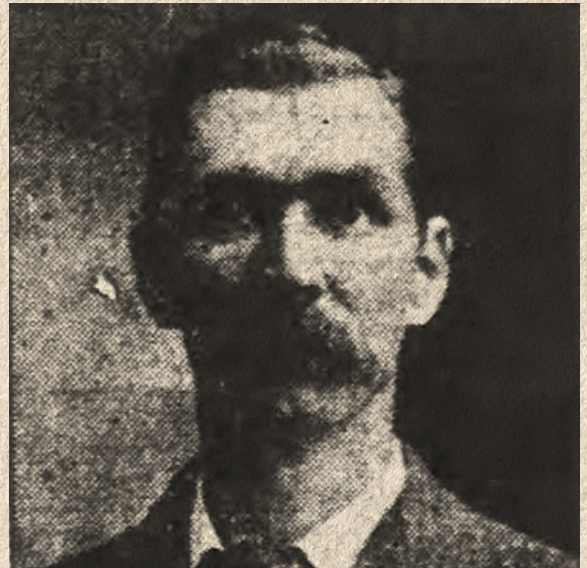


"FORTY OAKS"  
The Residence of Mr. and Mrs. Ed. J. Sutton, Owners of Sutton Orpington Yards, Clarkston, Ga.

### Egg Prices:

Black Orpingtons, \$15, \$10, \$7.50, \$5, for.....	15
White Orpingtons, \$5, \$3, for.....	15
Buff Orpingtons, \$5, \$2, for.....	15
White Leghorns, \$5, \$2, \$1.50, for.....	15
Leghorn Eggs, per hundred, \$7 and \$8.	
Italy Chicks and Stock a Matter of Correspondence.	

We do not claim to have the best in the world, but we do claim to have as good birds in Orpingtons as can be found any where on earth. We have in our pens winners from the greatest shows in the world, including Crystal Palace, London, Madison Square Garden, New York, Boston, Chicago, Baltimore, Jamestown, Lansing, the Atlanta shows and Stone Mountain exhibition. We have never failed to win where our birds enter. If you want to see good birds pay us a call. If you want to buy good stock we have the goods, and will treat you right.



New South Associates, Inc



# Historic Resource Assessment of Forty Oaks

City of Clarkston, DeKalb County, Georgia

Report submitted to:

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City of Clarkston • City Hall Annex • 1055 Rowland Street • Clarkston, Georgia 30021

Report prepared by:

---

New South Associates • 6150 East Ponce de Leon Avenue • Stone Mountain, Georgia 30083

A handwritten signature in black ink that reads "Jackie Tyson". The signature is written in a cursive style with a large, looping initial "J".

---

Jackie Tyson – Principal Investigator

Summer Ciomek – Historian and Author

March 8, 2023 • **Draft Report**  
New South Associates Technical Report 4435

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# ACKNOWLEDGEMENTS

New South Associates, Inc. would like to thank both Shawanna N. Qawiy, city clerk, and Mayor Beverly H. Burks for taking the time to meet with us to discuss the project. We would also like to thank Rodney Beck, the Public Works Director, and Dean Moore and Ashton Walker, members of Clarkston's Historic Preservation Commission, for opening the house and providing additional information about its history and condition.

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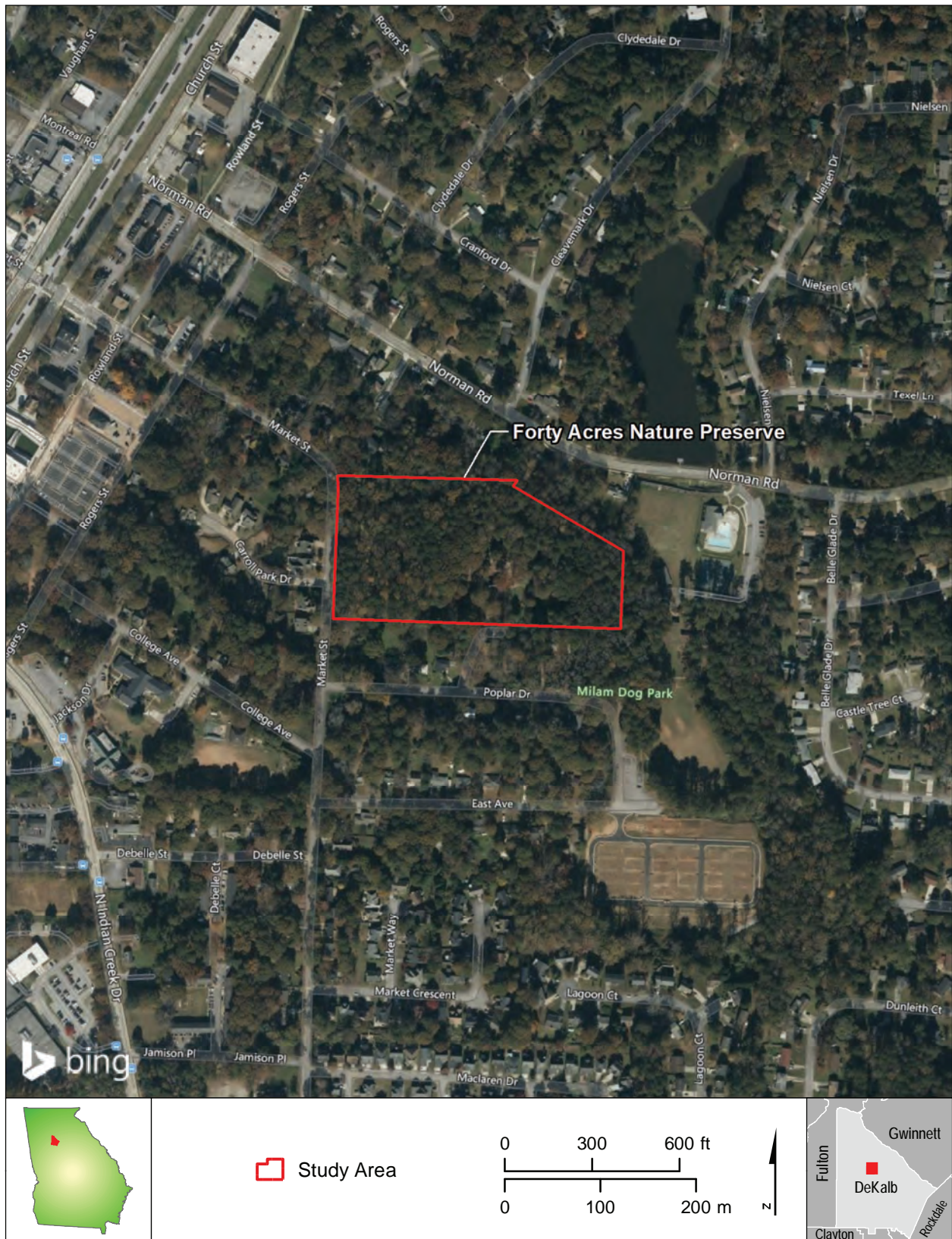
# I. INTRODUCTION

New South Associates, Inc. (NSA) contracted with the City of Clarkston to complete a historic resource assessment of Forty Oaks, a historic house within the Forty Oaks Nature Preserve in DeKalb County in the city of Clarkston, Georgia (Figure 1). The historic resource assessment will inventory the resource, identify its character-defining features, and assess its integrity. The assessment includes a history of the house and its previous owners, the Sutton family.

The Forty Oaks Nature Preserve is the result of the sale of the Sutton family's property by Hazel Sutton to the DeKalb County Parks and Recreation Department in 1972. Miss Sutton donated half of the 10.5-acre estate to DeKalb County, while selling them the remaining 5.25 acres. The arrangement included the stipulation that Miss Sutton, her sister, and her brother, all in their 70s and 80s at the time, could live on the property for the rest of their lives with the county paying their utilities, taxes, insurance, and maintenance. It was also agreed that the park created on the property would be called Forty Oaks, after the family estate. DeKalb County operated the nature preserve until 2018, when the City of Clarkston took ownership of the property. The city is exploring options for the best use of the land and the house.

This report contains four chapters, including this introduction. Chapter II, methodologies, outlines the research and field survey techniques, while Chapter III discusses the history and life of Ed L. Sutton, a previous owner of Forty Oaks. Chapter IV presents the findings of the field survey and recommendations.

Figure 1.  
Map Showing The Location of Forty Oaks



## II. METHODOLOGY

### BACKGROUND RESEARCH

Background research was performed to learn more about the history of the city of Clarkston, the use of the house at Forty Oaks, and the Sutton family who owned and lived at the house at Forty Oaks for over 80 years. Research began at the DeKalb History Center to review the center's architecture subject file on the house at Forty Oaks. Those materials pertinent to the history of the house or the Sutton family were scanned. This included copies of newspaper articles, tour of historic homes itineraries, and historic photographs. Additional research was completed at the Main Branch of the DeKalb County Public Library in Decatur, Georgia and the University of Georgia Libraries in Athens, Georgia to study general histories and historic maps. Internet research was conducted to locate general information about the property, as well as to research the Sutton family history through websites such as [ancestry.com](http://ancestry.com) and [findagrave.com](http://findagrave.com).

While all these mediums helped to create a more complete picture of the history of Clarkston, the house at Forty Oaks, and the Sutton family, newspaper research netted the most information and insight into the life of Ed L. Sutton, a previous owner of Forty Oaks and a prominent figure in Clarkston's history. Due to his work in journalism, participation in politics, and activism in the unions, Sutton was often mentioned in the newspaper, either when he took a new position at the newspaper, was a delegate for the Progressive Party, or gave a speech at an Atlanta Typographical Union meeting. Through mentions and articles in the newspapers, one can follow Sutton's work and milestones and create a loose timeline of the trajectory of his life.

### FIELDWORK

Fieldwork consisted of a visit to the house at Forty Oaks to tour the property and survey the house. Interior access to the house was provided by the City of Clarkston, so the inside and the outside of the house was photographed with a digital camera. Notes of observations made of the house's exterior architectural features and its interior spaces were recorded. Rodney Beck, the City of Clarkston Public Works Director, and two members of the Clarkston Historic Preservation Commission, Dean Moore and Ashton Walker, provided their insights during the tour of the property.

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### III. EDWARD L. SUTTON FAMILY HISTORY

Edward L. Sutton was born on June 12, 1864 in Lafayette, Walker County, Georgia to Davis Cass and Drucilla Sutton. Davis Cass, also known as D.C., was a lawyer and active in local politics, as he was the secretary of the Democratic party of Walker County and the Walker County school board commissioner. However, D.C. was convicted of bigamy in 1878. It appears that he was convicted in a trial that took place in April 1878 and he soon escaped from a prison in Cobb County along with two other inmates in September 1878. Davis was apparently apprehended, as he is included in a long list of inmates in the 1880 census of Cedartown, Polk County, Georgia (U.S. Census 1880). The rest of the Sutton household was counted in the 1880 census of Summerville, Chattooga County, Georgia; Drucilla was listed as the head of the household (U.S. Census 1880). Edward, who was only 15 years old at the time, is recorded as working in a printing office.

Upon serving his sentence, D.C. returned to North Georgia and moved his family from Summerville to Dahlonega. Presumably having lost his law license due to his conviction, D.C. established the firm of D.C. Sutton & Son and got into the newspaper and publishing business, taking advantage of his son's newly acquired printing skills. A notice in the September 10, 1885 edition of the *Ellijay Courier* notes that the junior partner of the firm Sutton & Son, Mr. Ed L. Sutton, was leaving the firm, causing the *Signal*, Dahlonega's local newspaper published by Sutton & Son, to lose "one of its most spicy and sensible writers" and a "proficient and stylish printer" (The *Ellijay Courier* 1885). On April 8, 1886, the *Ellijay Courier* ran a brief note stating that Ed Sutton was gaining distinction as a gifted reporter due to his work as the Atlanta correspondent to the *Walton News* and other state papers (The *Ellijay Courier* 1886).

Sutton was initiated into the Kappa Sigma fraternity by the supreme officers during a ceremony in Richmond, Virginia held in 1885 (Macon Daily Telegraph 1913). Sutton's membership in the fraternity was unique because he had not attended college; at the time, the only other man initiated in the Kappa Sigma fraternity who had not attended college was Jefferson Davis (Macon Daily Telegraph 1913). Purportedly, the reason for his membership was to assist in reviving the fraternity in the state of Georgia, and Sutton did make two attempts at establishing Kappa Sigma chapters at two different institutions. The first was at the North Georgia Agricultural College (now the University of North Georgia) in Dahlonega, Georgia. Here Sutton was a charter member, helping to establish the 19th chapter in 1885 (Dunlap 1907). The second was at Emory College (now

Emory University) in Oxford, Georgia. Sutton sponsored this chapter in 1887 (Dunlap 1907). Both chapters are still active at their respective institutions. In 1887 Sutton was the second person named as the editor of the fraternity's magazine, the *Caduceus*, the official publication of the Kappa Sigma fraternity. The magazine is still in publication (Dunlap 1907).

In 1887, Sutton married Fannie Saye, daughter of R.A. Saye (U.S. Census 1900) (Figure 2a). In the same year the couple took up residence in Valdosta, where Ed worked for *The Valdosta Times* as a job printer and foreman, but it appears he would work at any position as needed, including journalist and editor (The Valdosta Times 1889). He left *The Valdosta Times* in 1889 after accepting a position as editor and business manager of the *DeKalb Chronicle* (The Valdosta Times 1889). It was also in 1889 that the Suttons' first daughter, Marie, was born (U.S. Census 1900).

It appears that the Suttons initially lived in Atlanta in the early 1890s, since Ed Sutton is listed as a boarder at 269 Luckie Street as early as 1888. Additionally, the March 15, 1891 edition of the *Atlanta Constitution* noted in its society column that Mrs. Ed L. Sutton hosted Miss Jennie Ford of Baltimore at Sutton's home at 108 Stonewall Street, in southwest Atlanta (Atlanta Constitution 1891). Between 1891 and 1897, the Suttons had four more children: Howard, Harold, Hazel, and Winifred (U.S. Census 1900). Sutton continued his work in newspapers. In 1895 he joined newspaper editors from across the state of Georgia touring the 1895 Cotton States and International Exposition. Sutton was working at the *Clarkston Clarion* at the time (The Atlanta Constitution 1895). He was also more active in the Atlanta Typographical Union, serving as both President (1895-1896) and secretary (1897) and helping to write the organization's constitution (Atlanta Constitution 1896, 1897a) (Figure 2b). In addition to his newspaper work and union activism, Sutton became involved in politics as a member of the Populist movement. He represented Georgia's Fifth District at the party's convention in 1896 and in 1897 he started his own Populist newspaper, the *Granite City News*, covering Lithonia and DeKalb County (Chattanooga Daily Times 1896; People's Party Paper 1897).

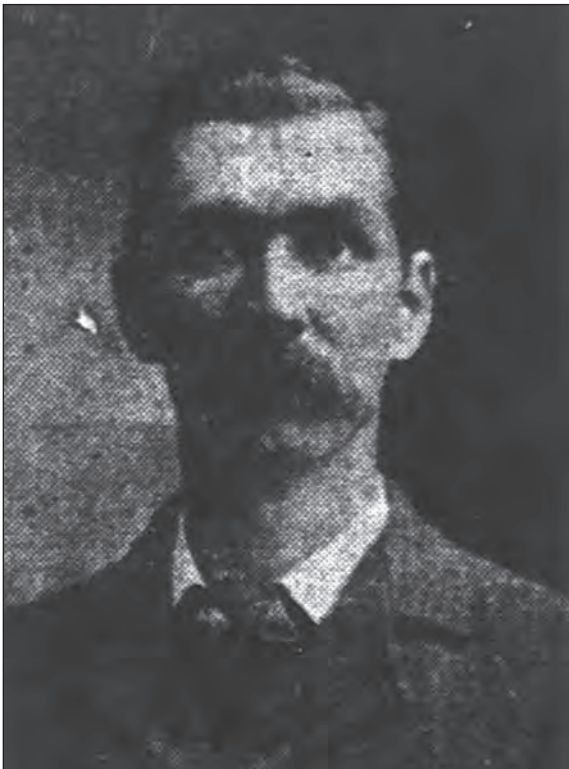
In 1892, the Suttons moved to Clarkston, which was, at the time, a small but established town on the Georgia Railroad. Their new home, Forty Oaks, consisted of approximately 20 acres of land, partially within the city limits, on the eastern edge of Clarkston, and a modest house. The rural town advertised pristine vistas and generous allotments of farmland, and its primary agricultural products were cotton and Angora goats; the latter the source of the town's nickname "Goatsville" (City of Clarkston 2023; Garrett 1969; Haley 2019). Small-scale agriculture and small family farms were typical in Clarkston and its vicinity. The Sutton family established their own family farm, raising chickens and rabbits. An 1897 newspaper advertisement marketed eggs for hatching – 15 eggs for \$1.50 – and hares and rabbits for sale from Ed L. Sutton in Clarkston, Georgia (Atlanta Constitution 1897b) (Figure 3a).

Figure 2.  
Photographs of the Suttons



A. Photograph showing Ed and Fannie Sutton, 1887

Source: Third Presbyterian Sabbath School, Second Division. Fulton County Banner School For 1887. On file at the DeKalb History Center



B. Photograph of Ed L. Sutton After Being Elected the Editor of the Journal of Labor

Source: Atlanta Constitution 1901b

Figure 3.  
Sutton Orpington Yards

**FOR SALE—Chickens, Eggs, Etc.**

**EGGS FOR HATCHING—Beauty Buff**  
 Leghorns, Black Minorcas, Light Brah-  
 mas, 15 for \$1.50. No stock for sale. Bel-  
 gian hares, white Belgian hares, English  
 rabbits. None finer. Ed L. Sutton, Clarks-  
 ton, Ga. apr 25 2t sun

A. Advertisement Placed in The Atlanta Constitution  
for Chickens and Eggs for Hatching, 1897


Source: Atlanta Consitution 1897b

**Sutton Orpington  
Yards**


Clarkston, Georgia

Breeders of the World's Best in

*Black, White and Buff  
Orpingtons  
S. C. White Leghorns  
Registered Berkshire  
Pigs*



**"FORTY OAKS"**  
 The Residence of Mr. and Mrs. Ed. L. Sutton, Owners of Sutton Orpington Yards, Clarkston, Ga.



First Prize Black Orpington Pullet at  
Boston; in Sweepstakes Pen Madison  
Square Garden. One of the finest  
Hens in the South.

**Egg Prices:**

Black Orpingtons, \$15, \$10, \$7.50, \$5, for.....	15
White Orpingtons, \$5, \$3, for.....	15
Buff Orpingtons, \$5, \$2, for.....	15
White Leghorns, \$3, \$2, \$1.50, for.....	15
Leghorn Eggs, per hundred, \$7 and \$8.	
Baby Chicks and Stock a Matter of Correspondence.	

We do not claim to have the best in the world, but we do claim to have as good Birds in Orpingtons as can be found any where on earth. We have in our pens winners from the greatest shows in the world, including Crystal Palace, London, Madison Square Garden, New York, Boston, Chicago, Baltimore, Jamestown, Lansing, the Atlanta shows and Stone Mountain exhibition. We have never failed to win where our birds enter. If you want to see good birds pay us a call. If you want to buy good stock we have the goods, and will treat you right.

B. Advertisement for Sutton Orpington Yards, 1912

Source: DeKalb New Era 1912

In June 1900, tragedy befell the Sutton family when Fannie died after an extended illness. Despite his wife's untimely passing, Sutton continued to be active in public life. In 1901, he was still serving on committees for the Atlanta Typographical Union, was elected as the editor of the *Journal of Labor* by the Federation of Trades, a group composed of several trade unions, and was serving his term as the fourth mayor of Clarkston (Atlanta Constitution 1901a, 1901b) (Figure 2b). By the first decade of the 1900s, Sutton had established himself as not only a printer, but a journalist, editor, and union advocate. Through holding positions of leadership and giving speeches, Sutton became a well-known union man. This is evinced by a February 2, 1904 *Macon News* piece announcing that Sutton would be in Macon on that day visiting his sister, noting that he is "one of the best known organized labor men in the state, and has done a great deal of valuable work for the labor people, being ever ready with voice and pen to champion their cause whenever necessary" (Macon News 1904). The piece goes on to mention that Sutton was in charge of the *Atlanta Weekly Journal* and that he will most likely attend the meeting of the Central Labor Union while he is in Macon, assuring that if Sutton gives a speech at the meeting, "all who hear him are guaranteed a pleasant as well as an instructive evening" (Macon News 1904). Most likely due to his work with organized labor and unions in the state, Sutton was appointed by Georgia Governor Hoke Smith as one of 20 delegates to attend a convention in New Orleans in May 1909 concerning reforms and enacting uniform legislation on child labor (Birmingham Age-Herald 1909).

Sutton remarried in 1907 to Jackie Brown, about whom little can be found besides the fact that she grew up in Atlanta and she had two sons, Robert and James Bush, and a daughter, Edna Bush, presumably from a previous marriage.

The farm at Forty Oaks continued to be successful in raising breeding chickens, turkeys, and pigs. As noted more specifically in a 1912 advertisement for Sutton Orpington Yards, the farm bred various types of Orpington and South Carolina Leghorn chickens, as well as turkeys and Berkshire Pigs (DeKalb New Era 1912) (Figure 3b). The farm sold eggs for hatching and baby chicks. The advertisement also lists all the poultry shows around the country where the Suttons' birds have won, including exhibitions in Boston, New York City, Chicago, and London (DeKalb New Era 1912). Sutton was also the president of the DeKalb County Poultry Association (Atlanta Semi-Weekly Journal 1912).

In addition to his employment as a newspaper editor, his work advocating for unions, his political volunteerism, breeding prize-winning chickens, and upholding familial obligations, Sutton once again lent his editorial skills to the Kappa Sigma fraternity. In 1910, Sutton was named as the editor of the fraternity's magazine, the *Caduceus*, a second time (Macon Daily Telegraph 1910). In addition to editing the magazine, he attended meetings on the local, regional, and national levels, gave speeches, and held the position of a district grand master (Macon Daily Telegraph 1914).

On April 6, 1917, the United States Congress declared war on Germany, entering the country into what would be known as World War I. As American men began enlisting to join the war effort, they left behind jobs and families. Some of these positions were filled by men who were too old to enlist in the military, but young enough to be in the workforce. During a meeting of Atlanta's Board of Education in August 1917, professors were elected to fill vacancies in the local high schools due to teachers enlisting, being drafted, and entering officers' training camps (Atlanta Constitution 1917). At Atlanta's Technological High School, referred to as Tech High, Ed L. Sutton was appointed as head of the printing department (Denver Labor Bulletin 1917). During his time in education, Sutton continued his advocacy of unions and organized labor. He supported the Junior Union of the Atlanta Typographical Union, composed of printing apprentices, advising them, in a speech, of the importance of a high school education in addition to serving their apprenticeships (Atlanta Constitution 1923). Additionally, he was a member of the Atlanta Federation of Teachers, representing the union at the American Federation Convention in Chicago in 1924 (Atlanta Constitution 1924).

If Sutton held political aspirations, they did not materialize beyond his work with unions and local government. In 1913, a brief in the *United Labor Bulletin* noted that Sutton was being mentioned as a candidate for the United States Congress to represent the Atlanta, Georgia district but there is no indication that he ran for national office (United Labor Bulletin 1913). Sutton did run for DeKalb County's third representative seat to Georgia's General Assembly in 1921, finishing fourth with 118 votes (Atlanta Tri-Weekly Journal 1921).

By 1930, Ed and Jackie were the only residents at Forty Oaks. Now in his late 60s, and with all five children no longer at home, Sutton began to shed some of the roles he had taken on. It appears that he stopped breeding and showing chickens, as no information about Sutton Orpington Yards was found after the 1910s. It also appears that Sutton stepped away from his work in newspapers once he started teaching at Tech High. Sutton taught printing at the high school for 23 years until his retirement in 1940 at the age of 76 (Atlanta Constitution 1937). Sutton also remained active in the unions, attending the 1935 Georgia Federation of Labor meeting in Augusta as a delegate and giving a speech at the 75th Anniversary celebration of the Atlanta Typographical Union. Sutton was honored as the union's oldest living member (Atlanta Constitution 1935a, 1935b) (Figure 4).

On October 31, 1934, Jackie Sutton died after an extended illness that beset her after falling and injuring her back. Sometime after Jackie's death, Ed's youngest daughter, now Winifred Johnston, moved back to Forty Oaks with her daughter, Patricia, and her mother-in-law, Ella West Johnston (United States Census 1940).

Figure 4.  
Ed Sutton at the 75th Anniversary Banquet of the Atlanta Typographical Union  
(Top Row, Second from Left)



Source: Atlanta Constitution 1935b

Working for the city of Clarkston and participating in union events carried Sutton through his retirement years. In 1939, Sutton held a position as one of Clarkston's tax assessors (Atlanta Constitution 1939). Through the 1940s, he maintained his membership in the Atlanta Typographical Union and regularly attended meetings, including the Georgia Printing Trades Conference in Macon in 1944. He was 80 at the time (Macon Telegraph 1944).

Ed L. Sutton died at the age of 87 on June 17, 1951. He was survived by his three daughters and one of his sons, Harold (his son Howard had died the year before at the age of 60), as well as his three stepchildren from his marriage to Jackie, one sister, one brother, 16 grandchildren, and 18 great-grandchildren (Atlanta Constitution 1951). After Ed's passing, it seems that his daughter Hazel, who had moved back to Clarkston by 1950 to care for her father, remained at Forty Oaks, eventually joined by her older brother Harold and younger sister Winifred. The three siblings were all living at Forty Oaks by 1972, when Hazel approached DeKalb County about giving the property to the parks department. Miss Sutton struck an agreement with Commission chairman Clark Harrison in which she would donate half of the 10.5-acre estate to DeKalb County, while selling them the remaining 5.25 acres (Atlanta Constitution 1972). Additionally, the county agreed to allow Miss Sutton, her sister, and her brother, all in their 70s and 80s at the time, to live on the property for the rest of their lives and the county would pay the utilities, taxes, insurance, and maintenance (Atlanta Constitution 1972). It was also agreed that the park created on the property would be called Forty Oaks, after the family estate.

Harold Sutton passed away in 1973, shortly after the agreement with the county was reached, while Hazel died in a nursing home in Milledgeville in 1985 and Winifred died in 1991 at the age of 94. Ostensibly, since neither sister lived out her final days at the house at Forty Oaks, the county most likely took possession of the property by the early 1980s. While under ownership of the DeKalb County Department of Parks and Recreation, the former Sutton home was converted into office space for use by DeKalb Natural Resources and the Atlanta Outward Bound Center. The non-profit agency Global Growers most recently used the house as office space and they continue to use the land adjacent to the house as a community garden. The property was given to the city of Clarkston by DeKalb County via a quit-claim deed in May 2018. The house has been vacant since 2018.

## IV. RESULTS AND RECOMMENDATIONS

The Forty Oaks Nature Preserve is located at 3790 Market Street within the city limits of Clarkston. The property is bounded by residences along Norman Road to the north, Milam Park to the east, residences on Poplar Drive to the south, and Market Street to the west. A cobble stone apron and two stone pillars – installed circa 2016 -- mark the gravel driveway that winds through the trees to the house. On the western end of the parcel is park infrastructure, an interpretive panel about invasive plant species and the remnants of a walking path, that DeKalb County installed. The driveway ends in a loop in front of the house, which is on the southside of the driveway. None of the property's outbuildings are extant. Two poured concrete foundations are present on the north side of the driveway loop and may have been the chicken breeding houses.

### EXTERIOR DESCRIPTION

The house is an I-House that was constructed circa 1890 (Figure 5). The two-story residence is of frame construction with a side-gable roof and stone pier foundation. The roof has incurred damage and has been covered by a tarp for an extended period of time. The historic core of the house is clad in weatherboard siding. A full-width front porch spans the symmetrical front elevation and consists of a hip roof supported by box columns with a spindlework balustrade. The plank porch floor sits on a pier foundation with brick infill. The porch ceiling is made of plywood. It appears that the porch has been reconstructed within the last 20 years, as the porch ceiling, floor, and balustrade are constructed of modern materials and the columns do not appear to be historic. The northern end of the porch roof has started to collapse.

Within the porch is the central front door and two full-height windows (Figure 6a). The non-historic front door is topped by a transom window and framed by pilasters that extend the height of the transom window and support a cornice that extends across the top of the transom. The windows are two-over-four double-hung wood sashes. Heavy moldings and a simple entablature comprise the window surrounds. The second story has two-over-two double-hung sash windows. All the windows on the front elevation are flanked by vinyl faux shutters.

The house has a chimney on each gable end. Both of the chimneys have been removed and the area where the chimneys stood have been replaced by a box that is clad in wood siding (Figure 6b). The parged masonry chimney base remains. Two-over-two double-hung sash windows on the first and second stories flank the former chimneys, as well as small wood vents in the upper gable ends.

Figure 5.  
Exterior Photographs of Forty Oaks 1 of 3



A. Front Elevation, Facing South



B. Oblique View, Facing Southwest

Figure 6.  
Exterior Photographs of Forty Oaks, 2 of 3



A. Detail of the Front Door and Window within the Front Porch, Facing South



B. West Elevation, Facing East

Although the windows are obscured by plywood, it is assumed that they have the same surrounds as the windows on the front elevation. The house retains classical architectural details, such as pilasters at the corners of the house, cornice running under the roof eaves, and a raking cornice and cornice returns on the gable ends (Figure 7a).

The house has multiple additions to the rear elevation: a one-story enclosed back porch, a second one-story addition that was also most likely a back porch, a two-story gable-roof wing addition, and a small side entry porch addition (Figure 7b). While a 2022 building condition assessment estimates these additions were constructed between 1930 and 1985, earlier dates of construction for the multiple additions fit better with the house's periods of use and the life of the Sutton family (Telker 2022). The first enclosed back porch is most likely original to the house and, considering the Suttons occupied the house as early as 1892, could have been enclosed as early as circa 1900. The second enclosed back porch was most likely constructed around the time the original was enclosed, circa 1900. It may have been enclosed circa 1925 to accommodate a kitchen. The enclosed back porches have a hip roof and are clad in weatherboard siding. Casement windows are present on the south elevation of the additions along with the back door, all of which are covered by plywood.

The two-story gable-roof wing addition was most likely built in stages, with the first story constructed circa 1920 (Figure 8). An image in a newspaper advertisement for Sutton Opington Yard from about 1912 is an oblique view of the house at Forty Oaks, showing the front and east elevations (Figure 3b). The image shows a large addition or building off the rear of the house on the eastern end. The building is larger than the current two-story addition on the east end of the rear elevation and may have been a detached kitchen. Therefore, one can assume that the gable-roof wing addition was not constructed until after 1912. The small side porch was most likely added to the wing addition once it was constructed, or shortly thereafter.

The second story of the wing addition was most likely added much later, as late as circa 1955. It seems that Hazel most likely lived at Forty Oaks after her father's death, as she was employed as a bookkeeper at a real estate office in Decatur. Hazel may have had the room constructed once she settled into the family home to provide space for an upstairs laundry room, as a dryer vent is still present on the exterior wall of this addition. A later build date would also account for the application of asbestos shingles on this wing, but no other exterior walls, of the house. The gable-roof wing addition occupies the eastern end of the rear elevation and sits on a brick foundation. It has paired sash windows on the first and second story. On the east side of the addition is a pent roof and the side entrance porch. The section of the addition under the pent roof is clad in non-historic T1-11 siding.

Figure 7.  
Exterior Photographs of Forty Oaks, 3 of 3



A. Detail of Corner Pilaster and Cornice Returns, Facing Southeast



B. Rear Elevation, Facing Northwest

Figure 8.  
East Elevation Showing the Two-Story Addition, Facing West



Part of the pent roof extends out over the side doorway, creating a shed-roof entry porch. The entry porch is comprised of a plank floor on a concrete block foundation with wood steps leading up to the porch. Square wood posts support the shed roof and a wood railing with pickets runs the perimeter of the porch and down either side of the stairs. Although the porch has been reconstructed within the last 20 years, a side entrance and porch were most likely added to the house when the gable wing addition was constructed, circa 1920.

## INTERIOR DESCRIPTION

The interior of the house has a central hall plan, as the front door leads into a foyer that contains the staircase. Underneath the staircase is what was originally a back door leading onto a back porch (Figure 9a). The staircase baluster and newel post are simple. The wood balusters are square capped by a rounded handrail. The newel post is square and minimally carved to suggest a column. A small bench was constructed along the side of the staircase and has a wood side with two panels and is backed with wainscoting topped by an entablature. The foyer has an original hardwood floor, as do all the rooms in the historic core of the house.

The room to the right of the front door, or the west end of the house, has an ornate, wood fireplace mantel composed of two attenuated Ionic columns and a delicate cornice running along the top of the mantel's first tier (Figures 9b and 10a). The second tier of the mantel is topped by a second delicate cornice with an egg and dart motif. An ornate scrollwork carving is on the header above the firebox. Most of the original firebox is enclosed with brick, most likely to convert the fireplace from wood to coal. From the look of the brick, this may have been around 1930. The fireplace's hearth is concrete. Considering that this fireplace is more ornate than the others in the house, this room may have been used as a parlor or sitting room. A second door on the south end of the room leads to the enclosed back porches. The doors and windows in this room are framed by heavy molding with corner rosettes.

The room to the left of the front door, on the east side of the house, is much like the previous room except its mantel has been removed and the fireplace sealed. The concrete hearth remains (Figure 10b). The doors and windows in this room have the same surrounds as in the west room. A door on the south end of the room leads into the first floor of the hip roof wing addition.

The second floor of the historic core originally had three rooms: one on the east side of the house, one on the west side, and a central room (Figures 11-12). The fireplaces in the east and west rooms have much simpler mantels consisting of a shelf supported by curved brackets with thin, fluted legs. Brick comprises the hearths. Both fireplaces have been sealed. The windows and doors have heavy molding surrounds that are slightly less ornate than the first-floor rooms.

Figure 9.  
Interior Photographs of Forty Oaks, 1 of 6



A. The Foyer, Facing South



B. The West Room, Facing Southwest

Figure 10.  
Interior Photographs of Forty Oaks, 2 of 6



A. Detail of the Fireplace in the West Room



B. East Room, Facing Southeast

Figure 11.  
Interior Photographs of Forty Oaks, 3 of 6



A. Second Floor West Room, Facing Northwest



B. Second Floor Center Room, Facing Southeast

Figure 12.  
Interior Photographs of Forty Oaks, 4 of 6



A. Second Floor East Room, Facing Southeast



B. Second Floor Bathroom, Facing East

The upstairs rooms do have picture rail molding and the door to the central room is topped by a transom window. At the east end of the second-floor hallway is a bathroom that may originally have been a closet (Figure 12b). A large hole is in the floor of the bathroom where the bathtub was most likely positioned.

A doorway on the south wall of the house's second floor leads into the second-floor room of the gable-roof wing addition. Two steps lead into the room, which has hardwood floors and two closets (Figure 13a). This room may have been used as a laundry room due to a dryer vent still present on the exterior wall of this addition.

The first-floor room of the hip-roof wing addition is accessible through the east room or the house's kitchen. The room has a fireplace, which means at one point the house had three chimneys. The fireplace mantel is simple with pilasters flanking the firebox and supporting an entablature with a broad frieze (Figure 13b). This fireplace has also been sealed, as the chimney was most likely removed when the second story of the gable-roof wing addition was built. The door leading out to the side porch is immediately adjacent to the fireplace.

Two rooms occupy what were originally the house's back porches (Figure 14). The first room is the aforementioned kitchen, which is the middle room across the rear of the house. The kitchen roof has water damage, causing the ceiling and a portion of the interior wall to collapse. While the kitchen's linoleum floor is most likely original, its cabinetry and appliances are not original to the house. The kitchen also has a pair of four-over-four sash windows.

The second room is accessible from the kitchen and the west room. This room also has a linoleum floor and what appears to be casement windows. A bathroom is off this room and has a bathtub and toilet. The sink and mirror are located just outside the bathroom door.

## RECOMMENDATIONS

The house at Forty Oaks is an intact example of an I-House, a house type that is not common in Georgia. It was also the home of Ed Sutton and his family for almost 90 years. Ed Sutton was very active in his community as a newspaper editor, organized labor advocate, volunteer in local politics, chicken breeder, brother in the Kappa Sigma fraternity, and teacher. Retention and preservation of the house would provide a point of interest for the property, as well as allow for an accurate interpretation of the history of the property, the history of the Sutton family, and the history of Clarkston.

Figure 13.  
Interior Photographs of Forty Oaks, 5 of 6



A. Second Floor Room in Gable-Roof Wing Addition, Facing Northeast



B. First Floor Room in Gable-Roof Wing Addition,  
Facing East

Figure 14.  
Interior Photographs of Forty Oaks, 6 of 6



A. Kitchen, Facing South



B. Room on West Side of One-Story Rear Addition, Facing South

Currently, the house is in a state of disrepair, primarily due to what appears to be water damage from deficiencies in the roofs: the house's main roof and roofs on the additions and front porch. The water damage has caused a portion of the front porch to collapse, as well as a section of the ceiling and interior wall within the kitchen at the rear of the house. There is also a large hole in the floor in the upstairs bathroom. The house has also incurred some damage from vandalism, primarily broken windows. While steps have been taken to immediately address these issues, i.e. placing tarps over the roofs and plywood over the windows, the house should be properly stabilized and secured to protect the building while decisions are made about its future use and funding secured. The procedure for mothballing historic buildings is outlined in *Preservation Brief 31: Mothballing Historic Buildings* (Park 1993). A more detailed discussion of the condition of the house at Forty Oaks is provided in the 2022 building condition assessment completed by the Sizemore Group (Telker 2022).

It is recommended that a historic structures report (HSR) be completed for Forty Oaks. An HSR is a document that goes into greater detail about the property's history and material condition. These reports are baseline preservation documents typically prepared by architectural historians, preservation architects, and landscape architects, as needed, from which sound decisions can be made about the future use of a property.

Due to its current condition, to reuse the house as an office, an interpretive site, and/or a rental space, it would need to be rehabilitated. Rehabilitation as a treatment for historic properties is defined by the National Park Service (NPS) as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values” (National Park Service 2022). Following NPS's standards for rehabilitation, along with guidance from the Georgia State Historic Preservation Office (Georgia SHPO), will ensure that the historic character of the property would be retained and preserved, including distinctive materials, features, finishes, and craftsmanship (National Park Service 2022). At Forty Oaks, this would include exterior features such as the house's original windows, the front porch, and even its original overall plan and shape (two-stories in height, one-room deep with a central hallway). Distinctive interior elements at Forty Oaks that should be retained include the fireplace mantels, the staircase baluster and newel post, and the decorative moldings around the windows and doorways.

In order to receive financial assistance for its rehabilitation, the house either needs to be listed on the National Register of Historic Places (NRHP) or shown to be eligible for listing on the NRHP. Historic architectural resources are evaluated for their eligibility for the NRHP by examining their association with an important historic context *and* assessing their historic integrity, particularly the retention of those features necessary to convey their significance (Andrus and Shrimpton 1997).

A historic architectural resource's potential significance can be established based on its association with important historical events or patterns of an area's development (Criterion A), association with the life of a significant individual (Criterion B), and/or a building form, architectural style, engineering technique, or artistic values, based on a stage of physical development, or the use of a material or method of construction that shaped the historic identity of an area (Criterion C) (Andrus and Shrimpton 1997).

Once its significance is demonstrated, it must also be determined that a historic architectural resource retains sufficient integrity to convey that significance. There are seven recognized aspects of integrity: location, setting, design, materials, workmanship, feeling, and association. A historic architectural resource should possess several, if not most, of the aspects for it to be recognized as retaining integrity. If a historic architectural resource is determined to possess historic significance and to retain integrity, it can be recommended as eligible to the NRHP.

Preliminary research indicates that the house at Forty Oaks likely possesses significance under Criteria B and C, for its association with Ed Sutton and for its significance in architecture. Additional research would be needed to form a more complete history of Forty Oaks and Ed Sutton, such as his involvement with organized labor and work with the *Atlanta Constitution*, for example. Avenues of additional research include completing deed research for the property and reviewing the Atlanta Typographical Union records that are archived at the Georgia State University Library. Additionally, since Ed Sutton was active in the local government, a review of the City of Clarkston's historic government records may provide details on Sutton's activities and contributions locally.

The house appears to retain integrity of location, setting, design, feeling, and association; its integrity of materials and workmanship have been compromised due to the removal of original materials and the condition of some of the house's features, such as the front porch. Contacting the Georgia SHPO and completing the state's Preliminary Eligibility Application for the NRHP would be the first steps in determining if Forty Oaks is eligible for listing on the NRHP.

One way to gain access to financial assistance, as well as guidance from SHPO, is to become a certified local government (CLG). Although it is a multi-step process that may take some time to complete, there are many benefits, such as eligibility for federal CLG grants, access to technical assistance, and the opportunity to review local nominations for the NRHP prior to consideration by the Georgia National Register Review Board. Other state funding is available through the Georgia Heritage Grant Program, which offers matching funds to local governments or nonprofit organizations for the preservation of NRHP-listed or eligible properties.

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CITY OF CLARKSTON

ITEM NO: 6A

CITY COUNCIL WORK SESSION

HEARING TYPE:  
Work session

AGENDA / MINUTES

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** Review/Discuss the reappointment of the Solicitor.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy ,  
City Manager  
PHONE NUMBER: 404-296-6489

**PURPOSE:** To review and discuss the reappointment of the Solicitor, Christopher Diwan.

**NEED/ IMPACT:** The Solicitor will provide Prosecuting Attorney Services to the City of Clarkston Municipal Court.

**RECOMMENDATION:**  
Staff recommends reappointing the Solicitor.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA, AUTHORIZING THE CONTRACT AND REAPPOINTMENT OF THE SOLICITOR TO SERVE AS THE PROSECUTING ATTORNEY FOR THE CITY OF CLARKSTON MUNICIPAL COURT.

\* \* \* \* \*

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSTON, GEORGIA:

Section 1. That the City Council hereby authorizes the contract and reappointment of Solicitor, Christopher Diwan to provide Prosecuting Attorney Services to the City of Clarkston Municipal Court. A copy of said contract is attached to this resolution as "Exhibit A" and are incorporated herein for all purposes.

PASSED, APPROVED and RESOLVED this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Beverly H. Burks, Mayor

ATTEST:

\_\_\_\_\_  
Tomika R. Mitchell, City Clerk

## EXHIBIT A

## **CONTRACT TO PROVIDE PROSECUTING ATTORNEY SERVICES TO CLARKSTON MUNICIPAL COURT**

THIS AGREEMENT is made and entered into effective this 1st day of January, 2023, by and between the CITY OF CLARKSTON, GEORGIA, a municipal corporation, hereinafter referred to as “CITY” and CHRISTOPHER DIWAN, Attorney at Law.

### **W I T N E S S E T H:**

WHEREAS, the CITY desires the services of CHRISTOPHER DIWAN as City Solicitor, pursuant to Section 3.04 of the Charter of the City of Clarkston; and

WHEREAS, CHRISTOPHER DIWAN is qualified to serve as prosecuting attorney of a municipal court pursuant to O.C.G.A. § 15-18-92(a) and desires to serve in said capacity as an independent contractor, rather than as an employee of the CITY; and

WHEREAS, it is the desire of both parties hereto to establish and set forth their mutual responsibilities one to the other.

NOW, THEREFORE, in consideration of the mutual promises contained herein, it is hereby agreed as follows:

1. Duties. The CITY hereby contracts with CHRISTOPHER DIWAN to perform all functions and duties of the prosecuting attorney of t4h Clarkston Municipal Court (i.e., serve as City Solicitor) and to perform such other legally permissible and proper duties and functions as said position shall require. These duties shall include, but are not limited to, the following:
  - a. Prosecute cases within the jurisdiction of the City Charter, Ordinances, and Georgia State Statutes that are within the original jurisdiction of the Clarkston Municipal Court;
  - b. Perform advanced professional legal work involving the prosecution of defendants in misdemeanor criminal cases;
  - c. Participate in administrative and research functions in civil areas when so directed by the City Manager;

- d. Report to the City Manager as requested regarding the functions of the Municipal Court system;
  - e. Collaborate with the Municipal Court Judge to develop and carry out policies for trial procedures;
  - f. Coordinate with the Municipal Court Judge, Public Defender and Court Clerk to reduce or eliminate backlog of pending cases;
  - g. Annually review data gathered by the CITY regarding cases generated by the Clarkston Police Department and filed in the Municipal Court;
  - h. Prepare an annual report concerning Municipal Court operations and results and personally present that report to the City Council;
  - i. Annually review and recommend changes to the Clarkston Municipal Code which relate to Municipal Court; and
  - j. Make recommendations to the CITY to improve the financial or other operating conditions of the Court.
2. Independent Contractor. In performing the duties of City Solicitor, CHRISTOPHER DIWAN shall serve as an independent contractor and not as an employee of the CITY. The CITY shall have no right or responsibility to control or influence the manner in which he carries out his prosecutorial responsibilities, save and except that CHRISTOPHER DIWAN agrees to carry out his duties in a timely, consistent, fair and effective manner.
3. Term. This Agreement shall commence on the date set forth on page one and shall continue until December 31, 2023. This contract may be renewed annually upon the terms set forth herein or upon any other terms mutually acceptable to both parties. Notwithstanding the foregoing, CHRISTOPHER DIWAN shall serve at the pleasure of the City Council. No rights, responsibilities, salary, or other benefits shall extend beyond the term of this Agreement and nothing in this Agreement shall be deemed

to vest in CHRISTOPHER DIWAN any property interest in the duties, responsibilities, or compensation provided in this contract or any right to the continuation thereof.

4. Compensation. Effective January 1, 2023, the compensation shall be \$1,000 monthly. Payment shall be made on or before the last working day of each month this Agreement remains in effect.
5. Hours of Work. It is recognized that the hours devoted by the Solicitor in the performance of his responsibilities may vary with the caseload of the Court. The Solicitor shall report to the City Manager upon request the amount of time he is devoting to his duties as Solicitor.
6. Periodic Review. The City Council may review the performance and compensation of the City Solicitor by such method and at such times as the Council shall deem appropriate.
7. Dues and Subscriptions. The City Solicitor shall maintain membership in an appropriate statewide organization for City Solicitors and all fees required for such membership shall be paid by the CITY. In addition, the CITY encourages the City Solicitor to participate in national, regional, and state and local associations and organizations necessary and desired for her continued professional growth and advancement and to improve her performance as City Solicitor. Should the City Solicitor desire to incur any expenditure for any of the proposed activities outlined above, she may obtain prior consent from the City Manager of the CITY OF CLARKSTON, in which event the CITY shall be obligated to reimburse for such pre-authorized expenses.
8. Professional Development. The CITY agrees to reimburse the City Solicitor for registration, travel, and subsistence expenses for professional and office travel, meetings, and occasions deemed necessary or desirable to continue the professional development of the City Solicitor. The procedures for reimbursement referred to in paragraph 7 above shall apply to expenses incurred pursuant to this paragraph as well.
9. General Provisions. This Agreement shall constitute the entire agreement between the parties and supersedes any previous agreements or understandings. If any provisions or a portion thereof contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the

remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect. No other benefits, consideration, or compensation of any kind shall be due from CITY to CHRISTOPHER DIWAN other than as set forth herein.

CITY OF CLARKSTON:

\_\_\_\_\_  
Beverly H. Burks, Mayor

\_\_\_\_\_  
CHRISTOPHER DIWAN

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Tomika R. Mitchell, City Clerk

Approved as to Form:

Stephen Quinn  
Stephen G. Quinn, City Attorney

CITY OF CLARKSTON

ITEM NO: 6B

CITY COUNCIL WORK SESSION

HEARING TYPE:  
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** Review/Discuss a name, change the petition request from the Smith Street Community (a.k.a. Legacy Subdivision) to change the name of Smith Street and Lincoln Street to Patricia Davis Drive.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy, City Manager  
Councilwoman Debra Johnson  
PHONE NUMBER: 404-296-6489

**PURPOSE:** To discuss a name, change the petition request from the Smith Street Community (a.k.a. Legacy Subdivision) to change the name of Smith Street and Lincoln Street to Patricia Davis Drive.

**NEED/ IMPACT:** N/A

**RECOMMENDATION:** N/A

The Smith Street Community would like to rename Smith & Lincoln Street after the late Miss Patricia Davis Morris. This would show the family of Ms. Patricia Davis Morris that this community values all the hard work and dedication that she showed this community and the City of Clarkston.

By signing this petition, you are acknowledging that you approve of the changes below.

Smith Street & Lincoln Street would become: **Patricia Davis Drive.**

	Smith Street	Signature
X 1141 Smith Street	Lillie Bell Dawson	
1152 Smith Street	Jessie Carolyn Davis	Jessie Carolyn Davis
1158 Smith Street	Mary Beth???	
X 1163 Smith Street	Michelle Smith	
1167 Smith Street	Jimmy Jordon	Jimmy Jordon
1171 Smith Street	Jessie Carolyn Davis	Jessie Carolyn Davis
1175 Smith Street	Franklin Bedassa	
1146 Smith Street	Fr E. E. E. M.	Bob G. A. S. M. D.
3620 Lincoln Street	Bobby Price	Bobby Price
3628 Lincoln Street	Jessie Carolyn Davis	Jessie Carolyn Davis
3629 Lincoln Street	Nancy Keenan	
3644 Lincoln Street	Jessie Carolyn Davis	vacant lot of Jessie Carolyn Davis
3648 Lincoln Street	Jessie Carolyn Davis	Jessie Carolyn Davis
3649 Lincoln Street	Jessie Carolyn Davis	Jessie Carolyn Davis
	<b>Montreal Road</b>	
877 Montreal Road	Paul Dawson	

1140 Smith St. NO ANSWER  
 1134 Smith St. Empty  
 1128 Smith St. Long Muncy

Lyndie

Thank you,

The Smith Street Community

RECEIVED  
 APR 20 REC'D  
 CITY OF CLARKSTON

CITY OF CLARKSTON

ITEM NO: 6C

CITY COUNCIL WORK SESSION

HEARING TYPE:  
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** Review/Discuss allocating an additional \$100,000 of ARPA funds to the Temporary Rental Assistance Program.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy, City Manager  
PHONE NUMBER: 404-296-6489

**PURPOSE:** To discuss allocating \$100,000 of ARPA funds to the Temporary Rental Assistance Program.

**NEED/ IMPACT** N/A

**RECOMMENDATION:** N/A

CITY OF CLARKSTON

ITEM NO: 6D

CITY COUNCIL WORK SESSION

HEARING TYPE:  
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** Review/Discuss allocating \$100,000 of ARPA funds to the Utility Assistance Program.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy,  
Councilman Awet Eyasu  
PHONE NUMBER: 404-296-6489

**PURPOSE:** To discuss allocating \$100,000 of ARPA funds to the Utility Assistance Program.

**NEED/ IMPACT:**

**RECOMMENDATION:** N/A

CITY OF CLARKSTON

ITEM NO: 6E

CITY COUNCIL WORK SESSION

HEARING TYPE:  
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** Review/Discuss allocating \$100,000 of ARPA funds for Governmental/Administrative Services.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy, City Manager  
Vice Mayor, Debra Johnson

PHONE NUMBER: 404-296-6489

**PURPOSE:** To discuss allocating \$100,000 of ARPA funds for Governmental/Administrative Services.

**NEED/ IMPACT:**

**RECOMMENDATION:** N/A

CITY OF CLARKSTON

ITEM NO: 6F

CITY COUNCIL WORK SESSION

HEARING TYPE:  
Work Session

BUSINESS AGENDA / MINUTES

ACTION TYPE:  
Review/Discussion

MEETING DATE: May 30, 2023

**SUBJECT:** Review/Discuss allocating \$100,000 of ARPA funds for residential legal assistance and representation.

DEPARTMENT: CITY ADMINISTRATION

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☐ YES ☐ NO  
Pages:

INFORMATION CONTACT: Shawanna Qawiy, City Manager  
Councilwoman Yterenickia Bell  
PHONE NUMBER: 404-296-6489

**PURPOSE:** To discuss allocating \$100,000 of ARPA funds for residential legal assistance and representation.

**NEED/IMPACT:** N/A

**RECOMMENDATION:** N/A