

PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Public Hearing Date: November 16, 2023

UDO Amendments

The following proposed UDO amendments have been prepared for the November 16, 2023 public hearing. Revisions were made per Council comments during the October x, 2023 public hearing workshop.

PART II - CODE OF ORDINANCES APPENDIX A - UNIFIED DEVELOPMENT ORDINANCE

Section 230-27. Building architecture.

- (a) *All buildings except for single-family residential.*
- (1) Exterior building materials, [that face the public right of way or are visible from adjacent properties](#), excluding architectural accents or metal split seam roofing, shall be primarily brick, glass, wood, stucco, or stone. [Other materials not listed may be considered but shall be reviewed and considered by the Planning and Development Director.](#)
 - (2) Textured concrete masonry, cementitious fiberboard, or EFIS siding may be used as an exterior building materials, but shall not constitute the majority of any side of a building.
 - (3) Cementitious fiberboard lap siding shall only be permitted on buildings less than 3 stories.
 - (4) Masonry shall wrap corners to avoid appearance of being applied.
 - (5) A maximum of 40 percent of a building facade is permitted to be clad with metal. Acceptable metal materials are limited to architectural metal panels, architectural metal cladding, metal mesh, and perforated metal. Standing seam metal roofing is permitted for the entirety of the roof surface. Examples of materials not permitted include but are not limited to: stock PEMB metal skins commonly referred to as "R-panel" and sheet metal systems with exposed fasteners, except as required for perforated metal.
 - (6) Fenestration shall be provided for a minimum of 60 percent for commercial uses and 40 percent for all other applicable uses along the length of all building facades fronting storefront streets. Fenestration shall be provided for a minimum of 50 percent for commercial uses and 30 percent for all other applicable uses along the length of all building facades fronting all other street types. Fenestration percentages shall be measured according to the following:

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- a. If the finished floor elevation is between zero and three feet above the sidewalk, fenestration requirements shall apply between a horizontal line no more than three feet above the sidewalk and a horizontal line no less than ten feet above the sidewalk;
 - b. If the finished floor elevation is more than three feet above the sidewalk, fenestration requirements shall apply between the finished floor elevation and a horizontal line no less than ten feet above the finished floor elevation; or
 - c. If the finished floor elevation is below the sidewalk, fenestration requirements shall apply between a horizontal line no higher than sidewalk level and a horizontal line no less than ten feet above the finished floor elevation;
 - d. The length of facade without intervening fenestration or entryway shall not exceed 20 linear feet;
 - e. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
- (7) When located on a lot with multiple frontages, each street-facing façade shall be treated architecturally as a primary façade as approved by the Planning and Development Director.
 - (8) Service entrances, utility closets and other similar features shall not be oriented towards a public street.
 - (9) Address numbers a minimum of six inches in height shall be posted in a visible location on each building.
 - (10) All building façades shall have a minimum height based on the street type(s), which the subject building fronts:
 - a. Local, private, and feeder streets: 12'
 - b. Primary and secondary streets: 18'
 - c. Boulevard streets: 24'
 - (11) All buildings shall have roofs surfaced with a heat-reflective material.
 - (12) 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 street when located adjacent to such street. When located adjacent to a street that functions as a storefront, boulevard, or primary or secondary 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 nonresidential uses.
 - b. Buildings with more than four residential units at the street level shall have front-facing entrances that are directly connected to the public sidewalk with a pedestrian walkway a minimum of five feet wide. Such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one adjacent unit.
- (b) *All single-family residential Buildings.*
 - (1) Metal shall be permitted only as metal split seam roofing or as an architectural accent.
 - (2) When located on a Storefront, Primary, Secondary of Feeder Street the following additional requirement shall apply:

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- a. Garage doors shall not be oriented toward the street or located on the street-facing facade;
 - b. All new single-family detached residential dwellings shall provide a covered front porch that is a minimum of 8 feet wide and 6 feet deep.
- (c) *Proportion and scale of building facades.* The following requirements shall apply to all newly constructed buildings over 20,000 s.f., other than single-family structures, but including multi-level parking structures:
- (1) *Building massing.* All new development proposals shall incorporate means of reducing the apparent size and bulk of the building. Facades shall be broken up via offsets or recesses, both horizontally and vertically, in order to avoid creating a heavy or institutional appearance. The following methods for reducing the apparent size and mass of larger buildings shall be required:
 - a. Discontinuous building massing: Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding 100 continuous linear feet shall utilize offsets, such as projections, recesses, and changes in floor level.
 - b. 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 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.
 - c. The principal entry area of a building shall be articulated and express greater architectural detail than other portions of the building.
- (d)—(f) *Reserved.*
- (g) *Accessory mechanical systems and features.* Accessory mechanical systems, including utility meters, boxes, HVAC units, and other similar equipment shall not be located between the building and a public street. Efforts shall be taken to locate accessory mechanical system features including utility meters, boxes and other similar equipment so as to not be visible from the public right-of-way. When this is not possible or satisfied (because of existing site constraints or as required by Georgia Power or other authority), as determined by the Planning and Development Director, the following screening shall be required:
- (1) *Roof-mounted systems.* Roof-mounted systems shall be screened with an opaque wall constructed of materials similar to the primary building.
 - (2) *All other systems.* Systems mounted on walls, ground, or elsewhere, shall be screened with an opaque wall constructed of materials similar to the primary building or sufficient landscaping to provide year-round screening. Alternatively, equipment may be ornamented with public art as approved by the Public Art Commission.

(Ord. No. 743 , 12-19-17; Ord. No. 748 , 3-20-18; Ord. No. 749 , 3-20-18; Ord. No. 757 , 12-18-18; Ord. No. 805 , 12-21-21)

Section 230-30. Open space.

- (a) The following section states the requirements for the provision of open space listed in the Space Dimensions Table, Section 230-1:
 - (1) Open space may include common amenities, front yards, planted buffers, parks, and other hardscaped elements, and similar features which are located on private property and owned and operated as common space. No more than 25 percent of the required open space may consist of hardscape or paved materials, and the remaining percentage shall be permeable areas. Areas counted toward open space shall be specifically programmed as active or passive recreation.

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- (2) Water features, including stormwater management that are designed and fully landscaped as an amenity may be counted toward open space requirements.
 - (3) Required sidewalk, landscape, and supplemental zones; parking lot landscaping, and other leftover spaces of pervious area shall not be counted toward the open space requirements of this section.
 - (4) A minimum of 50 percent of areas included in the minimum required open space shall be accessible to the public.
 - (5) Public access easements for publicly accessible open space are required.
- (b) *Open space implementation and maintenance.*
- (1) All open space shall be fully implemented prior to occupancy and if not completed, a performance bond is required in accordance with Section 300-~~3027~~.
- (c) *Relocation of open space.* Relocation of minimum open space requirements: At the option of the property owner, up to 50 percent of a development's required open space may be relocated to an off-site location provided:
- (1) The Planning and Development Director has reviewed and approved the transfer request;
 - (2) The receiving parcel(s) is located within 1/4 mile of the donating property;
 - (3) The receiving parcel(s) contains the required amount of open space;
 - (4) All other standards of open space are met; and
 - (5) When the receiving parcel(s) is not a newly created street, the following additional regulations shall apply:
 - a. The open space shall be visible from public or private streets and sidewalks;
 - b. The open space shall provide for active use by the public and include amenities such as fountains, pedestrian furniture, public art or other similar elements; and
 - c. Open space on receiving parcel shall not be counted for more than one project.
- (d) *Open space density bonus.* For every one square foot of additional approved open space provided in excess of the minimum open space requirements, an additional ten square feet of development shall be permitted beyond the maximum FAR.
- (e) *Reduction.* Fee in lieu is permitted in accordance with the following:
- (1) If an existing park is within 1/4 mile of a project or a proposed park within 1/4 mile is scheduled for construction within five years of the issuance of a development permit, the minimum open space requirement for a development may be reduced by up to 50 percent, provided the distance shall be measured from the closest property lines of each subject property along the shortest path of travel for a pedestrian.
 - (2) Fee in lieu.
 - a. ~~—~~The fee in lieu shall be \$250,000.00 per acre.

(Ord. No. 743 , 12-19-17; Ord. No. 757 , 12-18-18; Ord. No. 805 , 12-21-21)

Section 240-1. Table of permitted and prohibited uses.

- (a) The following regulations shall apply to uses in all zoning districts.
- (1) *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 Unified Development Ordinance (UDO).
 - (2) *Permitted uses.*
 - a. The following table states the permitted principal and accessory uses authorized within each zoning district. Symbols used in the table have the following meanings:
 - P = Permitted as a principal use;
 - A = Permitted as an Accessory Use - See Section 240-7;
 - S = Permitted subject to Supplemental Use Standards of Section 240-13;
 - T = Permitted as a Temporary Use - See Section 240-14.
 - b. The Planning and Development Director is authorized to prepare a written interpretation whether a proposed use not specifically listed in this table is so similar in nature to a permitted use that it is also intended to be permitted in the same zoning district(s). Such determination by the Planning and Development Director may consider factors such as:
 1. The common usage of two or more terms to describe the same land uses;
 2. The similarity in the scale and intensity of the uses;
 3. The similarity in the impacts of comparable uses in terms of traffic, noise, light, parking requirements, customers, hours of operation, impacts on the environment, and impacts on abutting properties.
 - c. Any use not listed in the table as permitted within a district, and not determined by the Planning and Development Director to be similar in nature to a listed use, is prohibited within that district.

Permitted Use Table

Land Use	Residential				Mixed-Use							Industrial	
	NR-1	NR-2	NR-3	VR	NC-1	NC-2	CC	CVC	VC	TOD	MU-BC	IT	I
1.0 Residential													
1.1 Single-family Residences													
1.1.1 Single-family detached, one dwelling unit per lot	P	P	P	P	P	P							
1.1.2 Accessory dwellings	A	A	A	A	A	A							
1.1.3 Single-family attached (Townhouse) dwellings			S	S	S	S			S				
1.1.4 Cottage Cluster development		S	S	S	S	S			S				
1.2 Multifamily Residences													
1.2.1 Multifamily development, including accessory uses (such as health club, tennis courts, pool, and similar uses)				S	S	S	S	S	S	S	S		
1.2.2 Live-work units			S	S	S	S	S	S	S	S	S		
1.3 Mixed-use													
1.3.1 Mixed-use development					S	S	S	S	S	S	S		
1.3.2 Convertible Space							S	S	S	S	S		
1.4 Home Occupations													
1.4.1 Home occupation	A	A	A	A	A	A	A	A	A	A	A		
1.5 Homes emphasizing special services, treatment or supervision													
1.5.1 Group Residential Facilities, other than personal care			S	S									
1.5.2 Personal care homes, not used primarily for the treatment of contagious diseases, alcoholism, drug addiction or mental illness		S	S	S			S	S	S	S			
1.5.3 Child and personal care uses (including group day care homes, child care learning centers, and adult daycare centers)			S	S	S	S	S	S	S	S	S		
1.5.4 Family Day Care Homes	A	A	A										
1.6 Institutional Residence or care or confinement facilities													
1.6.1 Hospitals, clinics, other medical (including mental health) treatment facilities							P	P	P	P	P	P	P

1.6.2 Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions				P			P	P	P				
1.6.3 Institutions (other than halfway houses) where mentally ill persons are confined							P						
1.7 Hospitality housing, rooms for rent situations													
1.7.1 Rooming houses, boarding houses				S									
1.7.2 Tourist homes (bed and breakfast), and other temporary residences renting by the day or week			P	P	P	P	P	P	P	P			
1.7.3 Hotels, motels and similar businesses or institutions providing overnight accommodations							P	P	P	P	P		
1.7.4 Extended-stay motels/hotels							S	S	S	S	S		
1.7.5 Short-term rentals	S	S	S	S	S	S	S	S	S	S			
1.8 Temporary manufactured housing													
1.8.1 Temporary manufactured housing approved in the event of an emergency, construction, or repair	T	T	T	T					T	T			
2.0 Sales and Rental of Goods, Merchandise or Equipment													
2.1 Sales or rental of goods, merchandise or equipment establishments, 50,000 s.f. or less, not included in Sales and Rental uses listed below				P	P	P	P	P	P	P	P	P	P
2.2 Sales or rental of goods, merchandise or equipment establishments, over 50,000 s.f., not included in Sales and Rental uses listed below				P			P	P	P	P	P	P	P
2.3 Sales or rental establishments with drive-through facilities (not permitted on storefront streets)					S	S	S					S	S
2.4 Bicycle sales and repair shops				P	P	P	P	P	P	P	P	P	P
2.6 Convenient cash businesses							S	S	S			S	S
2.7 Corner commercial (see list of specific uses in Sec. 240-13)			S										
2.8 Drive-in theater							S					S	S
2.9 Electrical supply store							P		P	P		P	P
2.10 Farm equipment sales and service												P	P
2.11 Food stores and groceries 50,000 s.f. or less				P	P	P	P		P	P	P	P	P
2.12 Food stores and groceries greater than 50,000 s.f.				P			P		P	P	P	P	P
2.13 Lumber and other building material establishments							P					P	P
2.14 Growler Stores					P	P	P	P	P	P	P	P	P

2.15 Newsstands				P	P	P	P	P	P	P	P	P	P	
2.16 Office equipment and supplies, sales and service, including accessory printing operations							P	P	P	P	P	P	P	P
2.17 Outdoor retail sales of goods in connection with a permanent establishment				T	T	T	T		T	T	T	T	T	T
2.18 Package stores for the sale of alcoholic beverages							S	S	S	S	S	S	S	S
2.20 Pawn shops													S	
2.21 Plumbing and AC/heating equipment dealers							P	P	P				P	P
2.22 Printing, publishing and reproducing establishments, including photoengraving, typesetting, electrotyping and stereotyping and bookbinding related work							P		P	P	P	P	P	P
2.23 Private postal and delivery service							P	P					P	P
2.24 Shopping centers							P	P	P	P	P	P	P	P
2.25 Sporting goods retail (may include accessory indoor shooting ranges)				S	S	S	S		S	S	S	S	S	S
2.27 Tobacco products shop				S	S	S	S		S	S	S	S	S	S
2.28 Wholesale sales, with no outdoor display or storage of goods							P		P				P	P
2.29 Wholesale sales, with outdoor display or storage of goods													P	P
2.31 Fireworks Sales													S	S
3.0 Restaurants														
3.1 Restaurants with no substantial carry-out or delivery service, no drive-in or drive-through service, with no service or consumption outside fully enclosed structure (eating establishments with just inside dining)				P	P	P	P	P	P	P	P	P		
3.2 Restaurants with outdoor dining				S	S	S	S	S	S	S	S	S		
3.3 Restaurants with carry-out and delivery service, no consumption on the premises							P	P						
3.4 Brew pubs				S	S	S	S	S	S	S	S	S		
3.5 Restaurants with drive-through facilities (not permitted on storefront streets)							S							
3.6 Restaurant providing hookah							S							
3.7 Event Center							P		P	P	P	P	P	P
3.8 Taproom*														

5.12 Contractors offices including general building, heavy construction and special trade, provided there is not outdoor storage of equipment, materials or construction vehicles								P	P	P			P	P
5.13 Contractors offices with outdoor storage of equipment, materials or construction vehicles													P	P
5.14 Fortune tellers and psychics													P	P
5.15 Landscaping Service													P	P
5.16 Laundry and dry cleaning drop-off					P	P	P	P	P	P	P	P	P	P
5.17 Linen and diaper services														P
5.18 Locksmiths and gunsmiths							P	P	P				P	P
5.19 Medical and dental laboratories							P	P	P	P	P	P	P	P
5.20 Massage establishment (licensed by the state)					S	S	S	S	S	S	S	S	S	S
5.22 Repair services and trade shops, including sheet metal, upholstering, electrical, plumbing, carpentry, sign painting and other similar activities									P				P	P
5.23 Research and Experimental testing laboratories													P	P
5.24 Satellite Dishes, as an accessory structure	A	A	A	A	A	A	A	A	A	A	A	A	A	A
5.25 Tailor, dressmaking and hat making shops					P	P	P	P	P				P	P
5.26 Tattoo establishments							S						S	S
5.27 Taxi stands and dispatching agencies							P	P	P				P	P
5.28 Spa establishment					S	S	S	S	S	S	S	S	S	S
5.29 Staffing Agency							P					P	P	
6.0 Recreation, amusement, entertainment														
6.1 Adult entertainment, including adult book stores, and adult movies														S
6.2 Baseball batting range							P		P				P	P
6.3 Bowling Alleys							P	P	P	P	P	P	P	P
6.4 Golf driving range, and/or miniature golf							P						P	P
6.5 Health clubs and other physical fitness establishments					P	P	P	P	P	P	P	P	P	P
6.6 Park, playground, community center, swimming pool and other recreational facilities as a principal use	P	P	P	P	P	P	P	P	P	P	P	P	P	P
6.7 Swimming pools, as an accessory structure	A	A	A	A	A	A	A	A	A	A	A	A	A	A
6.8 Theaters (indoor)							P	P	P	P	P	P	P	P
6.9 Performing Arts Center, as defined in Chapter 6							P	P	P	P	P			

6.10 Subdivision recreation area (private)	S	S	S										
6.11 Film Production or Recording Studio							P					P	P
7.0 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise or equipment													
7.1 Manufacturing operations conducted entirely within fully enclosed permanent building, not otherwise specified							P					P	P
7.2 Manufacturing operations conducted within fully enclosed building with outdoor storage, not otherwise specified												P	P
7.3 Manufacturing operations that conduct some operations outside fully enclosed building													P
7.4 Baking Plants													P
7.5 Catering and commercial kitchens							P					P	P
7.6 Cold storage plants													P
7.7 Craft brewery							S	S	S	S	S	P	P
7.8 Craft distillery							S	S	S	S	S	P	P
7.9 Dry cleaning plants													S
7.10 Enameling, painting or plating, except artist's studios												P	P
7.11 Millworks												P	P
7.12 Newspaper offices and printing plants, incidental to such offices												P	P
7.13 Packaging and assembly												P	P
7.14 Printing and publishing plants													P
7.15 Soft drink bottling and distribution plants												P	P
7.16 Tire retreading and recapping plants													P
7.17 Innovator space							S	S	S	S		P	P
8.0 Storage and Parking													
8.1 Parking structures, multi-level, a primary use							S	S	S	S	S	S	S
8.2 Storage of goods not related to sale or use of those goods on the same lot where they are stored (see Subsection 240-13(h)(2), Outdoor Storage Standards													
8.2.1 Building material or other outdoor storage yards as a principal use												P	P
8.2.2 Building material or other outdoor storage							A					A	A

8.2.3 Truck terminal - carting, moving or hauling terminal or yard														P
8.2.4 Cold storage and freezer lockers														P
8.2.5 Self-storage							S						S	S
8.2.6 Warehouse, storage or distribution center as a principal use													P	P
8.3 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot (such as an auto dealership inventory storage lot)													P	P
8.4 Commercial dumpsters			A	A	A	A	A	A	A	A	A	A	A	A
9.0 Services and enterprises related to animals														
9.1 Boarding and breeding kennels and animal hospitals with outdoor boarding of animals													S	S
9.2 Keeping of animals	A	A	A	A	A	A	A	A	A	A	A	A	A	A
9.3 Veterinarian, including animal hospitals, veterinary clinics with no outdoor boarding of animals, and county animal control shelter					S	S	S	S	S	S	S	S	S	S
10.0 Funeral Related Services (Human and Animal Related)														
10.1 Cemetery	S	S	S	S	S	S	S	S	S	S	S	S	S	S
10.2 Crematorium							S	S					S	S
10.3 Funeral home							P	P					P	P
11.0 Educational, cultural, religious, philanthropic, social or fraternal uses														
11.1.1 Public and private schools offering general education courses (including associated grounds and athletic and other facilities)	S	S	S	P	P	P	P	P	P	P	P	P	P	P
11.1.2 Trade or vocational schools							P	P	P	P	P	P	P	P
11.1.3 College, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)							P	P	P	P	P	P	P	P
11.2 Assembly halls, including union halls, conference halls, civic halls and activities of a similar nature							P	P	P				P	P

11.3 Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)				P			P	P	P	P	P	P	P
11.4 Places of worship and places of assembly (including associated residential structures for religious personnel and associated buildings)	S	S	S	P	P	P	P	P	P	P	P	P	P
11.5 Social, fraternal clubs and lodges, union halls and similar uses				P	P	P	P	P	P			P	P
11.6 Clubs and lodges catering exclusively to members and their guests					P	P	P	P	P	P	P	P	P
12.0 Miscellaneous Public and Semi-Public Facilities													
12.1 General public buildings and uses, not including 12.x uses listed below	P	P	P	P	P	P	P	P	P	P	P	P	P
12.2 Communications facilities, including cellular tower	S	S	S	S	S	S	S	S	S	S	S	S	S
12.3 Collection Container (as an accessory use)					A	A	A	A	A	A	A	A	A
12.4 Emergency Services (Police, Fire, EMS, Ambulance, Civil Defense)				P	P	P	P	P	P	P	P	P	P
12.5 Solar energy system, accessory	A	A	A	A	A	A	A	A	A	A	A	A	A
12.6 Solar energy system, principal												S	S
12.7 Utility transmission and monitoring facilities	S	S	S	S	S	S	S	S	S	S	S	S	S
12.8 Freestanding mailbox	A	A	A	A	A	A	A	A	A	A	A	A	A
13.0 Agricultural, Forestry, Mining, Quarrying Operations													
13.1 Agricultural operations, farming and forestry (on lots 3 acres or greater)	P	P										P	P
13.2 Community Gardens	S	S	S	S	S	S	S	S	S	S	S	S	S
13.3 Greenhouse and horticultural nurseries							P		P			P	P
13.4 Recycling center													P
14.0 Temporary Structures and Special Events used in connection with the construction of a permanent building or for some non-recurring purpose													
14.1 Temporary Outdoor Sales Events							T	T	T	T	T	T	T
14.2 Mobile Food Unit				T	T	T	T		T	T	T	T	T
14.3 Temporary construction trailer	T	T	T	T	T	T	T	T	T	T	T	T	T
14.4 Temporary sales trailer in connection with a building permit	T	T	T	T	T	T	T	T	T	T	T	T	T
14.5 Temporary tent or storage	T	T	T	T	T	T	T	T	T	T	T	T	T
14.6 Temporary storage containers	T	T	T	T	T	T	T	T	T	T	T	T	T

14.7 Farmers Markets	T	T	T	T	T	T	T	T	T	T	T	T	T	T
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* Allowed in PUD districts only, as identified in an adopted PUD book use table.

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- (3) The following uses of land and buildings are incompatible with existing and future development within the City limits and are prohibited in all districts. In addition, neither the Planning and Development Director, City Manager, nor the Mayor and City Council shall have the authority to grant variances or special exceptions for these prohibited uses:
- a. Meat packing, slaughtering, eviscerating and skinning;
 - b. Poultry killing, plucking and dressing;
 - c. Rendering of byproducts of slaughtering and killing animals or poultry;
 - d. Yards for the sale, transfer or temporary holding of livestock;
 - e. Use of equipment which causes off-site radio or television interference and interferes with airport operations;
 - f. Landfills and junkyards;
 - g. Outside storage, [including but not limited to cargo trailers, utility trailers, storage trailers, or other similar storage structures](#), on any property that is not customarily incidental and subordinate to the principal building or is not otherwise permitted by this section;
 - h. Adult Massage Establishment, see definition in Chapter 110 under "Adult entertainment establishment," this does not refer to a "Massage establishment" or "spa establishment," see definition in Chapter 110.
 - i. Those uses that emit obnoxious, injurious or offensive noise, vibrations, smoke, dust, gas fumes or odors or create fire or explosion hazards or other objectionable conditions shall be prohibited.
 - j. Surface parking lots as a principal use.
 - k. *Private bus stations. Private bus stations that are deemed legal non-conforming shall meet the Supplemental Use Standards for Bus Station [4.11].

(Ord. No. 743 , 12-19-17; Ord. No. 748 , 3-20-18; Ord. No. 757 , 12-18-18; Ord. No. 771 , 10-15-19; Ord. No. 776 , 12-17-19; Ord. No. 784 , 8-18-20; Ord. No. 805 , 12-21-21; Ord. No. 809 , 5-17-22; Ord. No. 813 , 8-16-22)

Section 240-7. Accessory use standards.

- (a) *General accessory use provisions.* Accessory uses shall be permitted as a subordinate use to the primary use existing on the site. Certain accessory uses shall be subject to the additional standards described in this section. Accessory uses shall be operated in a way that presents no nuisance to the surrounding properties or larger community.
- (1) Accessory uses for commercial development shall include those normally appurtenant to such development, as provided for in other sections of this UDO.
 - (2) Any accessory use normally appurtenant to a permitted use shall be allowed provided that such use conforms to all performance standards set forth for that district.
 - (3) Such structures and uses shall be located on the same lot as the principal building to which they are accessory.
 - (4) In all zoning districts, no accessory use shall be permitted in public rights-of-way.
 - (5) Should these standards conflict with other standards provided in the UDO, the following design and development standards shall apply.

(b) *Specific accessory use provisions.* The following accessory use provisions are organized by major use category as presented in Section 240-1, Table of Permitted and Prohibited Uses. Permitted use table reference numbers are presented in brackets [#].

(1) *Single-Family detached residential, with an accessory dwelling [1.1.2].*

- a. The owner of the property shall reside on the property in either the principal dwelling or the accessory dwelling.
- b. The accessory dwelling shall be located within the primary dwelling (e.g., accessory apartment) or shall meet the locational and dimensional requirements for accessory structures.
- c. Accessory dwellings shall be permitted only on lots that are a minimum of 6,000 square feet in size.
- d. Only one accessory dwelling shall be allowed per lot.
- e. An entrance that is separate from the main dwelling shall be provided for the accessory dwelling unit.
- f. The property shall retain a single-family appearance from the street.
- g. There shall be at least one off-street parking space for the accessory dwelling unit in addition to base off-street parking requirements for the principal use as provided in Chapter 250.
- h. The size of the accessory dwelling unit may be no more than 50% of the gross heated floor area of the principal dwelling unit or a maximum of 1,000 square feet, whichever is less.
- i. The accessory dwelling shall be constructed with exterior materials, roof forms, and fenestration that is similar to or compatible with the principal dwelling.
- j. No business activity is permitted in the accessory dwelling unless it meets the requirements of a home occupation.

(2) *Home occupations [1.4].*

- a. It is the intent and purpose of this section to provide for certain types of restricted occupational uses. 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. Any building used for residential occupancy may conduct a home occupation use if:
 1. The primary use of the unit is residential;
 2. The following standards are complied with in full at all times:
 - (i) Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be engaged and employed in such occupation, and the number of residents employed shall not exceed two;
 - (ii) No mechanical or electrical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes;
 - (iii) No outside operations, storage, or display of materials or products shall be visible from the right-of-way or from any adjacent property;

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- (iv) No accessory buildings shall be used in connection with the home occupation, unless the accessory building is used as an accessory dwelling unit or detached garage;
 - (v) 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;
 - (vi) There shall be no exterior evidence of the home occupation;
 - (vii) No commodity shall be stocked or sold on the premises to the general public;
 - (viii) Visitors, customers or deliveries shall not exceed that normally and reasonably occurring for a residence and shall, under no circumstance, exceed more than two business visitors an hour and eight a day and not more than two manufacturer or wholesaler direct deliveries of products or materials per week;
 - (ix) No on-street parking associated with the business shall be permitted;
 - (x) Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation;
 - (xi) The home occupation shall be restricted to 25 percent of the dwelling and shall not exceed 200 square feet of floor area, whichever is less; and
 - (xii) There shall be no group instruction, assembly, or activity.

(3) *Family day care homes [1.5.4].*

- a. All outdoor play areas shall be enclosed by a fence or wall not less than four feet in height.
- b. Not more than 50 percent of the indoor floor area of a residence may be used for a day care facility.
- c. The outdoor appearance of day care facilities shall be residential in nature.
- d. No family day care home shall be located within 1,000 feet of an existing family day care home as measured by the shortest distance along public or private streets between parcels.
- e. Family day care homes shall be accessory to a residence.
- f. The owner of the family day care home shall reside on-site.

(4) *Automatic teller machines (ATMs) [5.5].*

- a. ATM facilities may be located as follows when not located on storefront streets:
 - 1. As an accessory use with a drive-through service lane of a permitted bank;
 - 2. As a freestanding accessory structure with a drive-through service lane located in the parking lot of a multi-tenant commercial or mixed-use building;
 - 3. On the ground floor within a multi-story parking structure, provided that the entrance, exit and stacking lanes are separate from entrance and exit lanes of the parking structure; and
 - 4. As a walk-up vending machine adjacent to a public or private sidewalk when permitted as an accessory use to a bank, office building or commercial/retail use.
- b. On storefront streets, ATMs are permitted only when integrated into facades or when entirely internal to a building.
- c. All ATM installations shall comply with all the following requirements:

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1. A five-foot deep and four-foot wide privacy area shall be provided in front of the ATM. This would require an ATM to be set back in an alcove when located adjacent to a sidewalk.
 2. At the time that the ATM is removed, the structure's facade shall have a finished appearance consistent with the existing structure and shall be subject to the approval of the Planning and Development Director.
 3. Outdoor security lighting shall be required, subject to approval of the Planning and Development Director.
 4. The ATM shall be designed to meet the requirements of the ADA.
 5. A trash receptacle shall be located within 10 feet of the ATM.
 6. Installation shall not reduce any required landscape or parking areas. Required trees must be located and species of trees chosen appropriately to allow security lighting to take precedence.
 7. Stand-alone ATMs shall not be visible from the public right-of-way.
 8. A maximum of two wall signs are permitted with a total aggregate sign surface area not to exceed 16 square feet.
- d. Development standards for ATM facilities in parking lots or drive-through service facilities:
1. Maximum height: 12 feet, including any signage or canopy.
 2. Minimum setback from right-of-way: 25 feet.
 3. Located a minimum of 125 feet from the property line corner of the nearest street intersection.
 4. ATMs are subject to the design requirements of Chapter 230 and the driveway and stacking space requirements of Chapter 250.
- (5) *Satellite dishes [5.24].*
- a. Satellite dishes larger than 24 inches in diameter are prohibited from being installed in single-family residential districts.
 - b. No satellite dish may be placed in the front or street side yard of a single-family residential district.
 - c. If a satellite dish is installed in a front or side yard in any other district, the overall mounted height of the satellite dish and the mounting pole shall not exceed 6 feet in height above the ground and the entire assembly shall be screened by an aesthetically pleasing encasement or allowable vegetation.
 - d. Satellite dishes shall not be mounted on or attached to trees.
- (6) *Swimming pools [6.7].*
- a. Swimming pools having a minimum depth of two feet shall:
 1. Be located a minimum of ten feet from any property line, as measured from the edge of the water; and
 2. Be completely enclosed with an adequate protective fence of not less than six feet in height with latching or similar secure closure.
- (7) *Building Material or other outdoor storage as an accessory use to sales [8.2.2].*

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- a. Outdoor storage shall be set back at least 15 ft. from any side or rear property lines.
 - b. Outdoor storage shall be screened by a solid fence as required to screen view from adjacent property and public streets.
 - c. Outside the fence, the perimeter of the outdoor storage area shall be landscaped to provide a year-round vegetative screen.
 - d. Outdoor storage shall not be located in a front or street side yard.
- (8) *Commercial dumpsters [8.4].*
- a. A solid fence on three sides shall enclose all dumpsters.
 - b. The height of the fence shall be equal to or higher than the height of the dumpster, in accordance with Section 230-6.
 - c. The visible materials of the fence shall be made up of brick, stucco, stone, or wood or composite materials that are secured with metal joints and borders. Alternatively, a dumpster may be adorned with public art approved by the Public Art Commission.
 - d. The operable side of the dumpster shall be concealed with a gate equal to or higher than the height of the dumpster. The gate shall be opaque and constructed of durable materials. Gates shall remain in the closed position unless actively being serviced.
 - e. Dumpsters shall be placed in the rear yard and shall be located a minimum of five feet from property lines.
 - f. In no case shall loading activities hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk, alley, or to interrupt parking lot circulation.
 - g. Service activities within 300 feet of residential uses, including single-family detached, single-family attached, multifamily and mixed-use development with a residential component shall only be permitted Monday through Friday from 7:00 a.m.—10:00 p.m. and on Saturdays from 9:00 a.m.—9:00 p.m. This measurement shall be the shortest distance between the dumpster or dumpster enclosure and any point on the property line of the residentially used property. These restrictions shall also apply to any service activities within a mixed-use development located within 300 feet of any residential unit within that development. In this case, the measurement shall be the shortest distance between the dumpster or dumpster enclosure to the exterior wall of a residential unit.
 - h. Temporary construction trash and recycling dumpsters, which are not enclosed, shall be permitted up until such time as the certificate of occupancy is issued.
 - i. Access to dumpsters shall be provided via a paved, dust-free surface.
- (9) *Keeping of animals [9.2].* Small animals, domestic fowl, farm animals, and bees shall be subject to the following specific regulations and all regulations promulgated by the county health department:
- a. *Small animals.*
 - 1. Up to three (3) small animals are allowed (cats, dogs, rabbits, goats, etc.), accessory to each dwelling unit or business establishment. On lots of 20,000 sq. ft. or more, up to four (4) small animals are allowed. One additional small animal is permitted for each 5,000 sq. ft. of lot area in excess of 20,000 sq. ft.
 - 2. In no case is more than one potbelly pig allowed. Potbelly pigs may be no greater than 22 inches in height at the shoulder or more than 150 pounds.

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3. Goats may be kept if they are Miniature, Dwarf, or Pygmy. Goats must be dehorned, and male goats must be neutered.
- b. *Domestic fowl.*
1. Up to eight domestic fowl may be kept on any lot in addition to the small animals allowed. On lots greater than 10,000 sq. ft. that include a community garden or an urban farm, one additional fowl is permitted for every 1,000 sq. ft. of lot area over 10,000 sq. ft. in community garden or urban farm use.
 2. Roosters are not permitted.
 3. Structures housing domestic fowl must be located at least 10 feet away from any residential structure on an adjacent lot.
 4. Every person owning or keeping chickens or any other domestic fowl in the city is required to keep such fowl and chickens confined and not allow such chickens or fowl to enter any other property.
- c. *Farm animals.*
1. Cows, horses, sheep, and other similar farm animals shall be limited to property having a minimum lot area of three acres. Any structure, pen, corral or other building appurtenant to the keeping and raising of farm animals must be located a minimum of 200 feet from any property line. Pigs, other than potbelly pigs, are not allowed.
 2. On these lots, one farm animal for every 10,000 sq. ft. of lot area is permitted.
- d. *Bees.*
1. Bees are permitted in accordance with the State Department of Agriculture.
 2. Bees shall not be allowed on lots less than 10,000 sq. ft. in area.
 3. No more than four hives, each with only one swarm, are allowed on a lot.
 4. Hives may not be located within 20 feet of any lot line.
 5. Hives may be located in any side or rear yard.
 6. In rear or side yards where compliant bee hives are located, grass may be kept at a height of up to 24 inches.

(10) *Collection Containers [12.3].*

- a. A maximum of one Collection Container may be located on each parcel.
- b. Containers shall only be permitted on a parcel that also contains a principal building that contains at least one operating business.
- c. Chamblee Police Department shall be furnished with a key to the locking mechanism.
- d. Containers shall be located as follows:
 1. Shall not be located within 1,000 feet of any other Collection Container.
 2. Shall not be located within 100 feet of any residentially zoned parcel.
 3. Shall not be located within 20 feet of any public right-of-way.
 4. Shall only be permitted in the rear or side yard and shall be located at least 5 feet from any property line.

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5. Shall not be permitted to obstruct pedestrian or vehicular circulation, nor be located in any public right-of-way, zoning buffer, front yard setback, street side yard setback, landscape zone, landscape island or strip, supplemental zone, parking space, fire lane or loading zone.
 6. Shall not be located on a parcel abutting a Storefront Street as identified on the Streetscapes and Gateways Map located in the Appendix of this UDO.
 7. Shall not be located between a building and a street.
- e. Containers shall only be permitted to display signage on one side.
 - f. Containers shall be clearly visible from the principal building and be no more than ten feet from a continually operating light source of at least one foot-candle.
 - g. Collection Containers shall:
 1. Be fabricated of durable and waterproof materials not including wood;
 2. Be placed on a surface that is paved with durable cement;
 3. Have a collection opening that has a tamper-resistant locking mechanism;
 4. Be no more than 84 inches high, 60 inches wide and 50 inches deep;
 5. Not be electrically or hydraulically powered or otherwise mechanized;
 6. Have the following information conspicuously displayed on at least two-inch type visible from the front of the Collection Container:
 - (i) The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the owner and operator of the Collection Container and the parcel owner/owner agent;
 - (ii) Address and parcel number of the site;
 - (iii) Instructions on the process to register a complaint regarding the Collection Container to the City Code Enforcement Division;
 - (iv) The type of material that may be deposited;
 - (v) A notice stating that no material shall be left outside the Collection Container;
 - (vi) The pickup schedule for the Collection Container;
 - (vii) If owned by a nonprofit organization:
 - A. A statement describing the charitable cause that will benefit from the donations; and
 - B. The statement "This collection box is owned and operated by a nonprofit organization."
 - (viii) If owned by a for-profit entity:
 - A. "This donation is not tax deductible." and
 - B. "This collection box is owned and operated by a for-profit organization."
 - h. No collection overflow, litter, debris or dumped materials shall be present at any time;
 - i. Shall be maintained in good working order and be graffiti-free at all times;
 - j. Shall be serviced at least once per week between the hours of 9:00 a.m. and 6:00 p.m.

(11) *Solar energy system, accessory [12.5].*

- a. *Nonresidential.* Active solar energy systems shall be allowed as an accessory limited use in all commercial or industrial zoning districts under the following standards:
1. *Roof-mounted solar systems.* In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
 - (i) *Pitched roof-mounted solar systems.* For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - (ii) *Flat roof-mounted solar systems.* For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.
 - (iii) The underlying zoning district maximum height for these systems shall be complied with.
 2. *Ground-mounted solar systems.* Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located, or 25 feet, whichever is strictest. The height of the structure(s) shall not be taller than 25 feet in height.
 3. *Visibility.* Active solar systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way or adjacent residentially-zoned property per the standards of Chapter 320.
 4. *Approved solar components.* Electric solar system components must have a UL listing.
 5. *Plan approval required.* All solar systems shall require a limited use approval by the Planning and Development Director.
 6. *Plan applications.* Plan applications for solar systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 7. *Plan approvals.* Applications that meet the design requirements of this section shall be granted administrative approval by the Planning and Development Director.
 8. *Compliance with building code.* All active solar systems shall meet approval of the building code.
 9. *Compliance with electric code.* All photovoltaic systems shall comply with the National Electrical Code, current edition.
 10. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning and Development Director that the owner has been approved by the utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- b. *Residential.* An application for a proposed solar collector/energy system located at a residence must meet the following standards as a limited accessory use:
1. All solar energy collectors, whether ground-mounted or mounted on an existing structure, shall meet the minimum accessory structure zoning setbacks for the zoning district in which located. The height of the structure shall not be taller than the maximum allowed height of a structure in the zoning district in which located.

(12) *Freestanding mailbox [12.8]*

- a. A Right-of-Way Encroachment Permit shall be required for any mailbox in the public right-of-way with a base that exceeds 27" x 27".
- b. Mailboxes shall not obscure visibility of streets and driveways.

(Ord. No. 743 , 12-19-17; Ord. No. 757 , 12-18-18; Ord. No. 776 , 12-17-19; Ord. No. 805 , 12-21-21)

Section 240-13. Supplemental use provisions.

- (a) Should these standards conflict with other standards provided in the UDO, the following design and development standards shall apply.
- (b) The following supplemental use provisions are organized by major use category as presented in Section 240-1, Table of Permitted and Prohibited Uses. Permitted use table reference numbers are presented in brackets [#].

(1) *Single-Family attached (townhouse) dwellings [1.1.3].*

- a. Minimum width of lot: 20 ft.
- b. Total FAR (max): per zoning district.
- c. Maximum impervious surface: per zoning district and applied to the entire development.
- d. Max building height: per zoning district.
- e. Perimeter Yards: per zoning district.
- f. Interior Yards: none except there must be a minimum of 5 feet between the end of a townhome unit and any internal adjacent sidewalk, alley or street.
- g. Minimum lot size: 1,600 sq. ft.
- h. See Subsection 230-27(e) for minimum front porch dimensions.
- i. Each townhouse shall have a minimum of 200 sq. ft. of private yard space in either the front or rear, not including driveways and alleys.
- j. For townhome developments exceeding eight (8) units, the minimum open space shall be 20 percent of gross acreage of the development. The open space shall be common to the development.
- k. Minimum heated floor area of each Townhouse dwelling shall be 1,600 sq. ft.
- l. All townhouse dwellings shall include a side-by-side two-car garage that is either under the unit or detached. Garage doors shall be setback at least 18 ft. from the adjacent sidewalk or alley so that a parked vehicle in the driveway will not obstruct the sidewalk or alley.
- m. All townhouse buildings shall include a continuous sidewalk no less than 5 ft. in width connecting front entrances of all dwellings.
- n. No individual townhouse shall have vehicular access to an existing external street. A minimum of 50 percent of townhouse developments with more than 20 units shall have rear-entry garages. Alleys are permitted as the principal means of vehicular access for these units. See Section 350-3, Requirements for New Streets, for specifications of alleys.

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- o. At least 50 percent of townhouse facades that face public streets shall be constructed of brick, stone, or textured masonry units.
 - p. The front facades of townhouse units shall have architectural modulation and detail that includes features such as varied materials and wall planes, varied roof forms and roof lines, balconies, porches, bay windows, varied window sizes and shapes, shutters, entrance doors, sidelights, pilasters, varied garage door designs, and other features to provide visual interest.
 - q. If there are common areas, townhouse developments shall have a mandatory homeowner's association that shall own and maintain all common areas.
 - r. All townhouse units shall provide a covered front porch that is a minimum of 8 feet wide and 6 feet deep.
- (2) *Cottage cluster development [1.1.4].*
- a. Cottage cluster development shall be designed to accommodate a minimum of four and a maximum of twelve detached dwelling units surrounding a shared internal courtyard. Each unit shall have a direct entrance from the courtyard.
 - b. Each dwelling unit shall have a minimum of 500 square feet of heated floor area and a maximum of 1,500 square feet.
 - c. The courtyards shall be a minimum of 2,500 square feet in size. A minimum of 70 percent of the courtyard shall consist of pervious material, of which a minimum of 50 percent of the courtyard shall be landscaped. Courtyards shall not be parked or driven upon except for emergency access and permitted temporary events.
 - d. A cottage development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee-simple or condominium lots.
- (3) *Multifamily residences [1.2].*
- a. "Four-sided architecture" is required, such that architectural features and materials shall be used in a consistent manner on all sides of the residential units.
 - b. Multifamily residential and parking uses are not permitted on the ground floor within 100 feet of a public or private street. If such uses are located on the ground floor beyond 100 feet from a street, they shall be concealed and wrapped by other active uses positioned adjacent to the street. [These uses shall not include private amenity space for residents of the building including but not limited to, leasing office, community rooms, private gyms, etc.](#)
 - c. Multifamily units shall provide a minimum of 60 percent of units with a balcony of sufficient size to be occupied.
 - d. Surface parking lots shall be well lit and shall be limited to the rear or interior side yards. If visible from the street, they shall be screened with landscape materials as provided in Chapter 320, Article 3.
 - e. Buildings shall conform to the following design standards:
 - 1. Sixty percent of exterior building materials on facades must be brick or stone.
 - 2. Masonry shall wrap corners to avoid appearance of being applied.
 - 3. Facades shall be broken up, both vertically and horizontally, through building materials and offsets.
 - 4. Roof line shall be varied.

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5. Building shall utilize a variety of materials to create visual interest.
 6. Building entrances shall be well-marked and identifiable from the building form.
 7. Common walls and common floors ceiling between units shall be constructed to meet a sound transmission coefficient (STC) rating of 50 or higher.

(4) *Live-work units [1.2.2].*

- a. Live-work units shall be owner-occupied mixed-use dwellings that are fire separated from adjacent units as attached dwellings such as townhouses or as part of a larger mixed-use building.
- b. If any, the minimum number of live-work units in a building is two.
- c. Each live-work unit shall contain a minimum of 2,400 gross square feet of which the nonresidential component shall be no less than 500 sq. ft. and shall be on the ground floor oriented to the street.
- d. The owner-proprietor of the business shall be the occupant of the residential portion of the unit.
- e. An occupational tax certificate shall be required for operation of a business. The business shall not be considered a home occupation.
- f. The business use or activity shall not employ more than two persons other than the owner-proprietor.
- g. Permitted business uses in a live-work unit shall be one of the following types:
 1. Professional office, workshop, or design studio (art, architecture, engineering, jewelry design, real estate, marketing, counseling, etc.).
 2. Professional services (travel agent, hairdresser, nail salon, tanning salon, music sales or instruction, tutoring, etc.).
 3. Specialty retail sales (newsstand, books, jewelry, clothing, shoes, antiques, confections, coffee/tea, ice cream).
 4. Other similar uses subject to approval of the Planning and Development Director.
- h. The façade of the live-work unit shall meet the requirements of Section 230-27.

(5) *Mixed-use development [1.3].* Mixed-use development shall facilitate a live-work-play environment, minimize driving between uses, and promote walkability.

- a. Mixed-use developments shall comply with the supplemental regulations for each applicable use within the development.
- b. The following standards apply to residential portions of the building:
 1. Residential portions of the building shall have at least two entrances/exit ways to the ground floor that are separate from the entrances/exit ways used by occupants of nonresidential portions of the building.
 2. Primary entrance for the residential portion of the building shall be clearly visible from the street and shall face the street.

(6) *Convertible Space [1.3.2].*

- a. Convertible space may be substituted for not more than 50 percent of the nonresidential use otherwise required in mixed-use buildings.

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- b. Such convertible space shall be oriented toward the street or Rail Trail.
- (7) *Group residential facility [1.5.1].*
- a. Each group residential facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each facility licensed and/or permitted by the State of Georgia must display its State-issued license(s) and/or permit(s) in plain view visible from the front doorway of the facility.
- b. Each group residential facility must obtain all necessary permits and inspections before a certificate of occupancy may be issued by the City. Certification evidencing satisfactory inspections must be displayed in plain view visible from the front doorway of the facility.
- (8) *Personal care homes [1.5.2].*
- a. *General requirements.*
1. Each personal care home must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its State-issued license(s) and/or permit(s) in plain view visible from the front doorway of the facility.
2. Each personal care home licensed and/or permitted by the State of Georgia must obtain a business occupation tax certificate as required by Chapter 22 (hereinafter referred to as a "business license") from the City before beginning to operate. Each personal care home must display its City-issued business license in plain view visible from the front doorway of the facility.
3. Each personal care home must obtain all necessary permits and inspections before either a certificate of occupancy or business license may be issued by the City. Certification evidencing satisfactory inspections must be displayed in plain view visible from the front doorway of the facility.
4. For all building permitting procedures, personal care homes will be considered commercial uses.
- b. *Personal care home, group.*
1. No group personal care home located in an NR-1, NR-2, or NR-3 zoning district may be operated within 1,000 feet of any other group personal care home. Distances shall be measured as provided in Section 240-12.
2. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the group personal care home. If owned by an individual, the individual owner must reside in the group personal care home.
- (9) *Child and personal care uses (including family daycare homes, group day care home, and child care learning centers) [1.5.3].* Family day care home, group day care home, and child learning centers shall meet all applicable state requirements and shall receive all necessary county board of health and state fire marshal approvals prior to issuance of a permit for construction and operation.
- (10) *Extended-stay motels/hotels [1.7.4].*
- a. *Regulations.*
1. Extended-stay motels/hotels are limited to no more than 25 guest rooms per acre;
2. Each guest unit must contain a minimum square footage per unit of 300 square feet;

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3. Extended-stay hotels/motels shall not be more than four stories in height;
 4. Extended-stay hotels/motels must be constructed on a tract of land containing at least two acres;
 5. Extended-stay hotels/motels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three clothes washers and three clothes dryers for the use of guests;
 6. Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection;
 7. Management must be on the property 24 hours a day, seven days a week;
 8. Daily maid service must be included in the standard room rate; and
 9. Parking areas must have security fencing and lighting in compliance with the Outdoor Lighting Ordinance.
- b. *Change of location or name.*
1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than their name and the name of the business as specified on the occupation tax certificate.
 2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
 3. There is established an administrative fee to apply for a change of name for an extended-stay motel.
- (11) *Short-term rentals [1.7.5].*
- a. Rentals are only permitted in dwelling units.
 - b. Rentals that do not include the entirety of a dwelling unit are not permitted without a permanent resident of the unit residing on-site for the entirety of the rental period.
- (12) *Sales or rental establishments with drive-through facilities [2.3], Sales or rental establishments with drive-through facilities [2.6], and Restaurants with drive-through facilities [3.5].*
- a. Such uses are not permitted on storefront streets.
 - b. Applicants for drive-through facilities shall submit a plan demonstrating the adequacy of entrance and exit facilities, stacking spaces adjacent to service facilities, provision for circulation, and layout of parking areas as a part of the initial permitting phase.
 - c. The Planning and Development Department may prohibit left-turn movements entering or leaving such establishment, may limit hours when such movements may be made, may require construction of deceleration lanes adjacent to entrances, and may make such other requirements as are reasonably necessary to assure safety to pedestrians and motorists and to avoid inconvenience and traffic congestion. Such requirements shall be determined after review of a traffic study submitted by the applicant, which is a required submittal for establishing such a use.
 - d. Stacking spaces shall comply with Section 250-10.
 - e. Drive-through facilities shall not be located between a building and the street.

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- f. Drive-through service windows shall not be visible from any public right-of-way.
- (13) *Convenient cash business [2.6].*
- a. Convenient cash businesses are allowed only on lots with frontage on a Boulevard street, as identified in the Streetscape and Gateway Map in the appendix.
- b. Convenient cash businesses may not be located within 1,000 feet of an existing pawn shop or convenient cash business. Distances shall be measured as provided in Section 240-12.
- (14) *Corner commercial [2.7].*
- a. Corner commercial shall be limited to the Neighborhood Infill (NR-3) zoning district and located on a parcel that is not less than 15,000 sq. ft. and not more than one acre in size at the intersection of a feeder street with another feeder street or local street. The following uses are permitted within a corner commercial site:
1. Barber and beauty shops and other similar operations.
 2. Bed and Breakfast.
 3. Bookstore.
 4. Child Day Care.
 5. Clinics, including medical, dental, chiropractic, osteopathic, and similar operations.
 6. Convenience store (no gasoline sales).
 7. Coffee shop.
 8. Laundry and dry cleaning.
 9. Fitness center.
 10. Food store and grocery.
 11. Growler store.
 12. Hardware store.
 13. Ice cream parlor.
 14. Newsstand.
 15. Pet grooming (no overnight boarding).
 16. Restaurant (no drive-through).
 17. Restaurant with outdoor dining.
- b. The property shall be designed in a manner consistent with UDO Design Guidelines Addendum 1.0, Section 3.3.
- c. Outside dining is permitted for an area not greater than 50 percent of the indoor seating area and shall be included in the minimum parking requirements.
- d. Corner commercial properties that abut single-family detached property shall provide a 15 ft. vegetated buffer and 6 ft. tall solid fence along the property line abutting the residential property as provided in Section 320-12.
- (15) *Drive-in theater [2.8].*

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- a. Applicants for drive-through facilities shall submit a plan demonstrating the adequacy of entrance and exit facilities, stacking spaces adjacent to service facilities, provision for circulation, and layout of parking areas as a part of the initial permitting phase.
 - b. The Planning and Development Department may prohibit left-turn movements entering or leaving such establishment, may limit hours when such movements may be made, may require construction of deceleration lanes adjacent to entrances, and may make such other requirements as are reasonably necessary to assure safety to pedestrians and motorists and to avoid inconvenience and traffic congestion. Such requirements shall be determined after review of a traffic study submitted by the applicant.
 - c. Stacking spaces shall comply with Section 250-10.
 - d. Drive-in facilities shall not be located between a building and the street.
- (16) *Package stores for the sale of alcoholic beverages [2.18].* See Chamblee Code of Ordinances, Chapter 6 - Alcoholic Beverages, Article IV, Retail Package Sales of Distilled Spirits.
- (17) *Pawn shops [2.20].*
- a. Pawn shops are allowed only on lots with frontage on a Boulevard street, as identified in the Streetscape and Gateway Map in the City Comprehensive Plan.
 - b. Pawn shops may not be located within 1,000 feet of an existing pawn shop or convenient cash business. Distances shall be measured as provided in Section 240-12.
- (18) *Sporting goods retail with accessory indoor shooting ranges [2.25].* Under no circumstances shall a shooting range be permitted as a principal use. Sporting goods retail establishments with accessory indoor shooting ranges shall comply with the following provisions:
- a. Buildings containing shooting ranges shall have walls, ceilings, and floors that are impenetrable to the bullets of the firearms being used within it, and shall provide an absorption system for wall, ceiling and trap for bulletproofing and lead containment. Provisions shall also be made to stop glancing bullets or particles of bullets at the sides of the target area.
 - b. Absorption systems shall be constructed of rubberized media such that a majority of captured projectiles remains intact.
 - c. A ventilation system shall be installed and maintained within the range that complies with the standards and requirements of the Environmental Protection Agency (the "EPA").
 - d. Buildings containing ranges shall comply with all requirements of the National Association of Shooting Ranges (NASR) and the Occupational Safety and Health Act (OSHA).
 - e. All indoor shooting ranges shall be of such construction whereby the sound from the discharge of any firearm and the impact of any projectile shall not exceed the sound level limitations as set forth in Chapter 310, Article 4, "Noise" of this UDO.
 - f. Fifty percent or more of the overall square footage of a structure containing shooting range facilities shall be used for the retail sale of sporting goods.
 - g. Residential uses shall not be permitted on the same site as a retail sporting goods establishment with an accessory indoor shooting range.
 - h. No piece of any projectile or target shall leave the building because of the activities taking place therein.
 - i. All indoor shooting ranges shall comply with all local, state and/or federal regulations related to indoor shooting ranges.

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- j. No firearms other than handguns, shotguns or rifles with a bore of 0.50 caliber or less shall be discharged on premises containing a shooting range.
 - k. There shall be posted conspicuously inside any building containing a shooting range a sign stating the rules and regulations of the range.
- (19) *Tobacco products shop [2.27].*
- a. No tobacco products shop, including sale of e-cigarettes, shall be located within 1/2 mile of another tobacco products shop. Distances shall be measured as provided in Section 240-12.
 - b. In the VC districts, tobacco products shops shall not exceed a floor area greater than 2,500 square feet.
- (20) *Fireworks Sales [2.31].*
- a. Outdoor sales of fireworks shall be limited to properties with an occupational tax certificate for indoor sales of fireworks.
 - b. Outdoor sales shall be limited to 400 s.f. of the lot and shall be limited to 30 days in a calendar year.
 - c. Required parking shall not be occupied for the outdoor sales of fireworks.
- (21) *Restaurants with outdoor dining [3.2].* Outdoor dining for restaurant service is permitted subject to the following standards:
- a. No outdoor seating shall be used for calculating seating requirements pertaining to the location of, applications for, or issuance of a liquor license for any establishment nor shall the additional seats be used to claim any exemption from any other requirement of any county or state codes or ordinances.
 - b. Outdoor dining abutting a public sidewalk shall be subject to the following additional development standards:
 - 1. Outdoor dining areas may not conflict with sidewalk clear zones. They may be counted toward the required supplemental zone. When located adjacent to a sidewalk clear zone, the outdoor dining area shall be clearly delineated.
 - 2. A minimum setback of at least 2 feet from the curb line shall be provided adjacent to on-street parking spaces in order to maintain adequate space for pedestrian access to motor vehicles.
 - 3. White string lighting may be permitted during operating hours.
 - 4. Outdoor entertainment shall not be amplified and shall cease at 10:00 p.m. Sunday through Thursday and at 11:00 p.m. Friday and Saturday.
- (22) *Brew pubs [3.4].* Brewing activities shall be:
- a. Accessory to sales and consumption of food and beverages on-premises.
 - b. Shall be located in a wholly enclosed building.
 - c. Production space shall be limited subject to state law.
 - d. No outdoor equipment or outdoor storage is permitted.
- (23) *Restaurants with drive-through facilities [3.5].* See Subsection 240-12(b)(12) Sales or rental establishments with drive-through facilities [2.3].
- (24) *Restaurant Providing Hookah [3.6].*

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- a. Hookah shall be permitted only indoors.
 - b. Minimum 2,500 sq. ft. of floor area required for customer seating.
 - c. See International Building Code for mechanical ventilation requirements. Sprinklers may be required by the Fire Marshal.
- (25) *Taproom [3.8].*
- a. Fuel sales are not allowed on the same premises.
 - b. No unenclosed outdoor equipment or unenclosed outdoor storage is permitted.
- (26) *Automobile dealerships [4.1].* The following design standards shall apply to automobile dealerships:
- a. Land uses within the project shall be clearly marked, separated and isolated from each other:
 - 1. Customer parking (sales) from employee parking and service areas;
 - 2. Service areas from sales areas;
 - 3. Car display areas from all other areas; and
 - 4. Auto inventory lot areas.
 - b. Auto dealerships on parcels larger than three acres may park up to six display vehicles between the principal building and the street, but not closer than 20 feet from the right-of-way.
 - c. Service and storage areas shall not front or maintain a dominant position on the site as viewed from the public rights-of-way.
 - d. All storage/service areas shall be screened from all public rights-of-way and any abutting noncommercial properties with a vegetative screen as per the buffer landscape and tree guidelines.
 - e. If a car wash is provided as an accessory use to an automobile dealership, the supplemental regulations for car washes apply.
- (27) [Motor vehicle repair and maintenance, not including substantial body work \[4.3\] and Motor vehicle repair and maintenance, including painting and body work and modification as principle use \[4.3\]](#)
- a) [No inoperable or junk vehicles are permitted.](#)
 - b) ~~[There shall be no more than two repair vehicles for each 300 square feet of repair or maintenance spaces](#)~~
 - c) [In existing developments, only employee and customer parking shall be permitted between the building and the street.](#)
- (28) *Automotive wash services (Car Wash), as a principal or accessory use [4.5].*
- a. Car washes, 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 of the practical hourly capacity of the washing facilities.
 - b. Outdoor storage of vehicles, equipment or materials shall not be permitted.
 - c. No permit shall be issued for any drive-through car wash where customers are served in their automobiles without approval of the Planning and Development Department as to the adequacy of entrance and exit facilities, reservoir spaces adjacent to service facilities, provision for circulation, and layout of parking areas.

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- d. The Planning and Development Department may prohibit left-turn movements entering or leaving such establishment, may limit hours when such movements may be made, may require construction of deceleration lanes adjacent to entrances, and may make such other requirements as are reasonably necessary to assure safety to pedestrians and motorists and to avoid inconvenience and traffic congestion. Such requirements shall be determined after review of a traffic study submitted by the applicant.
 - e. Stacking spaces shall comply with Section 250-10.
 - f. Drive-through facilities shall not be located between a building and the street.
 - g. Commercial car washes shall maintain certification with the Board of Natural Resources as meeting or exceeding applicable best management practices according to the State of Georgia Rules for Water Conservation Best Management Practices and Certification.
 - h. Commercial Car Wash Water Recycling Requirement.
 - 1. All new commercial conveyor car washes, permitted and constructed after January 1, 2011 must install operational recycled water systems regardless of the water source. A minimum of 50% of water utilized will be recycled.
 - 2. The provisions of this ordinance do not apply to conveyor commercial car washes that were permitted or constructed before January 1, 2011.
 - 3. The provisions of this ordinance do not apply to self-service car washes or in-bay car washes.

[\(2928\)](#) *Automobile rental establishments [4.7].*

- a. Automobile rental establishments shall park all automobiles for lease in marked spaces that are separate and do not occupy required parking.
- b. Accessory car wash and service areas shall be conducted entirely within enclosed structures.
- c. If a car wash is provided as an accessory use to an automobile rental establishment, the supplemental regulations for car washes apply.

[\(3029\)](#) *Gasoline stations with convenience stores [4.9].*

- a. Gasoline fuel dispenser structures and associated vehicular services such as air pumps, vacuums, and other accessory uses shall not be located between a building and the street.
- b. If a car wash is provided as an accessory use to gasoline sales, the supplemental regulations for car washes apply.

[\(310\)](#) *Bus stop shelters.* Bus stop shelters may be constructed and maintained in any district as permitted in Section 240-1, Permitted Use Table. Bus stop shelters shall meet the standards listed below:

- a. Bus stop shelters may be located within any street right-of-way or within the required setback of property, which abuts a street, and within the supplemental zones, but shall not be located so that they might obstruct the vision of drivers on the street as regulated in City Code.
- b. A schematic plan shall be submitted and approved by the Planning and Development Director for the construction of a bus shelter. The plan must include the following information:
 - 1. The location of the proposed shelter relative to street, property, and setback lines;
 - 2. The size and design of the shelter, including all four (4) elevations, building materials, and any public convenience or safety features such as a telephone, lighting, heating, or trash containers.

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- c. Bus shelters are required to provide a trash receptacle and a bench.
 - d. Signage shall be limited to 25 square feet.

(321) *Bus station [4.11].*

- a. No motor carrier may remain on the premises for more than one hour at a time, except under extraordinary circumstances, such as inclement weather or mechanical failure.
- b. All motor carriers located on the station property shall require the driver or chauffeur to be actually present and in charge.
- c. Ticket sales may occur online or in-person; however, patrons shall be provided the opportunity to purchase tickets in-person at the bus station.
- d. An indoor area shall be available for use by patrons for waiting and purchasing tickets. This area is required to secure an occupational tax certificate and shall be included in a multi-tenant or stand-alone building.
- e. Bus loading area shall be located entirely on private property.
- f. Loading or storage shall not occupy required parking or loading spaces on the site.
- g. Operations of the bus station shall not interfere with the circulation of any other uses on-site.
- h. No overnight parking of personal vehicles shall be permitted.

(33) *Auto Broker [4.12].*

- a) The brokerage shall be limited to office activities only.
- b) Vehicles for sale or lease shall not be delivered, displayed, stored, or parked on the premise at any time.
- c) Maintenance, repair, refurbishing, washing, or detailing of vehicles on the premise is prohibited.
- d) Use shall not be permitted on the same lot as any other auto related use.

(342) *Massage establishments [5.20].* See City of Chamblee Code of Ordinances, Chapter 22, Article VIII, "Massage and Spa Establishments" for applicable regulations.

(353) *Tattoo establishments [5.26].*

- a. Clients or business-related visitors shall be by appointment only and scheduled only between the hours of 8:00 a.m. and 8:00 p.m.
- b. There shall be a minimum separation distance of 400 feet between tattoo establishments. Distances shall be measured as provided in Section 240-12.
- c. Tattoo parlors shall be separated by at least five hundred (500) feet from any residential district, existing residential use, religious institution use, day care use, public park or recreation facility, or school. Distances shall be measured as provided in Section 240-12.
- d. All federal, state and local regulations for tattoo establishments shall be met.

(364) *Spa establishment [5.28].* See City of Chamblee Code of Ordinances, Chapter 22, Article VIII, "Massage and Spa Establishments" for applicable regulations.

(375) *Adult entertainment establishments [6.1].* Adult bookstores, adult movie theaters, adult cabarets, and other adult entertainment establishments are subject to the following locational requirements in all districts in which they are permitted:

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- a. Shall meet all requirements set forth by the City Code regulating Adult Entertainment Establishments in Chapter 22, Article VI.
 - b. No adult entertainment facility shall be located within 1,000 feet of any other adult entertainment establishment, package store, or any parcel of land which is either named or used for residential use or purpose, any public park, any public or private school, any child care home or child care institution, any public library, or any place of worship. Distances shall be measured as provided in Section 240-12. Distances shall be measured as provided in Section 240-12.

(386) *Subdivision recreation centers (private) [6.8]*. Renovation of existing swim and tennis clubs built prior to 2006 shall be exempt from the following provisions of the Unified Development Ordinance:

- a. Section 230-26, Street Types Dimension Table.
- b. Subsection 250-7(a)(1), Parking spaces.
- c. Section 320-20, Landscape strip planting requirements.
- d. Section 320-21, Off-street surface parking lot planting requirements.
- e. New subdivision recreation centers (private) shall meet all requirements of the UDO.

(397) *Craft brewery [7.7]*. When located in the CC, CVC, TOD, MUBC Districts, the following supplemental regulations shall apply:

- a. Shall be a maximum of 20,000 square feet.
- b. No outdoor speaker systems shall be permitted.
- c. Production shall be in a wholly enclosed building.
- d. No outdoor equipment or outdoor storage is permitted.

(4038) *Craft distillery [7.8]*. When located in the CC, CVC, TOD, MUBC Districts, the following supplemental regulations shall apply:

- a. Shall be a maximum of 20,000 square feet.
- b. No outdoor speaker systems shall be permitted.
- c. Production shall be in a wholly enclosed building.
- d. No outdoor equipment or outdoor storage shall be permitted.

(4139) *Dry cleaning plants [7.9]*.

- a. Dry cleaning plants using systems which make use of solvents rated at above 40 according to the Underwriters' Laboratories, Inc. Standard of Classification known as class I systems shall be prohibited.
- b. Dry cleaning plants which make use of solvents rated at more than five but less than 40 according to the Underwriters' Laboratories, Inc. Standard of Classification, known as class II and III systems, shall not be established in buildings with other occupancy and shall only be established in buildings which shall be set back not less than 20 feet from any side or rear property line and another building.
- c. The applicant for such a plant shall certify in writing and in the required plan that all the above conditions shall be met.
- d. Such dry cleaning plant shall comply with all of the requirements of the City, DeKalb County, and state fire prevention codes.

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- e. Such plant shall be designed to operate in a manner that will not emit smoke, odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant.

(420) *Innovator space [7.17].*

- a. When located in the VC, CC, CVC, and TOD zoning districts the following standards apply:
 - 1. The maximum floor area in a building that may be used for innovator space shall be 10,000 square feet.
 - 2. Activities related to innovator space shall take place within an enclosed building and outdoor storage of materials, inventory, equipment, commercial vehicles or equipment is prohibited.
 - 3. Activities related to innovator space shall not result in emissions of noise, smoke, fumes, heat, or odors that leave the innovator space.

(431) *Parking structures, multi-story [8.1].*

- a. Multi-story parking structures shall meet the standards of Section 230-27 concerning proportion and scale of building facades.
- b. Above ground decks of multi-level parking structures shall not face public streets. Structures shall be screened from view from public and private streets and other properties by "liner buildings" providing pedestrian-oriented activities such as retail or office at least 20 feet in depth that are continuous along the ground floor except for driveway entrances or completely enclosed by architectural facades that provide materials and design elements comparable to occupied buildings with external openings having proportions similar to those of upper floors of occupied buildings.
- c. External openings shall be screened with decorative elements such as metal grill-work, brick screens, louvers, or other similar screening fixtures, as approved by the Planning and Development Director.
- d. Facades of all multi-story parking structures shall conceal automobiles from visibility from any public right-of-way.
- e. Facades of all multi-story parking structures shall have the appearance of a horizontal-storied building.
- f. Above ground parking structures that have a total frontage of 250 feet or more along a public street shall provide at least one lighted and signed 5-foot-wide pedestrian entrance and walkway passing completely through the parking structure connecting with buildings or other sidewalks leading to adjacent buildings or to the surrounding streets.
- g. The roof level of multi-story parking structures open to the sky shall provide adequate shade cover for a minimum of 40 percent of the upper surface.
- h. Parking structures shall be constructed with a level base and with flat floor plates on every above ground level or shall have the appearance of horizontal floor plates on the outward-facing facade.
- i. Multi-story parking structures located on storefront streets shall also meet the requirements of Section 230-29.

(442) *Self-storage facilities [8.2.5].* Self-storage facilities shall meet the following standards of design and development:

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- a. No individual storage space shall be larger than 600 sq. ft.
 - b. Storing hazardous or toxic materials is prohibited.
 - c. Reserved.
 - d. No space may be used for residential occupancy, business sales or operation, storage of commercial or industrial inventory or raw materials, and no space may allow workspace or operation of machinery.
 - e. The facility shall consist of a single building that is a minimum of three stories in height.
 - f. Exterior wall material shall not include metal except for soffits, mullions, grills, and minor trim.
 - g. No outdoor storage is allowed.
 - h. Up to 15 percent of floor area may be used for administrative offices and related product sales.
 - i. Self-storage facilities must provide 24-hour security or camera surveillance.
 - j. A minimum of 75 percent of the street frontage of the self-storage facility building shall consist of leased uses that shall be limited to retail sales, offices, commercial services, or restaurant uses, not including drive-through services, nor directly related to the sales and operations of the self-storage facility.
 - k. All self-storage facilities shall be climate-controlled.
 - l. All self-storage units shall be accessed from the interior of the building.
 - m. Interior self-storage unit doors shall not be visible from the right-of-way.
 - n. Any interior lighting visible through any exterior fenestration shall be turned off outside of regular business hours and shall be kept at a level of illumination that does not negatively impact the right-of-way or nearby properties at all other times.

(453) *Boarding and breeding kennels, and animal hospitals with outdoor boarding of animals [9.1].*

- a. Kennels and animal hospitals, where permitted as a principal use, shall locate all structures, and elements used for housing animals, at least 200 feet from any property zoned or used for residential purposes.
- b. Outdoor kennels or runs must be at least 300 feet from the nearest property zoned or used for residential purposes.

(464) *Veterinarian, including animal hospitals, veterinary clinics with no outdoor boarding of animals, and county animal control shelter [9.3].*

- a. Animal hospitals and veterinary clinics shall be located at least 100 feet from any property zoned or used for residential purposes.
- b. Outdoor kennels or runs are prohibited.

(475) *Cemetery [10.1].* Private and public cemeteries shall comply with all provisions of state law. In addition:

- a. Any new private cemetery shall be located on a site containing not less than 10 acres.
- b. The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a street classified as a feeder, primary, secondary or boulevard by way of an access way not less than 20 feet wide.
- c. Any new cemetery shall be enclosed by a fence or wall not less than 4 feet in height.

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- d. All structures shall be set back no less than 25 feet from any property line or street right-of-way line.
 - e. All graves or burial lots shall be set back not less than 25 feet from any property line or local street right-of-way lines and not less than 50 feet from the right-of-way line of any street designated as a boulevard, primary, secondary, feeder or freeway.
 - f. The entire cemetery property shall be landscaped and maintained.
 - g. Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the Planning and Development Department.

(486) *Crematorium [10.2].*

- a. Any structure containing a crematory shall be located at least 200 feet from the property line of any property zoned and/or used for residential use. This 200-foot limitation shall not apply if the structure containing the crematory is located on or immediately adjacent to property containing a cemetery.
- b. Prior to the issuance/renewal of a business license for a crematorium, the applicant shall provide to the City Clerk or his/her designee a copy of the applicant's current and valid state license and written documents showing that the owner or operator of the crematory is licensed, certified, and operating in accordance with all requirements imposed by state law or by regulation of the state, including, but not limited to, the requirements imposed by O.C.G.A. § 43-18-1 et seq., and Ga. Comp. R. and Regs. R. 250-1-.01 through R. 250-7-.03, as such laws and regulations currently exist and as they may be amended hereafter. State licensure and certification is not currently required for crematories used solely for the cremation of animal bodies, but if so required in the future, prior to the issuance/renewal of a business license for a crematory used solely for the cremation of animal bodies, the applicant shall provide to the finance director or his/her designee a copy of the applicant's current and valid state license and written documents showing that the owner or operator of such crematory is licensed, certified, and operating in accordance with all requirements imposed by state law or by regulation of the state.
- c. Prior to the issuance/renewal of a business license for a crematory, the applicant shall provide to the City Clerk or his/her designee, a copy of the applicant's annual maintenance contract with the manufacturer of the crematory, showing that the crematorium is being adequately and consistently maintained in accordance with the manufacturer's specifications.

(497) *Public and private schools offering general education courses (including associated grounds and athletic and other facilities) [11.1.1], and Places of Worship and places of assembly (including associated residential structures for religious personnel, and associated buildings) [11.4].*

- a. When located in NR-1, NR-2 or NR-3 districts the following standards shall apply:
 - 1. Property shall have a minimum of 100 feet of frontage on a street classified as a feeder, secondary, primary, or boulevard on the Streetscapes and Gateways Map.
 - 2. Front yard setback shall be a minimum of 40 ft.
 - 3. Parking lots shall not be located within 20 feet of any property line.
 - 4. Provide a continuous landscaped buffer at least 30 feet wide along all side or rear property lines adjacent to NR-1, NR-2 or NR-3 zoned property, except for perpendicular crossings of driveways or utility lines.
 - 5. Maximum building height shall be 50 ft.
 - 6. Accessory uses shall be limited to the following:

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- (i) Parking as required in Chapter 250, Article 1.
 - (ii) Classrooms.
 - (iii) Library.
 - (iv) Assembly hall and kitchen for social and educational gatherings and meals.
 - (v) Gymnasium.
 - (vi) Playground.
 - (vii) Storage building.
 - (viii) Cemetery.
 - (ix) Nonprofit adult day care center, after school care, or pre-kindergarten (Pre-K).
 - (x) One dwelling unit.
 - (xi) Outdoor recreation, provided that the property contains at least 5 acres, fields do not provide outdoor lights, and recreational activity is limited to 9:00 a.m. to 9:00 p.m.

[\(5048\)](#) *Communications facilities, including cellular tower [12.2].* See Chamblee Code of Ordinances, Chapter 18 - Buildings and Building Regulations, Article V, Standards for Telecommunications Antennae and Towers.

[\(5149\)](#) *Solar energy systems, principal [12.6].* Principal solar energy systems (SES) shall be subject to the following standards:

- a. *Permitting.* No principal SES shall be constructed without issuance of a building permit except for a repair or modification of an existing SES that does not increase the spatial coverage of the SES by more than ten percent and does not encroach on any required building height or setback limits of the applicable zoning district.
- b. *UL-approved SES electric components.* Electric components shall have an Underwriters Laboratory listing.
- c. *Height.* Principal solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt. Height of ground- or pole-mounted SES shall be computed separately for each unit or structure except power transmission poles or towers.
- d. *Setbacks.* Ground-mounted or pole-mounted principal SES and supportive buildings and structures except electric transmission poles shall provide a minimum setback of 30 feet from all property lines.
- e. *Buffers.* All principal SES solar collection units and supportive buildings and structures except electric transmission poles shall be screened from view from public rights-of-way and abutting properties by a 25-foot wide vegetative buffer that is continuous around the perimeter of the property except for perpendicular crossings of approved driveways and utilities. The vegetative buffer shall provide a visually opaque screen not less than 20 feet in height at maturity. Trees planted in the buffer shall be credited towards the tree planting requirements of Chapter 320.
- f. *Security.*
 - 1. The perimeter of the site of a principal SES shall be secured by an eight-foot tall security fence or wall that is constructed on the inside boundary of the required 25-foot buffer. Driveway entrances shall be gated.

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2. The operator must provide the City Police Department with a 24-hour contact responsible for operations.
- g. *Lighting.* Lighting of principal SES sites shall be limited to that required for safety and operations and shall be shielded to avoid spillage onto adjacent properties.
- h. *Decommissioning.*
1. Previously permitted principal solar energy systems shall be completely removed from the subject property in accordance with a decommissioning plan if they become obsolete or operation ceases for 12 consecutive months (required decommissioning date) except when actively undergoing maintenance, upgrading or replacement. Removal and restoration activities must begin within 30 days following the required decommissioning date and shall be completed within 60 days following the required decommissioning date. Failure to comply with the decommissioning plan shall constitute a property maintenance code violation subject to enforcement actions of Chapter 18.
 2. A decommissioning plan shall be required prior to permitting in order to ensure that facilities are properly removed after their useful life. A decommissioning plan shall include provisions for removal and safe disposal or recycling of all solar energy system components including structures and foundations, restoration of the site to its condition prior to construction and installation of the solar energy system. A decommissioning plan shall provide a schedule for removal of the solar energy system and restoration of the site within 90 days following the decommissioning date.
- i. *Application requirements.*
1. Provide a site plan of existing conditions, including all requirements of Title 3, Chapter 300 of this UDO.
 2. Provide a site plan of proposed development, including the following information in addition to all requirements of Title 3, Chapter 300 of this UDO:
 - (i) The number of solar collection units proposed.
 - (ii) Location, size, height and spacing of solar panels.
 - (iii) Location of related supportive facilities and structures including substations, transformers and other equipment, maintenance and storage buildings and facilities.
 - (iv) Location of parking and driveways and vehicle access routes.
 - (v) Method of connecting solar collection units to related substations, transformers and equipment.
 - (vi) Location of underground or overhead electric lines connecting solar collection units to on-site and off-site electric equipment.
 - (vii) Elevation drawings or perspective renderings of the solar energy system components accurately depicting the proposed solar energy system and its relationship to adjacent structures and site features.
 - (viii) Structural engineering analysis of solar panel support, anchoring and foundation.
 - (ix) Manufacturing specifications and recommended installation methods for all major equipment including solar panels, mounting systems and foundations for poles or racks.

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- (x) A copy of the interconnection agreement with the local electric utility or a written explanation of why an interconnection agreement is not necessary.
 - (xi) SES projects within five miles of an airport shall provide a copy of notification and approval of FAA.

(502) *Utility Transmission and Monitoring Facilities [12.7].*

- 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 fence or wall not less than ten feet high. Fences located within 50 feet of a ROW must meet the material requirements of Section 230-6, Fences and Retaining Walls.
- c. Any building or structure, except an enclosing fence, shall be setback not less than 50 feet from any property line, and shall meet all other applicable yard requirements of the district in which it is located.
- d. The perimeter of the property shall be suitably landscaped and maintained, and a planted buffer strip at least ten feet wide shall be located along all property lines.
- e. Outdoor storage of vehicles and equipment shall be prohibited.

(531) *Community gardens [13.2].*

- a. Outdoor lighting shall not affect adjacent properties.
- b. The community garden shall be within a fenced area. See fence regulations in Section 230-6.
- c. Sales activities may occur only in locations where retail sales are an allowed use, provided that on-site sales of crops grown on a community garden site may be authorized and are not subject to Section 240-14.
- d. Any structure used in conjunction with a community garden must comply with the following requirements:
 - 1. Be located at least ten feet from any property line.
 - 2. If the total area of a structure used in conjunction with a community garden does not exceed 64 square feet, the structures are not considered structures or accessory structures. Otherwise, all structures used for community gardens are accessory buildings and must comply with all applicable accessory use and structure regulations.
 - 3. The following are not considered structures for the purposes of this section: benches, bike racks, cold-frames, hoop houses, raised/accessible planting beds, compost or waste bins, picnic tables, garden art, and rain barrel systems.
 - 4. Composting is permitted on the premises if stored in a manner that controls odor, prevents infestation and minimizes runoff into waterways and onto adjacent properties. Compost shall not be stored closer than 50 feet from property lines.
- e. The site must be designed and maintained so that irrigation water or stormwater will not drain onto adjacent property.
- f. The garden must maintain an orderly appearance. The garden may not be neglected or allowed to become overgrown or eroded.

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- g. If the owners no longer desire the community garden, it shall be landscaped with grass and shrubbery in accordance with a plan submitted for approval by the Planning and Development Director.

(Ord. No. 743 , 12-19-17; Ord. No. 748 , 3-20-18; Ord. No. 757 , 12-18-18; Ord. No. 776 , 12-17-19; Ord. No. 784 , 8-18-20; Ord. No. 805 , 12-21-21; Ord. No. 809 , 5-17-22)

Section 240-14. Temporary and mobile uses.

- (a) Should these standards conflict with other standards provided in the UDO, the following design and development standards shall apply.
- (b) The following temporary use provisions are organized by major use category as presented in Section 240-1, Table of Permitted and Prohibited Uses. Permitted use table reference numbers are presented in brackets [#].
 - (1) *Temporary manufactured housing approved in the event of an emergency, construction, or repair [1.8.1].*
 - a. May not be on-site for longer than 12 months, unless the Planning and Development Director grants an extension.
 - b. Must meet the requirements of Subsection 240-13(a)(3), Manufactured housing.
 - (2) *Outdoor retail display of goods in connection with a permanent establishment [2.17].*
 - a. Outdoor retail display of goods may be permitted in the front yard of retail sales establishments for temporary display of merchandise or items designed for exterior display.
 - b. Outdoor retail display of goods are only permitted as accessory uses to tenants having an occupational tax certificate on the subject property.
 - c. Outdoor retail display of goods shall not comprise more than 50 square feet.
 - d. Outdoor retail display of goods shall be located within 10 feet of the business to which it relates, and shall not occupy required parking spaces.
 - e. Outdoor retail display of goods shall provide a minimum of 5 feet unobstructed clear passage on sidewalks/walkways.
 - f. Outdoor retail display of goods shall not be left out overnight.
 - (3) *Temporary outdoor sales events [14.1].*
 - a. A permit is required for temporary outdoor sales events.
 - b. Any applicant for a temporary outdoor sales permit shall have the written authorization of the owner of the property.
 - c. Application fees shall be included on the City Fee Schedule adopted by the Mayor and City Council.
 - d. Any applicant applying for a permit on a lot shall have an occupational tax certificate for a permanent business on the subject property, unless the applicant is a U.S. Veteran, a non-profit organization or a farmer selling their own produce.
 - e. Applicant shall submit a scaled drawing indicating boundary of the site, parking and location of associated activities and/or structures shall be provided.
 - f. Applicant shall submit a refuse and debris clean-up plan.

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- g. Any signs erected on the property shall receive a separate temporary sign permit and be in accordance with Section 260-10, Temporary signs.
 - h. No temporary outdoor sales permit shall be approved for the same lot or any portion thereof for more than 5 days in a calendar year, whether the days are accumulated consecutively or non-consecutively.
 - i. No more than 4 temporary outdoor sales permits shall be approved for the same lot or any portion thereof in a calendar year.
 - j. Temporary outdoor sales events shall be permitted only on lots that have access to paved parking with a curb cut.
 - k. Temporary outdoor sales display activities are prohibited on vacant parcels.
 - l. No operator, employee or representative shall solicit directly to the motoring public.
 - m. No temporary outdoor sales may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, required parking spaces, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum sidewalk width within private sidewalks or other areas intended for pedestrian movement.
 - n. The Planning and Development Director shall have the authority to grant temporary outdoor sales permits upon a determination that the event or activity meets the following criteria:
 - 1. Would not cause substantial detriment to the public good;
 - 2. Would not interfere with another event for which a permit has been issued;
 - 3. Would not negatively affect the safety and welfare of pedestrian and vehicular traffic; and
 - 4. Would not impair the purposes or intent of this UDO.
 - o. If no building permit is required in association with the special permit application, the Planning and Development Director shall have up to ten business days following the date of receipt of a written request for such a permit to decide on the issuance of the permit.
 - p. If the Development fails to act on the issuance before the expiration of the 10-business-day period, the Planning and Development Director shall be deemed to have denied the permit request.
 - q. The approved permit shall be located on the subject site at all times of operation of the temporary outdoor sales event.
- (4) *Mobile Food Unit [14.2].*
- a. Any person conducting business from a mobile food unit shall apply for and receive an occupational tax certificate.
 - b. Mobile food units are required to own or lease a commissary (base of operation) and provide that information to the City in order to receive an occupational tax certificate.
 - c. Mobile food units are required to obtain and maintain a permit from the Department of Agriculture and/or DeKalb County Board of Health - Division of Environmental Health as required and to abide by their regulations for operation. Mobile food units must display such permit on demand by the City.
 - d. Any such mobile food unit operating on private property shall obtain the written consent of the owner to use the property for such sales. No such sales may take place on property zoned NR-1, NR-2 or NR-3.

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- e. Mobile food units may only be located on a lot containing a principal building or use.
 - f. The number of mobile food units allowed per site, except in conjunction with a special event, is limited as follows:
 - 1. A maximum of one mobile food unit is allowed on sites with less than 20,000 square feet of land area.
 - 2. On sites with land area of 20,000 square feet or more, one mobile food unit is allowed per 20,000 square feet of land area or fraction thereof.
 - 3. For purposes of this provision, a site may consist of one lot or a combination of contiguous lots.
 - g. Mobile food units must be located at least 100 feet from the main entrance of any eating or drinking establishment and at least 100 feet from any outdoor dining area serving a non-mobile food unit eating or drinking establishment.
 - h. Mobile food units may not obstruct pedestrian, bicycle, or vehicle circulation routes, and must be set back at least five feet from the edge of any driveway or public sidewalk and at least 15 feet from fire hydrants.
 - i. Mobile food units and any associated seating areas may not occupy parking spaces provided to meet the minimum parking requirements of the principal use, unless the principal use's hours of operation do not coincide with those of the mobile food unit business. Mobile food units may not occupy any parking spaces reserved for persons with disabilities.
 - j. Power sources must meet applicable local and state electric codes.
 - k. Ventilation hoods require inspection and approval of the DeKalb County Fire Marshal.
 - l. No freestanding signs or audio amplification are allowed as part of the mobile food unit's operation.
 - m. Hours of operation of mobile food units are limited to the hours between 6:00 a.m. and 11:00 p.m.
 - n. Mobile food units and associated outdoor seating must be removed from all permitted locations when not in operation.
 - o. Operators are responsible for ensuring that all waste is disposed of in accordance with City regulations and for maintaining all areas used for food vending and customer activity in a safe and clean condition.
 - p. Deviations from these requirements may be approved through a special event permit.
 - q. Mobile food units may be parked at the associated commissary (base of operation) within the City of Chamblee, provided that they do not occupy parking spaces provided to meet the minimum parking requirements on the site and are not used as temporary or permanent signage.
- (5) *Temporary construction trailers [14.3].* Structures shall be removed within three days of the receipt of the associated Certificate of Occupancy or Certificate of Completion.
- (6) *Temporary sales trailer associated with a construction permit [14.4].*
- a. Trailers shall be placed in a location accessible to the public by foot.
 - b. Trailers shall be removed within three days of the receipt of the associated Certificate of Occupancy or Certificate of Completion.
 - c. Trailers shall be subject to minimum off-street parking requirements.

d. Temporary Trailers shall require the review and approval of a building permit.

- (7) *Temporary stage or tent [14.5].*
- a. Temporary stages require the review and approval of a building permit.
 - b. Tents over 400 square feet require the review and approval of a building permit.
- (8) *Temporary storage container [14.6].*
- a. Containers shall not exceed 1,024 cubic feet.
 - b. Containers may not be placed in the public right-of-way without a right-of-way encroachment permit.
 - c. Containers may be placed on a lot without a permit for a single period not to exceed 14 days in any 12-month period.
- (9) *Farmers markets [14.7].*
- a. A temporary outdoor sales permit is required for farmers market events.
 - b. Any applicant for a farmers market permit shall have the written authorization of the owner of the property.
 - c. Applicant shall submit a scaled drawing indicating boundary of the site, parking and location of associated activities and/or structures shall be provided.
 - d. Applicant shall submit a refuse and debris clean-up plan.
 - e. Any signs erected on the property shall receive a separate temporary sign permit and be in accordance with Section 260-10, Temporary signs.
 - f. No temporary outdoor sales permit shall be approved for the same lot or any portion thereof for more than 5 consecutive days.
 - g. Farmers markets may be held on a single lot no more than 52 times per calendar year and no more often than one time per week.
 - h. A single farmers market permit may be used for multiple events on the same property in one calendar year.
 - i. Farmers markets shall be permitted only on lots that have access to paved parking with a curb cut.
 - j. No operator, employee or representative shall solicit directly to the motoring public.
 - k. Farmers markets shall not be held on single-family residential lots.
 - l. No temporary outdoor sales may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, required parking spaces, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum sidewalk width within private sidewalks or other areas intended for pedestrian movement.
 - m. The Planning and Development Director shall have the authority to grant farmers markets permits upon a determination that the event or activity meets the following criteria:
 1. Would not cause substantial detriment to the public good;
 2. Would not interfere with another event for which a permit has been issued;
 3. Would not negatively affect the safety and welfare of pedestrian and vehicular traffic; and

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4. Would not impair the purposes or intent of this UDO.
 - n. If no building permit is required in association with the special permit application, the Planning and Development Director shall have up to ten business days following the date of receipt of a written request for such a permit to decide on the issuance of the permit.
 - o. If the Development fails to act on the issuance before the expiration of the 10-business-day period, the Planning and Development Director shall be deemed to have denied the permit request.
 - p. The approved permit shall be located on the subject site at all times of operation of the temporary outdoor sales event.
 - q. All Farmers' Markets applicants and their vendors receive all required operating and health permits, and these permits (or copies) shall be in the possession of the Farmers' Market Manager or the vendor, as applicable, on the site of the Farmers' Market during all hours of operation.
 - r. All Farmers' Markets and their vendors accept forms of payment by participants of federal, state, or local food assistance programs, including but not limited to the Food Stamps/Supplemental Nutrition Assistance Program; the Women, Infants, and Children (WIC) Farmers' Market Nutrition Program; and the Senior Farmers' Market Nutrition Program. Such forms of payment include but are not limited to coupons, vouchers, and Electronic Benefit Transfer (EBT) cards.

(Ord. No. 743 , 12-19-17; Ord. No. 757 , 12-18-18; Ord. No. 776 , 12-17-19; Ord. No. 805 , 12-21-21)

Section 250-2. Minimum number of parking spaces required.

- (a) The following are the parking space requirements by type of permitted use:
 - (1) For any use not listed, the Planning and Development Director shall determine the proper requirements by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the Planning and Development Director shall follow the principles set forth in the statement of purpose for Title 2.
 - (2) Properties within 1/4 mile of the Chamblee MARTA Train Station shall have no minimum parking requirements. In interpreting the distance requirements, measurements shall be made along a straight line drawn from the closest point of the property line of the site occupied by the subject use to closest MARTA station entrance gates.
 - (3) Maximum number of parking spaces.
 - a. The total number of permitted parking spaces shall not exceed 110 percent of the minimum number of off-street parking spaces required by type of permitted use, except when the excess spaces are contained in a parking structure.
 - b. Any parking not included within a parking structure or garage that is between 100 and 110 percent of the minimum number of off-street parking spaces, or a maximum of 10 spaces more than the required minimum off-street parking, whichever is less, shall be "Grasscrete" or "Grasspave" or other pervious paving or grass paving systems as approved by the Planning and Development Director.
 - (4) The following table states the minimum number of off-street parking spaces required by use. Where only the parent category is listed, all uses that fall under that category in the Permitted Use Table shall provide the minimum parking required by the parent category. Individual uses that have specific minimum parking requirements are listed under the parent category. Any uses not listed would be required to provide the minimum number of parking spaces required by the parent category.

Minimum Parking Space Requirements Table

Land Use	Minimum Parking Space Requirements
Residential	
1.1 Single-family Residences	2 spaces per dwelling unit
1.2 Multifamily Residences	1.25 spaces per dwelling unit; 1 space per dwelling unit for age-restricted
1.2.2 Live-work units	1.5 spaces per dwelling unit, plus additional spaces per the requirements of the nonresidential use
1.3 Mixed-use development	1.5 spaces per dwelling unit; 1 space per dwelling unit for age-restricted, plus additional spaces per the requirements of each nonresidential uses. See Section 250-3, Reduction in Minimum Parking Requirements, for shared parking arrangements
1.4 Home occupation	1 space for businesses that allow customers
1.5.1 Group Residential Facility, other than personal care	1 space per 2 beds
1.5.2 Personal care homes, not used primarily for the treatment of contagious diseases, alcoholism, drug addiction or mental illness	1 space per 2 beds, minimum of 4 spaces
1.5.3 Child and personal care uses (including family day care homes, group day care home, and child care learning centers)	2 spaces per classroom
1.6 Institutional Residence or care or confinement facilities	1 space per 2 beds
1.7.1 Rooming houses, boarding houses	1 space per bedroom
1.7.2 Tourist homes (bed and breakfast), and other temporary residences renting by the day or week	1 space per unit
1.7.3 Hotels, motels and similar businesses or institutions providing overnight accommodations	1 space per unit plus one space per 5 units for visitors
1.7.4 Extended-stay motels/hotels	1 space per unit plus one space per 5 units for visitors
1.8 Temporary mobile homes approved in the event of an emergency, construction, or repair	2 spaces per temporary mobile home
Sales and Rental of Goods	
2.0 Sales and Rental of Goods, Merchandise or Equipment, non-motor vehicle related (Motor vehicle related, see 4.0)	1 space per 300 sf of gross floor area
2.28 and 2.29 Wholesale sales, with or without outdoor display or storage of goods	1 space per 300 square feet of gross floor area devoted to sales or display, plus one space per 2,000 square feet of gross storage area

Restaurants	
3.0 Restaurants	1 space per 100 square feet of gross floor area
3.7 Event center	1 space per 100 sq. ft., or 1 space per 3 fixed seats plus one space per employee
Motor vehicle-related sales and service operations and modifications	
4.0 Motor vehicle-related sales and service operations and modifications	Not including outdoor car display areas for dealerships, 1 space per 200 square feet of gross floor area
Office, Clerical, Repair, Research and Personal	
5.0 Services - Office, Clerical, Repair, Research and Personal, not primarily related to the sale of goods or merchandise	1 space per 250 square feet of gross floor area
Recreation, amusement, entertainment	
6.1 Adult entertainment, including adult book stores, and adult movies	1 per 100 square feet of gross floor area
6.2 Baseball batting range	20 spaces
6.3 Bowling Alleys	5 spaces per alley
6.4 Golf driving range, and/or miniature golf	20 spaces
6.5 Health clubs and other physical fitness establishments	1 space per 300 sq. ft.
6.6 Park, playground, community center, swimming pool and other recreational facilities as a principal use	20 spaces
6.8 Theaters (indoor)	1 space per 3 seats, plus one space for each employee
6.9 Performing arts center, as defined in Ch. 6.	1 space per 200 sq. ft., or 1 space per 3 fixed seats plus one space per employee
6.10 Subdivision recreation area (private)	1 space per 200 sq. ft. of surface area of swimming pools, plus 2 spaces per tennis court, plus 1 space per 500 sq. ft. of clubhouse, offices, meeting rooms, or other similar enclosed buildings
6.11 Film Production or Recording Studio	For studios with an audience: 1 space per 3 fixed seats plus one space per employee; For studios without an audience and film production: 1 space per 2,000 square feet of gross building area
Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise or equipment	
7.0 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise or equipment	1 space per 2,000 square feet of gross office, plant and/or storage area
7.17 Innovator space	1 space per employee plus one space per 300 square feet of customer sales or showroom area,

	but not less than 1 parking space per 500 square feet
Storage and Parking	
8.0 Storage and Parking	1 space per 2,000 square feet of gross storage area
Services and enterprises related to animals	
9.0 Services and enterprises related to animals	1 space per 250 square feet of gross floor area
Funeral Related Services (Human and Animal Related)	
10.0 Funeral Related Services (Human and Animal Related)	1 space per 3 seats, plus 1 space per employee
Educational, cultural, religious, philanthropic, social, or fraternal uses	
11.1.1 Public and private schools offering general education courses (including associated grounds and athletic and other facilities)	2 spaces per classroom for K - 8th grade, plus 1 space per teacher or staff member for grades above 8th
11.1.2 Trade or vocational schools	10 spaces per classroom
11.1.2.1 Flight school	10 spaces per classroom, plus one space per employee
11.1.3 College, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	10 spaces per classroom
11.2 Assembly halls, including union halls, conference halls, civic halls and activities of a similar nature	1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit approved by the DeKalb Fire Marshal
11.3 Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)	1 space per 200 square feet of gross floor area
11.4 Place of worship and places of assembly	1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit approved by the DeKalb Fire Marshal
11.5 Social, fraternal clubs and lodges, union halls, and similar uses	4 spaces per 1,000 square feet of gross floor area
11.6 Clubs and lodges catering exclusively to members and their guests	4 spaces per 1,000 square feet of gross floor area
Miscellaneous Public and Semi-Public Facilities	
12.0 Miscellaneous Public and Semi-Public Facilities	None
Agricultural, Forestry, Mining, Quarrying Operations	
13.0 Agricultural, Forestry, Mining, Quarrying Operations	1 space per employee
Temporary Structures and Special Events used in connection with the construction of a permanent building or for some non-recurring purpose	
14.0 Temporary Structures and Special Events used in connection with the construction of a	None

permanent building or for some non-recurring purpose	
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(Ord. No. 743 , 12-19-17; Ord. No. 757 , 12-18-18; Ord. No. 776 , 12-17-19)

Section 250-12. Parking in NR-1 and NR-2 districts and Residential Uses in NC-1 and NC-2 districts.

- (a) Parking any automobile, motorcycle, motor vehicle or trailers ~~including mobile dump shall~~ trailers, 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, gravel or paver~~ driveway. It shall be unlawful to park any automobile, motorcycle, motor vehicle, trailer, or recreational vehicle on grass, lawn, or dirt areas.
 - (1) Gravel ~~and asphalt~~ driveways are prohibited.
 - ~~(2) Gravel driveways and parking areas shall meet the following standards:~~
 - ~~a. Gravel parking areas may not be located within 15 feet of any property line.~~
 - ~~b. Gravel parking areas shall be properly maintained with compressed gravel or compacted crushed stone on top of an appropriate underlayment material.~~
 - ~~c. Gravel parking areas must be at least four (4) inches deep.~~
 - ~~d. Gravel parking areas shall have a substantially durable border constructed of wood, concrete, brick or stone, extending a minimum of one (1) inch below the depth of the gravel. The border shall prevent the migration of gravel from the parking area.~~
- (b) Recreational vehicles may be kept on residentially zoned properties as follows:
 - (1) A maximum of one recreational vehicle may be parked or stored on a single-family residential property in the side or rear yard. Recreational vehicles shall not be parked in street side yards.
 - (2) Additional recreational vehicles may only be parked or stored in enclosed buildings or in a carport if said recreational vehicle fits entirely within the building.
 - (3) Such vehicle may also be parked in a street front yard or street side yard on any part of residential properties for a period of not more than 24 hours during loading or unloading. 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.
- (c) Commercial vehicles may be kept on residentially zoned properties as follows:
 - (1) Such vehicle is parked or stored within a fully enclosed structure that meets all other criteria of the zoning district.
 - (2) Such vehicle is temporarily parked or standing for up to eight hours.
 - (3) Such vehicle is engaged in loading or unloading.
- (d) Not more than two motor vehicles may be parked, stopped, or stored upon any parcel which is zoned NR-1 or NR-2 unless the parcel contains an occupied dwelling unit.

(Ord. No. 743 , 12-19-17; Ord. No. 757 , 12-18-18; Ord. No. 776 , 12-17-19; Ord. No. 784 , 8-18-20; Ord. No. 805 , 12-21-21)

Section 280-37. Applicability.

- (a) Relief from strict compliance with the regulations of this UDO may be reviewed and approved by the Planning and Development Director in accordance with the variance procedures of this article. The authority to grant such administrative variances shall be limited to a variance from the following requirements:
- (1) *Front yard or street side yard.* Variance not to exceed ten percent of the required setback. If contextual setbacks are required, this relief may be granted for the minimum or maximum setback in the range. For additions to existing residences for which contextual setbacks are required, the existing structure on the subject property may be used in determining the required setback range.
 - (2) *Side yard.* Variance not to exceed 2.5 feet deducted from the required setback. In no case shall the structure be located closer than five feet to the property line unless a variance is granted by Mayor and City Council.
 - (3) *Rear yard.* Variance not to exceed five feet deducted from the required setback in any district. In the NR-1 Residential district, a variance for a rear addition to a principal structure may not exceed 120 square feet.
 - (4) *Building height.* Not to exceed five feet for a mixed-use building built upon a parking deck or two feet for other uses except single-family detached residential. This provision may not be used to reduce the required minimum building façade heights set forth in Subsection 230-27(c) except in order to facilitate the adaptive reuse of an existing building that the Planning and Development Director determines to be of exceptional architectural character.
 - (5) *Minimum required parking spaces.* Reduction up to ~~105~~ percent or 10 spaces, whichever is less.
 - (6) *Maximum required parking spaces.* Up to 10 percent or 50 parking spaces, whichever is less.
 - (7) *Reduction or increase in number of compact parking spaces.* Up to 10 percent or 25 parking spaces, whichever is less.
 - (8) *Parking permitted in the front yard.* Up to 50 existing parking spaces to be accessed from a single driveway parallel to the street for adaptive reuse of an existing building.
 - (9) *Fenestration.* Variance not to exceed 10 percent of the required fenestration.
 - (10) *Landscape zone.* Variance not to exceed two feet deducted from the required minimum width.
 - (11) *Sidewalk clear zone.* Variance not to exceed two feet deducted from the required minimum width.
 - (12) *Supplemental zone.* Variance not to exceed two feet deducted from the required minimum width.
 - (13) *Retaining wall or fence height.* Variance for no more than two additional feet in height.
 - (14) *Threshold elevation.* Variance of no more than two feet from either the minimum or maximum elevation.
 - (15) *Tree preservation.* Variance to any bulk or development standard by up to 20 percent when those alterations are proposed to prioritize the preservation of tree stands or specimen trees defined by Section 320-35.
 - (16) *Interparcel access.* Variance to relieve the requirement for physical construction of the interparcel access required by Section 350-2(c) where extreme topography or other site constraints exist. In no case shall the requirement for establishment of an easement for future use outlined in Section 350-2(c) be relieved.

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- (17) *Contextual setbacks.* Variance to allow an increase or decrease in the setback range for a distance of up to 20 percent. In no case shall this provision allow the setback to be altered by more than 10 feet in either direction.

(18) *Building Architecture for Single Family Residences. Variance to allow street facing garage along a Storefront, Primary, Secondary, or Feeder Street for substantial renovation or new construction.*

(Ord. No. 743 , 12-19-17; Ord. No. 748 , 3-20-18; Ord. No. 757 , 12-18-18; Ord. No. 805 , 12-21-21)

Section 350-6. Curbs and gutters.

- (a) *Curb and gutter required.* All new streets and Project Access Improvements shall be provided with curb and gutter. All gutters shall drain smoothly with no areas of ponding.

- (b) *Curbing.*

(1) When an existing street within the _____ overlay is improved, extended or rebuilt, the curbing for such street improvement, extension or reconstruction shall be granite curbing of a similar size and type as the granite curbing used on such existing street.~~(1) _____~~

~~(2) Existing granite curbing shall be preserved and re-used except where new curbing is required by the public works department.~~ When an existing street with granite curbing is improved, extended or rebuilt, the curbing for such street improvement, extension or reconstruction shall be concrete curbing or granite curbing of a similar size and type as the granite curbing used on such existing street.

- (2) Otherwise, new curbing shall meet the following requirements:

- a. Concrete shall be Class "A" (as defined by Georgia Department of Transportation) and have a minimum strength of 3,000 PSI at 28 days.
- b. Typical minimum section shall be 6" x 24" x 12".
- c. See UDO Addendum 3(e) for Typical Curbing Details.
- d. Roll curbing as shown as Type I in UDO Addendum 3(e) may be permitted subject to approval of the Public Works Director.

- (c) *Construction methods.* Curb and gutter shall be set true to line and grade, horizontal be field staked, and finished to the section shown on the plans. Along the Project Access Improvements of a road which the Department of Public Works has identified for resurfacing within one year of the new construction, the grade of the new gutter shall be placed 1" above the Project Access Improvement pavement grade in areas where drainage will not be adversely affected.

- (1) Line and grade shall be field staked for grades less than two percent and grades over 12 percent, and within 100 feet in both directions from all low points.
- (2) One-half inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points and at intervals not to exceed 250 feet in the remainder of the curb and gutter.
- (3) Inferior workmanship or unprofessional construction methods resulting in unacceptable curb and gutter will be cause for rejection of the finished work.
- (4) Disturbed areas along all curbing shall be backfilled, stabilized and grassed.

(Ord. No. 743 , 12-19-17)

2.3. TREE SPECIES SELECTION LIST

CULTIVARS FOR PARKING LOTS, LANDSCAPE STRIPS AND STREETSAPES

Overstory Trees

	<i>Ulmus parviflora</i>**	Chinese Elm
182	'Allee' (Emer II)	
183	'Athena' (Emer I)	
184	'Bosque'	
185	'Drake'	
186	'Everclear'	
187	'Hope'	
	Zelkova serrata**	Japanese Zelkova
188	'City Sprite'	
189	'Green Vase'	
190	'Gold Falls' (C Creek I)	
191	'Musashino'	
192	'Myrlmar'	
193	'Village Green'	

2.6. ACCEPTABLE MULCHING MATERIALS

The following mulch materials are acceptable:

- Pine straw
- [Shredded](#) Bark
- Aged Hardwood/Wood chips
- Turf grass, [or other acceptable low growing grasses](#)
- [Cypress mulch](#)

~~Cypress mulch, Lava rock, boulders, river rock, and and~~ other stone materials are prohibited as mulch.

~~Boulders, River rock, and other stonework accents shall only be allowed as landscaping accents at less than 20% total. are acceptable as a part of landscaping.~~

