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**Sec. 3-1. - Purpose of Article 3.**

The purpose and intent of this Article is to provide land use and development regulations for specific uses that are applicable to sites throughout the City of Newnan. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are allowed, whether by right or through Special Exception approval.

**Sec. 3-2. - Definitions Referenced.**

The definitions of certain terms referenced in these sections are set forth in the Interpretation and Definitions Article, as amended.

**Sec. 3-3. - Applicability.**

The regulations of this Article shall apply to all zoning districts where applicable. Where there is a conflict between the terms and/or requirements contained in this section and another section contained in this Ordinance, as amended or any other ordinance, code, or regulation of the City of Newnan, Georgia, the stricter shall apply.

**DIVISION I – RESTRICTIONS THAT APPLY IN GENERAL**

**Sec. 3-4. - Minimum Performance Standards for Structures and Uses.**

Every structure shall be designed, arranged, and situated on the site and in relationship to adjacent uses, every use of land or structure will be conducted, and every lot and every structure will be maintained in such a manner that:

- (a) Will not create a nuisance upon the premises;
- (b) Will avoid detrimental or blighting influences upon the neighborhood and surrounding properties;
- (c) Will not, by means of noise, toxic gasses, fumes, vapors, odors, radiation, light, heat, fire exposure, hazard, vibration, or electrical interference, or by other means, interfere with or impair the use or enjoyment of neighboring premises, including fluctuation of line voltage;
- (d) No lighting shall shine directly on or be a nuisance to occupants of adjacent property, nor impair safe movement of vehicles on any street or highway;
- (e) Will not be hazardous to the community due to such things as the danger of fire or explosion even when conducted under adequate safeguards; and
- (f) Will not create unsightly, unsafe, and/or unmaintained areas of land that are either not built upon, landscaped, or left in a natural state.
- (g) Zoning district and use requirements are set forth in the Use of Land and Structures Article of this ordinance.

**Sec. 3-5. - Provision of Public Facilities or Services, Specifically Related to Terms of this Ordinance.**

Any reference in this Ordinance requiring a facility or land use to be located adjacent or within a specific distance to any public facility or service is in no way an assumption by the City of an obligation to construct such a facility or provide such a service which the City would not otherwise construct or provide or to construct such a facility or provide such a service any sooner than when the City would otherwise have done.

**Sec. 3-6. - Standards for Fences and Walls.**

The following general provisions shall apply to all fences or walls erected, constructed, or installed after the effective date of this Ordinance.

(a) Permit Required.

No fence shall be erected, constructed, or installed without first having been issued a fence permit by the Building Official. No wall exceeding 48 inches in height can be erected, constructed or installed without first obtaining design approval from the City Engineer and a permit issued by the Building Official.

(b) Maintenance.

All fences, walls, and other barriers shall be maintained in good condition, structurally sound and attractive.

(c) Orientation.

All fences, required or otherwise, shall have their finished face directed toward adjacent or adjoining residential property or streets, where a residential property is adjacent to or across from the subject site.

(d) Allowed Materials for Non-Industrial Districts.

The following types of fence materials shall be permitted for fences located in non-industrial districts:

- (1) Wood.
- (2) Wrought iron or decorative aluminum.
- (3) Masonry or stucco wall.
- (4) Chain link (permitted in rear and interior side yards only).
- (5) Vinyl.

(e) Allowed Materials for Industrial Districts.

The following types of fence materials shall be permitted in industrial districts:

- (1) Wood.
- (2) Masonry or stucco wall.

- (3) Chain link.
  - (4) Barbed or razor wire (allowed only in rear and interior side yards where used above the height of 6 feet).
  - (5) Finished concrete or cinder block walls.
  - (6) Wrought iron.
- (f) Height.

The height of any fence shall not exceed 6 feet except in the following cases:

- (1) Fences not exceeding 8 feet may be erected in a required side or rear yard when located along a lot line or alley which provides a boundary between residential use on one side and business, commercial, industrial, or manufacturing use on the other.
  - (2) Temporary Construction Fences not exceeding 8 feet may be erected in any district provided the requirements of the Temporary or Seasonal Uses section of this Article are met.
  - (3) There shall be no height restrictions on the erection of open mesh type fences enclosing parks, recreational areas and school sites.
  - (4) No such fence located in a front yard shall exceed a height of 36 inches on a non-industrial zoned parcel.
  - (5) Industrial uses which shall be limited to 10 feet in height.
- (g) Location.
- (1) Refer to the requirements of individual zoning districts for specific wall or fence criteria.
  - (2) The City Council, at its own discretion, may designate certain new streets or portions thereof as suitable for locating fences in front and/or side yards abutting a street provided the following conditions are met:
    - a. All streets designated shall be identified as thoroughfare plan roadways in the Comprehensive Plan.
    - b. Each street segment designation shall be a minimum of 1 mile in length.
- (h) Nonconforming Fences.

All fences legally existing on the effective date of this Ordinance that do not conform to the regulations of this Section may remain and be repaired or replaced in kind as a permitted legal nonconforming use pursuant to the nonconformity provisions of Article 1.

**Sec. 3-7. - Standards for Residential Uses.**

- (a) Recreation Facilities.

- (1) Public and quasi-public playgrounds, parks, non-commercial recreation areas, and swimming, tennis or country clubs and their associated buildings may be allowed in a residential district. No buildings, courts, or playing fields for such uses shall be allowed less than 50 feet from any property line or less than one 100 feet from any street right-of-way.
- (2) For any residential development of 75 or more detached single-family homes, a common recreation area of 125 square feet per unit shall be provided. Such recreation area shall, at a minimum, provide at least three of the following elements:
  - a. Outdoor playground equipment
  - b. Picnic area (Minimum 1 table per 50 units)
  - c. Tennis courts (Minimum 1 court per 100 units)
  - d. Basketball court (Minimum 1 court per 100 units)
  - e. Passive recreation area (Shall include walking paths)
  - f. Swimming pool that shall meets or exceeds ANSI/NSPI-1 standards for Class B public schools and shall be sized as follows, based on the number of dwellings in the development:
    1. Up to 200 dwellings: Minimum size of 1,800 square feet, 30'x60'.
    2. 201 or more dwellings: Minimum size of 2,250 square feet, 30'x75'.
  - g. Other recreation amenity designed for common use as agreed to by the Planning and Zoning Director.
- (3) For any townhouse, condominium, or multifamily residential development of 50 or more units, a common recreation area of 100 square feet per unit shall be provided. Such recreation area shall, at a minimum, provide at least three of the elements listed under subsection (2) above.
- (4) The proposed amenity area(s) and recreation amenities to be provided for any residential development shall be submitted as part of the site development application for project approval as required under the Procedures and Permits Article.
- (5) Active recreation areas or amenities may not be developed within a Primary Conservation Area as described in the standards for Open Space Districts in the Master Planned Developments Article.
- (6) Any recreation areas and facilities must be completed within 2 years after approval of the final plat. The developer shall also provide a performance bond in the amount of 125% of the actual cost of construction to guarantee completion of recreation areas and facilities shown at the time of final plat approval. The bond shall be in effect for 2 years after the approval of the final plat and shall continue

to be in effect until 50% of the development/subdivision is completed (whichever is greatest.)

(b) Zero Lot Line Residences.

A zero lot line configuration may be allowed in the RU-7, RU-2, PDR, OSD-2, or MXD districts provided that:

- (1) Any wall constructed on the side lot line must be a solid windowless fire-rated wall. If there is an offset of the wall from the lot line of more than 6 inches, the offset must be at least 6 feet.
- (2) The minimum building separation between the sides of adjacent dwellings shall be at least two times the minimum side yard required for the district.
- (3) A 5-foot maintenance easement and a maximum eave encroachment of 2 feet within the maintenance easement may be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance.
- (4) Preliminary subdivision plans submitted to the Planning Commission must indicate the proposed location and configuration of dwellings, driveways, and parking locations for each lot. A draft of the proposed encroachment and maintenance easements must be submitted for review.
- (5) Zero side yards established under these standards must be continuous along the length of the building. There must be either the lot line wall or a solid wall or fence at least 6 feet high along the lot line adjacent to the building between the established setback and the established rear yard. The wall or fence is used in those cases where the building may be offset as allowed under these standards.
- (6) Side lot line established shall be the same for all units so that no two units shall share a common wall.

(c) Townhouses.

- (1) A row of townhouses shall not contain more than 8 dwelling units.
- (2) Townhouses shall not be designed to give the appearance of row houses. Facades of each unit shall be offset a minimum of 18 inches to create the appearance of separate buildings and shall be articulated within the building façade-meaning variation in the look and structure often achieved through the inclusion of architectural features (porches, porticos, balconies, bay windows and roof lines) and can also be accomplished with using various building material types materials). No two facades shall be alike in a single row of townhouse buildings.
- (3) Exterior finished material shall be constructed with a combination of clay masonry brick, natural stone including granite, marble, sandstone, field stone or any other natural stone approved by the Planning and Zoning Director; manufactured stone including imitation field stone, marble terrazzo, and any other manufactured finish stone approved by the Planning and Zoning Director; wood, traditional three coat

stucco, or fiber-cement planks and panels either lap siding, shingle siding or vertical siding patterns painted or stained. The use of architectural details such as hip returns, operable window shutters, transoms, wrought iron railings, gas lights, brick molding, and multiple exterior finish materials are strongly encouraged. Structures utilizing a single exterior finish material shall not be permitted without written authorization from the Planning and Zoning Director. End elevations must be consistent with front facades.

- (4) Townhouses shall either incorporate a flat roof design utilizing a decorative parapet wall or have a minimum 6:12 roof pitch. Architecturally dimensioned roof covering shall be required. Vents and similar objects shall not be visible from the front of the structure.
- (5) For pitched roofs, the use of gables, dormers, cornices, chimneys and other design features shall be used to enhance the overall appearance of the homes.
- (6) HVAC units shall not be visible from the right-of-way.
- (7) All townhouses shall incorporate front covered porches or front covered stoops in their designs. Porches shall be a minimum of 6 feet in depth. Stoops shall be a minimum of 3 feet in depth.
- (8) Each townhouse shall front on a dedicated public street. Townhouses may only front on a private street in accordance with the City of Newnan Subdivision Regulations.
- (9) Townhouse developments shall establish a homeowners or tenants association to manage and maintain all common areas and structural elements as well as ensure that the requirements governing such associations and their developments as provided by this Ordinance are met in full.
- (10) Driveway standards for townhouses shall conform to the following:
  - a. All driveways shall be separated a minimum of 8 feet from adjacent driveways. The 8-foot area between the driveways shall be sodded. One exception can be made per every eight units to allow a minimum of 4 feet of sodded area between driveways.
  - b. Townhouses are encouraged to utilize rear garages. Front entry garages must employ carriage style doors and shall be designed to be setback equal to or greater than the front door of the primary structure. For developments consisting of 20 acres or greater, no more than 50% of the units shall have front entry garages.
- (11) Central Business District Townhouse Requirements
  - a. Townhouses in the Central Business District (CBD) must be designed and planned in accordance with provisions found in Sec 3-7(c) and are allowed by Special Exception. Townhouses in the CBD are allowed on limited and select basis within certain areas of the CBD as shown in Section 3-74, Ground Floor Residential Downtown Overlay Map. The Special Exception shall be heard by

the Planning Commission since the property also lies within the Downtown Design Overlay District (DDO).

- b. For new construction, or if exterior improvements are being proposed, the structure must receive a Certificate of Appropriateness as outlined in Article 5, Section 5-6-Downtown Design Overlay District.
- c. 1 off-street parking space per residence is required.
- d. Ground floor facades must be screened in such a manner as to prevent visibility into the residence from the public right-of-way. For windows and glass doors, privacy can be achieved from using a full plane of non-reflective fixed translucent glass or non-reflective translucent window film of sufficient thickness to prevent view from the outside into the residence.
- e. The minimum residential unit size shall be 1500 square feet.
- f. No outside mailboxes permitted on City right-of-way.
- g. Outside building number shall be provided and shall not exceed 6 inches in height.
- h. No drying of clothes shall be permitted on the outside of any building.
- i. All window air-conditioning units shall not be visible from any public street.
- j. No maintenance, washing or detailing of vehicles is permitted on City right-of-way.
- k. No recreation, entertainment, public gathering or placement of furniture shall be allowed on sidewalks adjacent to the building containing the residence unless permitted by Council.

(d) Two-Family Dwellings.

The following standards address allowed building configurations for two-family dwellings:

- (1) A single building containing two dwelling units totally separated from each other by a common vertical or party firewall (a traditional duplex) is allowed by-right in

the RML, RMH and PDR districts and by special exception approval in the RU-2 district.

- (2) A single building containing two dwelling units each located on a separate floor but accessible via a common outer entrance is allowed by-right in the RU-2, RML, RMH and PDR districts and by special exception approval in the RU-1 district.

(e) Multifamily Development.

(1) Entrances Separated.

Common residential building entrances shall be physically separated and distinct from commercial or other nonresidential building entrances except that apartment buildings may provide an internal connection between residential areas and retail designed primarily to serve those residences.

(2) Storage of Refuse.

Residential units shall maintain a separate refuse storage container from that used by nonresidential uses. It shall be clearly marked for residential use only and use by nonresidential tenants is strictly prohibited. Dumpster and/or compactor locations shall be in rear or non-street side yards.

(3) Design.

Buildings shall be designed using masonry facades on the front, rear, and two end elevations.

- a. Masonry for the purpose of this section shall be divided into two types: Primary Materials and Secondary Materials.
- b. Primary materials shall include fired clay brick or brick face; natural stone including granite, marble, sandstone, field stone or any other natural stone approved by the Planning and Zoning Director; manufactured stone including imitation field stone, marble terrazzo, and any other manufactured finish stone approved by the Planning and Zoning Director.
- c. Secondary materials shall include stucco on lathe, or fiber-cement planks and panels either lap siding, shingle siding or vertical siding patterns painted or stained.
- d. Primary materials shall be composed of 40% or more of the area for the front and two end elevations.
- e. Secondary materials shall compose of 60% or less of the area for the front and two end elevations, but the rear elevation may utilize 100% of the secondary material unless visible from the public right-of-way then it shall utilize the percentages for the front and two end elevations.
- f. Architectural detailing and decorative trim shall be approved by the Planning and Zoning Director at his/her discrepancy.
- g. Condominiums established via the conversion of an existing apartment development are exempt from this provision.

(4) Minimum Unit Size, By Type.

Table 3-A below enumerates minimum multifamily unit sizes:

**Table 3-A : Multifamily Unit Size Criteria**

Unit Type	Minimum Size (Principal Living Space Square Feet)	Minimum/Maximum Percentages
Studio or Efficiency	500	None/30
One Bedroom	700	None/None
Two Bedroom	950	None/None
Three Bedroom or More	1100	None/ 33

(5) Minimum Average Unit Size.

The average square footage of all residential units proposed for a development must be a minimum of 800 square feet. If the project is phased, at no time shall the average square footage for approved phases drop below the minimum. This provision does not apply to apartments above commercial storefronts.

(6) Limitation on Three or More Bedroom Units.

No more than 33% of all proposed units in a development may be three or more bedroom units. If the project is phased, at no time shall the total percentage of three-bedroom units exceed 33%.

(7) Parking.

Any multifamily development utilizing individual driveways (typical of townhouse-style apartments), rather than grouped parking spaces, shall conform to the following standards:

- a. Units less than 35 feet in width must utilize shared driveways or rear access alleys.
- b. All driveways shall be separated a minimum of 15 feet from adjacent driveways and no driveway shall be located within 5 feet of any property line.

(8) Impervious Surface.

Multifamily developments shall not exceed 40% impervious surface with the maximum building coverage being 25%. Loft-style apartments are not subject to this limitation.

(9) Certificates of Occupancy.

Multifamily developments will not be issued a certificate of occupancy until site inspections by the Planning Director, City Engineer, and City Landscape Architect confirm compliance with the approved site plan.

(10) Number of Entrances.

Unless a minimum of two entrances are provided from a publicly dedicated street, all units within a multifamily development shall be located within 1,000 feet from the main entrance. This measurement shall be taken along the centerline of the shortest drive providing access to the unit. See also the Street Access Section in the Lots and Building Standards Article.

(11) Condominiums.

- a. Condominium developments shall conform to all applicable rules and requirements as established by Georgia Condominium Act. Prior to approval of any condominium development, the applicant shall provide the City with a copy of the Condominium Homeowner Declaration prepared per the Georgia Condominium Act and filed with the Office of the Clerk of Superior Court of Coweta County.
- b. Condominiums may be newly developed or may be established with the conversion of an existing building or buildings. Conversion of existing multifamily developments to condominium or townhouse developments shall be exempt from the density requirements of the underlying zoning district that allows for condominium or townhouse developments provided that there is no new construction of additional units.
- c. Condominium developments shall establish a homeowners or tenants association to manage and maintain all common areas and structural elements as well as ensure that the requirements governing such associations and their developments as provided by this Ordinance are met in full.

(f) Landscaped Entrance.

Any residential development involving new access from a public street shall provide a landscaped entrance which complies with the standards of the Tree Preservation and Landscape Ordinance. Landscaped entrances shall be maintained by and be the sole responsibility of the developer/owner of the project or homeowners association.

(g) See also Division IV and Division V for standards regarding Alternative Residential Accommodations and Special Care Residential Accommodations.

- (h) When developing a residential development, priority will be to design Detention/Retention ponds and basins in such a manner that they are not adjacent to a major street or highway either providing access to, or abutting the residential development. In the event that a detention/retention pond or basin must be located adjacent to a main street based upon the topography of the development site, then the pond or basin must be adequately screened from view from the street with landscaping subject to approval by the City's Landscape Architect. Fencing, compliant with this Ordinance, shall also be used as part of the screening.

**Sec. 3-8. - Standards for Nonresidential Uses.**

(a) Design Requirements.

Commercial buildings and structures with frontage on a major arterial road shall, at a minimum, face the front façade and side of the building up to 50 feet toward the rear of the lot in brick or other finishing masonry including natural or cultured stone and stucco.

(b) Storefront Developments.

Development utilizing the storefront configuration shall meet the following development requirements:

(1) Pedestrian Orientation.

Storefront buildings shall meet the requirements for pedestrian orientation in the Lots and Building.

(2) Ground Floor Windows.

Storefront buildings shall meet the requirements for ground floor window standards in this Article.

(3) Marquee.

Storefront buildings shall provide a distinct marquee area, located no less than 12 feet above the sidewalk which may provide one sign parallel to each storefront business which meets the requirements for signs in storefront developments in the Sign Regulations Article.

(4) Exterior Finish.

Exterior finish shall be limited to brick, natural or cast stone, terra cotta, architectural ironwork, stucco, or clear or lightly tinted glass. Walls not intended for exposure may include painted concrete block.

(5) Architectural Variety.

Arcades, porches and balconies, bays, and other rich architectural elements are encouraged.

(6) Entrances.

Primary ground floor commercial building entrances may be oriented to the street, to plazas, or parks, not to interior blocks or parking lots. Secondary entrances may be from parking lots or the block interior. Residential entrances may be along the front façade or other façade.

(7) Garages.

Garage doors are not permitted along a primary street frontage and must, for corner lots, be recessed and located along the secondary frontage a minimum of 50 feet from the street corner.

(8) Exterior Storage and Display.

No exterior storage or display of items is permitted; provided, however, that the exterior display of produce and plants for sale shall be permitted during the hours of operation.

(9) Residential Uses.

Residential uses in storefront buildings must meet the requirements of Division IV of this Article.

(c) Ground Floor Window Standards.

(1) Purpose.

In districts where such standards are applicable, blank walls on the ground levels of buildings shall be limited in order to:

- a. Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas.
- b. Encourage continuity of retail and service uses.
- c. Encourage surveillance opportunities by restricting fortress-like facades at street level.
- d. Avoid a monotonous pedestrian environment.

(2) Required Amounts of Window Area.

The windows must be at least 50% of the length and 25% of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade along street frontages. The requirement does not apply to the walls of residential units or parking structures. On corner lots, only one street frontage must meet the above requirements whereas the other frontage must only meet one-half ( $\frac{1}{2}$ ) of the standard.

(3) Qualifying Window Features.

Required window areas must either be windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.

(4) Variances.

- a. Public art may be considered for variance to the ground floor window provision. The Newnan Arts Council or similar organization shall approve any work of art considered as a variance to this requirement.
- b. Where such standards are or may be in conflict with the special safety or security needs of the business, the property owner may seek a variance from these provisions. Such special needs may include a bank or other financial institution where large sums of cash or equivalent are stored, a courthouse, post office, or similar use.

(d) Modular Commercial or Industrial Buildings.

Modular commercial buildings shall meet all state requirements for such structures and shall:

- (1) Have direct access to adequate water, sewer, and electricity in a manner consistent with other commercial development.
- (2) Meet all requirements for fire safety as determined by the City fire inspector.

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- (3) Be placed according to the setbacks, buffer, and other dimensional requirements of the zoning district in which it is placed.
  - (4) Have a specific time limit placed on their permitted siting which shall be established by the Building Official unless otherwise specified in this Ordinance.
  - (5) Provide an interim landscaping treatment as approved by the City's Landscape Architect.
  - (6) Be clean and in good condition. Such buildings may not contain signs or other extraneous material attached to the side unless specifically approved by the City. Signs shall meet the requirements of the sign requirements of this Ordinance.
- (e) Outdoor Storage.
- (1) All outdoor storage shall be located to the side or rear of the building, be located inside of all setback lines, and be screened from public streets and residential districts. No required parking spaces, required landscaped area, or any other required site element shall be used for outdoor storage.
  - (2) Gravel is an acceptable surface for outdoor storage areas in industrial districts.
  - (3) Outdoor storage is not allowed in OI-1, OI-2, and CUN districts.
- (f) Outdoor Retail Sales.
- Outdoor retail sales shall be allowed in all-nonresidential zoning districts, with the exception that in the CBD district such sales shall only be allowed by special exception approval.
- (g) Screening of Dumpsters.
- Trash containers must be covered and be placed on a pad that shall be completely enclosed on all sides and screened from public streets and residential districts as specified in the City's Solid Waste Ordinance and as specified in the City's Tree Preservation and Landscaping Ordinance.

## **DIVISION II – ACCESSORY USES AND STRUCTURES**

### **Sec. 3-9. - Purpose.**

- (a) Accessory uses or structures are allowed in connection with and incidental to an allowed principal use or structure and in compliance with the restrictions of this section.
- (b) The purpose of establishing guidelines for specific accessory structures is to provide clear direction for determining compatibility between adjacent uses and to provide a mechanism for recommending bodies and decision makers to evaluate zoning and rezoning applications.

**Sec. 3-10. - Allowed Accessory Structures and Uses.**

Allowed accessory uses or structures shall be limited to the following in this Article and any additional uses and structures the Planning and Zoning Director finds are similar to those listed in scope, size and impact and which are otherwise in compliance with this Ordinance.

**Sec. 3-11. - Limitations.**

The following limitations apply to accessory structures and uses:

- (1) Accessory structures or uses shall be located on the same lot as the principal structure or use.
- (2) Accessory structures shall be included in the calculation required by this Ordinance for the purpose of complying with height, bulk and coverage regulations.
- (3) No accessory structure or use shall be located in a required yard except as otherwise provided herein.
- (4) No accessory structure or use shall create a nuisance or hazard.
- (5) No accessory structure referenced in this Section shall be used as a dwelling or for lodging, except as otherwise provided herein.
- (6) No accessory use shall be established until the principal use is established except as noted otherwise in this Ordinance.
- (7) When an accessory structure is attached to a principal structure by a breezeway, roofed passage or similar permanent structure it shall be deemed to be a part of the principal structure and shall maintain the dimensional requirements of the principal structure.
- (8) Unless otherwise noted, accessory structures shall comply with the height limitations for the zoning district in which the structure is located. Accessory structures must also comply with the City of Newnan Building Department's permit requirements.

**Sec. 3-12. - Residential Accessory Structures.**

- (a) Recycling Areas.

Defined as enclosed areas devoted to collection of recyclables generated by the principal use.

- (b) Gazebo.

See Table 3-C for guidelines. Size shall not exceed 500 square feet.

- (c) Arbor or Trellis.

Such structures shall be located no closer than 5 feet from the property line.

(d) Awnings or Canopies.

Projecting no more than 5 feet from an exterior wall.

(e) Balconies.

Projecting no more than 6 feet from an exterior wall.

(f) Clothesline.

Such structures shall be located in rear yards only, and shall be located no closer than 5 feet from the property line.

(g) Dog Houses and Pens.

See Table 3-C for guidelines.

(h) Fences and Walls.

Fences and walls may be erected subject to the provisions of Sec. 3-6 in this Article.

(i) Fire Escape (if required).

Such structures shall be located in side or rear yards only and may encroach into the required yard to a width consistent with the requirements of NFPA Standard 101 of the "Life Safety Code," as amended.

(j) Flag Poles.

Such structures must meet the height and building setback requirements of the underlying zoning district and erected in compliance with the Sign Regulations.

(k) Freestanding Air Conditioning Equipment.

Such structures shall be located in side or rear yards only and may encroach into the required yard up to 4 feet.

(l) Garage, Carport, or Carriagehouse (Private).

Such structures may be erected in any residential district subject to the following requirements:

- (1) Structure must meet setback requirements for accessory structures in the district in which it is located.
- (2) Structure must be permanent and attached to a foundation.
- (3) Structure shall be limited to 1,000 square feet of gross floor area unless otherwise specified.
- (4) A garage may include a second story accessory apartment in districts where such units are permitted and subject to the conditions therefore specified in 3-72.
- (5) No structure shall be located within 5 feet of the rear or side property line (unless otherwise noted, see Table 3-C) and must be set back a minimum of 3 feet behind the front door of the primary structure.

- (6) Elevations and floor plans must be approved by the Planning and Zoning Director and submitted to the building department for permitting.
- (m) Greenhouse, Private.
  - (1) Private greenhouses of up to 1,000 square feet may be erected on any lot of 1 acre or more.
  - (2) Private greenhouses of up to two hundred 250 square feet may be erected on any lot of less than 1 acre.
- (n) Patios, Paved Terraces, and Decks, At or Above Ground.
 

No patio, paved terrace, or deck shall be located within 5 feet of any property line or within the required building setback line and the street line or public right-of-way.
- (o) Play Equipment and Playhouses.
  - (1) Play equipment and playhouses are permitted provided that they are no closer than 5 feet from any property line.
  - (2) No play equipment, including basketball poles shall be located in or adjacent to public right-of-ways so that play would take place within right-of-way.
- (p) Radio or Satellite/TV Antennas.
  - (1) Such structures may be on the roof facing the rear or side yards or may be freestanding. All such units shall be set back a minimum of 15 feet from all lot lines.
  - (2) The diameter of ground mounted antennas shall not exceed 12 feet.
  - (3) Ground mounted antennas, including supports, shall not exceed 15 feet in height.
  - (4) Ground mounted antennas shall be located in rear yards only.
  - (5) Roof mounted antennas shall not project more than 5 feet above the roof line.
- (q) Residential Outbuildings, Except Detached Private Garage, Carport, or Carriagehouse.
  - (1) General Requirements.
    - a. No structure shall be located within 5 feet of the rear or side property line.
    - b. The limit on the number of residential outbuildings shall be limited by maximum building coverage and the following table:

**Table 3-B: Limitation on the Number of Residential Outbuildings**

Lot Size	Number of Outbuildings	Maximum Square Feet Per Site
Single-Family Larger Than One-Half (½) Acre	Up to 5	500
Between 8712 and 21,780 Square Feet	Up to 3	400
Smaller than 8712 Square Feet	Up to 2	300
Multifamily	120 Square Feet Per Dwelling Unit	

(2) Specific Residential Outbuildings Requirements.

In addition to the requirements stated subsection 1 above, the following specific outbuildings shall be permitted with the additional criteria specified below:

a. Storage Shed for Personal, Non-Commercial Use.

Storage sheds of more than 200 square feet are allowed upon issuance of a building permit, except that such structures for the propagation or keeping of birds, poultry, or livestock are prohibited.

b. Studios and Workshops without Outdoor Display for Personal Use.

Studios and workshops for private use including art studio, photography darkroom, wood shop, amateur radio room, and other similar uses are permitted in either the principal structure or an accessory structure provided that such use does not create excessive noise, dust, vibration, light, or any other environmental nuisance.

(r) Solar Power Panels or Other Passive or Silent Energy Conserving Facilities.

These facilities may include but not be limited to passive elements of solar collectors, entry air locks, and shading screens. However, wind generated devices must receive a special exception. The facilities shall not be more than 10 feet in height nor a length longer than 20% of the wall of the principal building to which the facility is attached or adjacent.

(s) Swimming Pools and other Aquatic Vessels (private).

- (1) Swimming pools, whether in- or above-ground, shall be installed no closer than 10 feet to any property line measured from the nearest water surface, exclusive of decking, which shall be located no closer than 5 feet from any property line.
- (2) Swimming pools shall be located in the rear or non-street side yard of the property unless otherwise provided by this Ordinance.
- (3) Pools shall be enclosed by a fence or wall in accordance with state construction codes. A permanent principal or accessory building may be used as part of such enclosure.
- (4) The approval of the Building Official shall be required prior to the construction of a swimming pool or other water unit covered by this section. The Building Official shall approve the swimming pool permit upon finding that it meets all of the above criteria.

(t) Tennis, Handball, Squash, or Badminton Courts (private).

- (1) Private tennis, handball, squash, or badminton courts are permitted as an accessory use provided that they are no closer than 10 feet from any property line.
- (2) Such facilities shall be located in the rear or non-street side of the property. A facility may be fronted on a street if set back at least 60 feet from the street right-of-way.
- (3) Such facilities shall be screened by an opaque fence of a minimum 6 feet in height adjacent to all property lines or shall provide a vegetative screen meeting the requirements of the in the City's Tree Preservation and Landscaping Ordinance.

(u) Utility Substation, Dedicated.

- a. These uses shall be essential for service to the area in which they are located.
- b. Any building or structure, except an enclosed fence, shall be set back not less than 40 feet from any property line and shall meet all applicable yard requirements.
- c. These uses shall be enclosed by a fence not less than 8 feet in height.
- d. The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped, and maintained in an appropriate manner.
- e. The storage of vehicles and equipment on the premises shall be prohibited.
- f. Site development plans shall be approved by the Building Official or his designee to insure compatibility of the facilities with the neighborhood in which they are to be located.
- g. For locations where such a facility is proposed to abut a residential district, a Type "C" Buffer along the entire length of the common boundary between the district where the proposed drive-in or drive-through facility would be located and the abutting residential district shall be required pursuant to the City's Tree Preservation and Landscaping Ordinance.

(v) Fallout or Emergency Shelter.

- (1) A fallout or emergency shelter is permitted as a principal or accessory use and structure in any zone, subject to the dimensional requirements of the underlying zoning district. Such shelter may be located in other structures or may be constructed separately.
- (2) In addition to shelter use, a fallout shelter may be used for any principal or accessory use permitted in the zone, subject to the zoning regulations for such zone. A fallout shelter shall not be used for a residence or dwelling, except in time of emergency.
  - a. The shelter may also be used for other purposes permissible as a special exception in the district in which the shelter is located, subject to findings by the Board of Zoning Appeals that all of the general requirements for Special Exceptions in the Procedures and Permits Article are satisfied and, in addition, that the following is established:
    1. That the use other than as a shelter is compatible with the shelter proposed.
    2. That the function as a shelter would not be materially impaired by the proposed use.
    3. That the special exception as to use would have been granted regardless of whether the shelter was involved.
    4. That such a shelter extend to not more than 3 feet above grade.
- (3) A joint shelter or community shelter may be permitted by the Board of Zoning Appeals as a special exception even if the shelter is proposed to cross property lines. In granting a special exception for such joint shelter, the Board may waive the side and rear yard requirements on the property or properties directly involved in the construction of the joint shelter to the extent necessary to permit practical and efficient location and construction; provided, that side and rear yard requirements

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shall be met where property involved in the joint proposal abuts or joins property  
not included in the proposal.

**Table 3-C: Setback Requirements for Residential Accessory Building, Structure, or Use**

Permitted Residential Accessory Building, Structure, or Use	Yard(s) Permitted R=Rear; S=Side SS=Street Side F=Front; A=All	Minimum Distance (In Feet) From:*											
		Side Setback			Street Side or Front Setback			Rear Setback			Principal Building		
		A	B	C	A	B	C	A	B	C	A	B	C
Arbor or Trellis	R, S	5	5	5	15	10	10	5	5	5	0	0	0
Awnings or Canopies	A	5	5	5	5	5	5	5	5	5	0	0	0
Balconies	A	5	5	5	5	5	5	5	5	5	0	0	0
Clothesline	R	---	---	---	---	---	---	5	5	5	0	0	0
Communications Tower for Public Agencies	R	See Sec. 3-62											
Dog Houses and Pens	R	---	---	---	---	---	---	5	5	5	0	0	0
Fallout or Emergency Shelter	R	---	---	---	---	---	---	10	5	5	0	0	0
Fences and Walls	See Vision Clearance section in Lot and Building Standards Article	0	0	0	0	0	0	0	0	0	0	0	0
Fire Escape	R, S	5	5	5	---	---	---	0	0	0	0	0	0
Flag Poles	A	5	5	5	15	10	10	5	5	5	0	0	0
Freestanding Air-Conditioning Equipment	R, S	6	1	1	---	---	---	10	5	5	0	0	0
Garage, Carport, or Carriagehouse, Detached **	R, S	5	5	5	---	---	---	5	5	5	5	5	5
Gazebo	R, S	5	5	5	15	10	10	5	5	5	5	5	5
Greenhouse, Private	R	---	---	---	---	---	---	5	5	5	5	5	5
Hot Tubs and Hydros spas	R,S	5	5	5	--	--	--	5	5	5	5	5	5
Patios, Paved Terraces, and Decks—at or above ground	A	5	5	5	15	10	10	5	5	5	0	0	0
Play Equipment and Playhouses	R	---	---	---	---	---	---	5	5	5	5	5	5
Radio or Satellite/TV Antennas	R,S or Roof	15	15	15	---	---	---	15	15	15	0	0	0
Recycling Areas	R, S	10	5	5	15	10	10	10	5	5	0	0	0
Residential Outbuildings, Except Detached Private Garage, Carport, or Carriagehouse	R, S	5	5	5	---	---	---	5	5	5	5	5	5
Solar Panels or Other Passive or Silent Energy Conserving Facilities	R, S, or Roof	10	5	5	---	---	---	10	5	5	0	0	0
Swimming Pool Decks or Outbuildings	R,S	5	5	5	---	---	---	5	5	5	0	0	0

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Swimming Pools	R, S	10	10	10	---	---	---	10	10	10	10	10	10
Tennis, Handball, Squash, or Badminton Courts	R, S	10	10	10	---	---	---	10	10	10	10	10	10
Utility Substation, Dedicated	R	---	---	---	---	---	---	40	40	40	40	40	40

\* A includes the following districts: RS-20, RS-15, OSD-1; B includes the following districts: RU-7, RU-I, RU-5, RU-2, PDR, OSD-2; C includes the following districts: RML, RMH, MXD

\*\* See additional information in the “Garage, Carport or Carriagehouse (Private)” standards of Sec. 3-12.

**Note:** Setbacks provided herein do not preclude or replace buffer requirements. See the City’s Tree Preservation and Landscaping Ordinance for additional information; Nor does the inclusion of a dimension for a specific district imply that such use shall be permitted in said district.

**Sec. 3-13- Residential Accessory Uses, In-Home Occupations.**

(a) Purpose.

The purpose of establishing specific uses that are permitted as an in-home occupation is to provide clear guidelines for determining compatibility between adjacent uses and to provide a mechanism for recommending bodies and decision makers to evaluate zoning and rezoning applications.

(b) Allowed In-Home Occupations.

In-home occupations shall be limited to the following:

- (1) Artists, craftsmen, and sculptors, piecework.
- (2) Authors and composers.
- (3) Home offices not including professional offices.
- (4) Individual tutoring.
- (5) Catering, limited.
- (6) Individual musical instrument instruction, provided that no instrument may be amplified.
- (7) Telephone solicitation and telemarketing.
- (8) Telephone answering services.
- (9) Sewing, needlework, and piece goods, including upholstery.
- (10) Photo studios and photo development.
- (11) Minor repair services.
- (12) Woodworking or cabinet making, craft and not industrial scale.

(c) Requirements.

In-home occupations may be established subject to the following requirements:

- (1) Not more than 25% of the dwelling unit may be used for the conduct of an in-

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home occupation.

- (2) There shall be no exterior evidence of the home occupation, including identification signage.
- (3) No such use shall create or cause noise, vibration, odor, smoke, glare, electrical interference or any other nuisance that would be detectable beyond the property line.
- (4) Only persons living in the dwelling unit shall be employed at the location of the home occupation.
- (5) The home occupation shall be conducted entirely within the dwelling unit except that a home occupation may be conducted in an accessory building provided that the following standards are maintained:
  - a. In-home occupations shall not exceed 25% percent of the total floor area of an accessory structure.
  - b. Except in the case of home occupations conducted within a tenant house, an accessory use or structure shall be operated and maintained under the same ownership as the principal use.
  - c. The accessory building or portion of accessory building used for the home occupation shall be located no less than 15 feet from the side, rear or non-street side lot line.
- (6) There shall be no display or any other indication from the exterior that the building is being utilized for any nonresidential purpose, and the external appearance of the structure in which the use is conducted shall be compatible with the dwelling unit and neighboring residential structures.
- (7) There shall be no merchandise manufactured or processed for sale, bought, exchanged, or traded in or on the premises. An in-home occupation involving individual works of art and involving some machine process as part of the creation of individual works of art or craft is permitted, provided it meets all other criteria of this Section, and involves no direct sales of such works of art to consumers on a regular basis from the premises.
- (8) No home occupation shall be permitted in any accessory building, or portion thereof, where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity, or other reasons constituting a nuisance.
- (9) No home occupation shall be permitted in that portion of a garage that is required by this Ordinance to provide parking spaces for a dwelling or dwellings.
- (10) No article, product or service shall be sold on the premises, other than by telephone or other communications technology.
- (11) No materials, equipment or business vehicles shall be stored or parked on the premises of the home occupation unless they are confined entirely within the residence or an accessory building, except that one business vehicle (the carrying capacity of which shall not exceed 1.5 tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard.

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- (12) No more than one vehicle of any business customer or client may park at the location of the home occupation at any time. In addition, there shall be no storage of mechanical earth-moving or construction equipment at the location of the home occupation.

**Sec. 3-14. - Reserved.**

**Sec. 3-15. - Nonresidential Accessory Structures.**

- (a) Accessory Living Quarters for Watchman, Guard or Custodian.

Accessory living quarters for a watchman, guard or custodian may be established with a conditional use permit subject to the following requirements:

- (1) Limited to one unit per lot.
- (2) Unit limited to 1,200 square feet or less, or up to 25% of the total square feet of the commercial structure, whichever is less.
- (3) Must be located a minimum of 25 feet from any property line.
- (4) Must have a minimum of two dedicated parking spaces.

- (b) Bus Shelter or Bus Stand.

- (1) Such structure shall not be located in the right-of-way.
- (2) Limit of one shelter per lot.
- (3) No shelter shall be located closer than 150 feet to any other such shelter.

- (c) Clock Tower or Other Monument.

Clock towers or other monuments may be permitted attached to a building or structure, or located in any required yard, courtyard, landscaped area, or other space not dedicated to any other required use subject to the following requirements:

- (1) May not be located in any right-of-way or be located as to obstruct the view of any motor vehicle in any roadway or traffic aisle.
- (2) May not obstruct any pedestrian path or sidewalk.
- (3) May exceed the height limitation of the underlying zoning district with an administrative approval.
- (4) If freestanding, such structures may be used as accessory storage structures upon meeting the requirements of same.
- (5) No signs except identification signs may be attached to such a structure. The square footage of such a sign shall be included in overall calculations for identification signs upon the lot.

- (d) Emergency Power Generators.

- (1) Such structures shall be located in rear or non-street side yards only.
- (2) The machinery may encroach into the required yard up to 4 feet.
- (3) The equipment must be fenced and screened on at least 3 sides and landscaped, with a gated fourth side to visually obstruct such structure from adjacent properties.

- (e) Freestanding Air Conditioning Machinery.

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- (1) Such structures shall be located in rear or non-street side yards only.
  - (2) The machinery may encroach into the required yard up to 4 feet.
  - (3) The equipment must be fenced and screened on at least three sides and landscaped, with a latched gate on the fourth side to visually obstruct such structure from adjacent properties.
- (f) Gazebo Associated with a Park or Open Space Area.
- Such structure must be located at least 60 feet from any public street right-of-way and at least 15 feet from any body of water.
- (g) Outdoor Art.
- Outdoor art or sculpture may be permitted in any required yard, courtyard, landscaped area, or other space not dedicated to any other required use subject to the following requirements:
- (1) May not be located in any right-of-way or be located as to obstruct the view of any motor vehicle in any roadway or traffic aisle.
  - (2) May not obstruct any pedestrian path or sidewalk.
  - (3) May not be attached to any building or structure such that it overhangs any pedestrian path or vehicle parking or travel area.
  - (4) Works of art and their placement may require approval by the Newnan City Council.
- (h) Parking Deck.
- (1) The structure shall be a conditional accessory use to a commercial, multifamily, institutional or office use.
  - (2) The structure shall be located a minimum of 50 feet from any property located within a residential zoning district or used for residential purposes.
  - (3) The structures shall meet the applicable standards and requirements of the Parking and Loading Requirements of this Ordinance.
- (i) Public Utility or Communication Tower.
- All such structures shall meet the requirements of Sec. 3-62.
- (j) Recycling Facilities.
- All such structures shall meet the requirements of Sec. 3-56.
- (k) Refuse Disposal Containers and Pads.
- Unless otherwise specified in this Ordinance, refuse disposal containers and pads shall be subject to the following requirements:
- (1) Such structures shall be located in rear or non-street side yards only.
  - (2) Such structures shall be located at least 5 feet from any adjacent non-residentially zoned property and at least 30 feet from any adjacent residentially zoned property.
  - (3) All containers must be placed on a pad and enclosed by a 6-foot high wooden fence or masonry wall with a latched gate and landscaped to visually obstruct such structure from adjacent properties.

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- (4) All gates and lids must be kept closed at all times and containers and pads must be well maintained and in good repair.
- (l) Storage Sheds.
    - (1) Such structures shall be located in rear or non-street side yards only.
    - (2) Such structures shall not exceed 200 square feet.
    - (3) Such structures shall be located at least 5 feet from any adjacent non-residentially zoned property and at least 30 feet from any residentially zoned property.
  - (m) Utility Substation, Dedicated.
    - (1) Such structures shall be located in rear or non-street side yards only.
    - (2) The machinery may encroach into the required yard up to 4 feet.
    - (3) The equipment must be fenced and screened on at least 3 sides and landscaped, with a gated fourth side to visually obstruct such structure from adjacent properties.
  - (n) Vending Machines, Phone Booths, and Similar Public Use Accessory Uses—Outdoor.

In all nonresidential zoning districts, vending machines, phone booths and similar accessory structures may be visible from the right-of-way adjacent to the property upon which they are located.
  - (o) Water Features and Fountains.

Water features and fountains may be permitted in any required yard, courtyard, landscaped area, or other space not dedicated to any other required use subject to the following requirements:

    - (1) Shall not be located in any right-of-way or be located as to obstruct the view of any motor vehicle in any roadway or traffic aisle.
    - (2) Shall not obstruct or wet any pedestrian path or sidewalk.

**Sec. 3-16. - Nonresidential Accessory Uses.**

- (a) Service Uses, Accessory.

Accessory service uses catering primarily to the residents, clients or employees of the principal use with which they are associated, shall be permitted in accordance with the following requirements:

- (1) Maximum Area.

The total area occupied by all accessory service uses shall not exceed 10% of a development site; nor, shall such uses occupy more than 25% of the floor area of any single building.

- (2) Specific Accessory Service Uses.

- a. Automobile Rental Agencies.

No vehicles shall be stored on the building site. Where vehicles are stored on-site, the automobile rental agency shall be considered as a principal use, and shall conform to all applicable requirements.

- b. Banks/Savings Institutions.

Sec. 3-12. – Residential Accessory Structures.

Banks and savings institutions are generally a principal use and may be permitted as an accessory service use. A drive-in area may be included for such use, subject to the provisions of Sec. 3-39.

c. Drive-In Facilities.

Drive-in facilities shall not be permitted in connection with any accessory service use, except that a bank may have one drive-in window.

d. Plasmapheresis Facilities.

Plasmapheresis facilities shall be a permitted accessory service use only within hospitals, clinics and whole blood facilities; and otherwise shall be prohibited.

(3) Variance Prohibited.

No zoning variance will be permitted in connection with any accessory service use.

**Table 3-D: Setback Requirements for Nonresidential Accessory Building, Structure, or Use**

Permitted Nonresidential Accessory Building, Structure, or Use	Yard(s) Permitted R=Rear; S=Side SS=Street Side F=Front; A=All	Minimum Distance (In Feet) From:*											
		Side Setback			Street Side or Front Setback			Rear Setback			Principal Building		
		A	B	C	A	B	C	A	B	C	A	B	C
Accessory Living Quarters for Watchman, Guard or Custodian, Detached	R or Integrated	---	---	---	---	---	---	25	25	---	0	0	0
Bus Shelter or Bus Stand	SS, F	---	---	---	0	0	0	---	---	---	5	5	5
Drive-In or Drive-Thru Facilities	S,R	See Nonresidential Accessory Structures section: Drive-In Facilities											
Emergency Power Generators	R, S	25	25	10	---	---	---	25	25	10	0	0	0
Fence or Wall	See Vision Clearance section in the Lot and Building Standards Article	0	0	0	0	0	0	0	0	0	0	0	0
Freestanding Air-Conditioning Machinery	R or S	25	25	10	---	---	---	25	25	10	0	0	0
Outdoor Art	A	0	0	0	0	0	0	5	5	5	0	0	0
Outdoor Dining	A	See Nonresidential Accessory Uses section: Outdoor Dining											
Public Utility or Communications Tower	R	See Sec. 3-62											
Parking Deck	Varies	10	10	0	---	---	---	10	10	0	0	0	0
Recycling Facilities	R, S	10	10	5	---	---	---	10	10	5	0	0	0
Refuse Disposal Containers and Pads	R, S	10	10	5	---	---	---	10	10	5	0	0	0
Storage Sheds	R	10	10	5	---	---	---	10	10	5	0	0	0

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Stormwater Management Facilities	R, S, SS	10	10	5	---	---	---	10	10	5	0	0	0
Utility Substation, Dedicated	R	---	---	---	---	---	---	25	25	10	5	5	5
Vending Machines, Phone Booths, and Similar Public Use Accessory Uses	Varies	10	10	10	10	10	10	10	10	10	0	0	0
Water Features and Fountains	A	10	10	5	10	10	5	10	10	5	5	5	5
Clock Tower or Other Monument	A	10	10	5	10	10	5	10	10	5	0	0	0

\* A includes the following districts: CHV; B includes the following districts: CCS, CGN, OI-1, OI-2; C includes the following districts: CUN, CBD, PDC, and PDO districts may use any of the classes above provided that other development standards meet the criteria

**Note:** Setbacks provided herein do not preclude or replace buffer requirements. See the City’s Tree Preservation and Landscaping Ordinance for additional information; Nor does the inclusion of a dimension for a specific district imply that such use shall be permitted in said district.

**DIVISION III – RESTRICTIONS ON CERTAIN PRINCIPAL USES**

The Planning and Zoning Department shall, by rules and regulations, set out specific requirements as to the form and content of any applications and affidavits required to document compliance with this Section.

**Sec. 3-17. - Adult Entertainment Uses.**

A special exception may be granted for adult entertainment uses (as defined in the Code of Ordinances of the City of Newnan, Georgia) provided that such use meets the provisions of Article II, Chapter 6 of the Code of Ordinances of the City of Newnan, Georgia

**Sec. 3-18. - Animal Hospitals.**

No outside runs or pens are permitted in the districts which require a special exception.

**Sec. 3-19. - Arboretum, Botanical Gardens, and Other Outdoor Gardens.**

- (a) A site plan conforming to all requirements of the Procedures and Permits Article of this Ordinance.
- (b) A Type "A" Buffer, as specified in the City’s Tree Preservation and Landscaping Ordinance, shall be maintained along the side and rear property lines abutting residentially zoned land.
- (c) Written verification of ownership and administration for the use shall be submitted along with the site plan.

**Sec. 3-20. - Asphalt Plants.**

- (1) Compliance with all applicable State and Federal laws regulating these uses.
- (2) All necessary State and Federal permits shall be obtained prior to filing application for such a use.
- (3) Spill containment plan to be approved by appropriate City staff and comply with O.C.G.A. §12-8-60 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to §5391-3-4-.11, and 391-3-4-.15;
- (4) No use shall be located closer than 1,000 feet from any residentially zoned land or school property line.
- (5) Noise abatement and air pollution abatement plans to be approved by City staff.
- (6) Fire prevention, evacuation, and safety plan to be approved by the Fire Marshal.
- (7) Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties and should comply with the requirements and restrictions contained in City Ordinance 17-85(e) regarding concrete washout.
- (8) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a State or Federal highway or a major or minor County thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the City Engineer.
- (9) Minimum site shall be 5 acres.

**Sec. 3-21. - Auction Facilities.**

- (a) Merchandise to be auctioned must be limited to farm equipment, antiques, collectibles, furniture, dishes, clothing books, real estate, and similar items that will not have an adverse impact on the surrounding area.
- (b) Evening and weekend operations may be permitted.
- (c) If any adjoining property is in residential use, the noise level at the common property line must not exceed that considered a nuisance.
- (d) The minimum area of the lot must be 5 acres.
- (e) The minimum setback of the auction area, whether or not enclosed within a building, and the parking area must be a minimum of 50 feet from any property line if the adjoining property is in residential use. This shall be increased to 200 feet if a PA system is to be used.
- (f) On-site parking must be provided in accordance with the requirements of the Parking and Loading Requirements" of this Ordinance.

**Sec. 3-22. - Automobile Gas Stations/Convenience stores, with fuel pumps.**

- (a) In addition to the standards governing consideration of a special exception approval contained in the Procedures and Permits Article, the following review criteria shall apply to an automobile gas station and any other facility that dispenses fuel to the public on a retail basis in districts which require special exception approval:
  - (1) The use will not constitute a nuisance because of noise, fumes, odors, or physical activity in the location proposed.
  - (2) The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic pattern from such buildings, or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital, or other public use or place of public assembly.
  - (3) The use at the proposed location will not adversely affect nor retard the logical development of the general neighborhood or of the industrial or commercial zone in which the station is proposed, considering service required, population, character, density and number of similar uses.
- (b) The following requirements shall apply to an automobile gas station and any other facility that dispenses fuel to the public on a retail basis, whether the use is allowed by right or upon special exception approval:
  - (1) When such use abuts a residential zone or institutional premises not recommended for reclassification to commercial or industrial zone on an adopted Future Land Use Map and is not effectively screened by a natural terrain feature, the use shall be screened by a solid wall or a substantial, attractive, solid fence, not less than 5 feet in height, together with a 3-foot planting strip on the outside of such wall or fence, planted in shrubs and evergreens. Location, maintenance, vehicle sight distance provisions and advertising pertaining to screening shall be as provided for in the City's Tree Preservation and Landscaping Ordinance. Screening shall not be required on street frontage except as otherwise provided by this Ordinance.
  - (2) Building design requirements shall be of masonry materials as required by the Quality Development Corridor Overlay District (QDC) in the Design Review Standards and Procedures Article.
  - (3) Signs, product displays, parked vehicles and other obstructions which adversely affect visibility at intersections or to station driveways shall be prohibited.
  - (4) Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare into any residential zone.

Sec. 3-23. - Automotive Repair.

- (5) When such use occupies a corner lot, the ingress or egress driveways shall be located at least 20 feet from the intersection of the front and side street lines of the lot as defined in the "Sidewalk Ordinance" included in the Code of Ordinances of the City of Newnan, and such driveways shall not exceed 30 feet in width; provided, that in areas where no master plan of highways has been adopted, the street line shall be considered to be at least 40 feet from the center line of any abutting street or highway.
- (6) Gasoline pumps or other service appliances shall be located on the lot at least 10 feet behind the building line; and all service storage or similar activities in connection with such use shall be conducted entirely within the building.
- (7) There shall be at least 20 feet between driveways on each street, and all driveways shall be perpendicular to the curb or street line.
- (8) Light automobile repair work may be done at an automobile filling station in those districts in which it is permitted; provided, that no major repairs, spray paint operation or body or fender repair is permitted.
- (9) Vehicles shall not be parked so as to overhang the public right-of-way.
- (10) In addition, a car wash with up to two bays may be allowed as an accessory use as part of the conditional use approval in those districts in which it is permitted.

**Sec. 3-23. - Automotive Repair.**

(a) Special Exception Review Criteria.

In addition to the standards governing consideration of a special exception approval contained in the Procedures and Permits Article, the following review criteria shall apply to an automotive repair use in districts which require special exception approval:

- (1) These uses shall include repair of automobiles, motorcycles, and pickup trucks not exceeding a three-quarter ( $\frac{3}{4}$ ) ton capacity.
- (2) Such service is infrequently used by a consumer and does not require as high level of access as general commercial uses.
- (3) Because noise unusual for even commercial districts may be generated by these uses, it may not be suitable near less intense commercial or office uses.
- (4) Automobile repair may be suitable for commercial areas where consumer shopping goods and services are of significantly lesser importance than in other commercial areas and where the provision of such goods and services will not be disrupted or displaced by the establishment of an automobile repair use.
- (5) Automobile repair may also be suitable as a use for existing buildings poorly suited for conversion to other commercial uses.

(b) Conditions of Special Exception Approval.

- (1) Given the conditions existing at the specific site and the nature of the operation, requested for the site, the Board of Zoning Appeals may impose such conditions as are necessary to minimize adverse impacts on surrounding land uses, including those on the same property, as applicable. Such conditions may include but are not limited to:
    - a. Buffers and landscaping.
    - b. Noise reducing construction measures.
    - c. Additional setbacks from property lines.
    - d. Architectural compatibility with other commercial buildings in the district; or, for existing commercial buildings, façade improvements to minimize incompatibilities with other commercial buildings in the district and to correct deficiencies and deterioration.
    - e. Placing the automobile repair use in the same building with other allowed uses rather than in a separate building.
    - f. Visual limitations such as placing the automobile repair use so as to limit its visibility from the street.
    - g. Limitations on the exact nature of the automobile repair uses permitted.
  - (2) The applicant shall provide such plans and drawings as are necessary to establish a clear record of conditions to be imposed and maintained.
- (c) Locational Requirements.
- (1) No automobile repair use may be located where noise would have an adverse impact on commercial uses within 200 feet or located within 500 feet of a residential, office, planned development, or open space district.
  - (2) Light Automobile Repair uses, as defined in this Ordinance, may be allowed as an accessory use in certain zoning districts with the following conditions:
    - a. The floor area of the auto repair center does not exceed 10,000 square feet.
    - b. The auto repair center is an accessory use to a primary retail business of at least 100,000 square feet.
    - c. The auto repair center shall not be located on the front façade or any other street façade of the primary retail business.
- (d) Operating Conditions.
- (1) Automobile repair uses shall be conducted within completely enclosed buildings.
  - (2) All vehicles which are inoperable or undergoing repair or maintenance shall be parked within the building housing the repair use or in a parking area separated from parking areas for other uses. Any vehicle not undergoing repair within 7 days of arrival shall be placed inside the building or removed from the property. A

document shall be kept at the location detailing the date the vehicle arrived on site for repair.

- (3) No parts (including vehicles to be salvaged), tools, equipment, or fluids used for automobile repair, maintenance, or painting shall be placed outside the building housing the repair use.

**Sec. 3-24. - Auto Salvage and Storage Yards, Wrecking Yards, and Junk Yards.**

- (a) Such use shall be located no closer than 1,000 feet to any state or federally funded street or highway right-of-way, no closer than one thousand 1,000 feet from any free-flowing creek, stream, or river and not located within the 100-year floodplain and that any such use shall have no direct discharge or spillover into any free-flowing creek, stream, or river.
- (b) Such use shall be surrounded by a solid masonry wall or wooden fence at least 8 feet tall.
- (c) Such use shall comply fully with all state regulations relating to these facilities.
- (d) Such use shall be located at least 100 feet from any residential district or use. A Type "E" buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, shall be required adjacent to residential uses; a Type "C" buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, shall be required when adjacent to other uses. No junk vehicles shall be allowed within 10 feet of the designated buffer area.
- (e) No dismantling, repair, sale of parts, or any other such activity shall be conducted.
- (f) Such automobiles shall not be held longer than provided by the state or 120 days, whichever is more stringent.
- (g) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a state or federal highway or a major or minor city thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the City Engineer.

**Sec. 3-25. - Bed and Breakfast Inns.**

- (a) Special Exception Required.
  - (1) City Council may, by special exception, authorize a bed and breakfast inn, upon a finding that the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, and buildings or structures.
  - (2) When ownership of an authorized bed and breakfast inn is transferred to someone other than the property owner's parent, child, sibling, or spouse, a new application for special exception shall be submitted to the City.

(b) Existing Conditions Retained.

A proposed bed and breakfast inn must be able to meet the requirements of this Sec. 3-25 without altering the building, site or property. See also paragraph (c) below.

(c) Schematic Floor Plan Required.

A schematic floor plan of the dwelling to be used for the facility shall accompany the special exception application, in accordance with the following requirements:

- (1) Said plan shall depict the portion of the dwelling to be used for the bed and breakfast inn, including the location and number of guest rooms, and further depict the number of spaces set aside for guest parking as required in this section. Both the application and schematic drawing shall be filed under oath as to the true facts set out by the applicant. The Planning and Zoning Department shall, by rules and regulations, set out specific requirements as to the form and content of the application, schematic drawings, and affidavits required herein.
- (2) The plan shall reflect building and site features as they exist or are configured at the time an application for a bed and breakfast use is made.

(d) Use of Principal Structure.

- (1) The bed and breakfast inn shall be operated within the principal structure and not in any accessory structure.
- (2) The structure to be used shall be a privately owned single-family dwelling in existence at the time of adoption of this Ordinance and shall be used by the owner as his or her primary residence.
- (3) The owner shall reside in the principal structure and not in any accessory structure.

(e) Location.

The bed and breakfast inn shall be located in an owner-occupied single-family residential structure. Said building must meet any additional building requirements of those zoning districts where bed and breakfast inns are allowed.

(f) Management.

The inn shall be owner-occupied and managed with the resident manager having at least 50% ownership interest.

(g) Length of Stay.

Maximum length of stay of guests is limited to 14 consecutive days in any 30 day period of time. The resident owner shall maintain a current guest register including names, addresses, and dates of occupancy of all guests.

(h) Meals.

Only the breakfast meal shall be served to guests and only between the hours of 6:00 a.m. and 11:00 a.m.

(i) Signage.

Signs shall be permitted upon approval by the Planning and Zoning Department and in accordance with the City of Newnan sign requirements. In residential districts, a single nameplate sign, not to exceed 1 square foot in size, shall be allowed. The nameplate shall be made of a durable material such as bronze, aluminum, or iron and compatible with the style and detailing of the house. The sign shall be non-illuminated and attached to the facility.

(j) Parking.

One parking space per guest room is required plus two spaces for the owner-occupant. Guest parking may be provided either on-site, in the rear off a public alley, via a shared parking arrangement with an adjacent commercial business, or in a remote parking facility. At no time shall guest parking be permitted in any front or side yard. All off-street parking shall be screened from the street and from adjacent residentially zoned or used lots as per the screening requirements of the Parking and Loading Requirements Article.

(k) Additions and Alterations.

(1) Exterior.

No exterior additions or alterations shall be made for the express purpose of maintaining or adding to a bed and breakfast facility, other than those required to meet health, safety, and/or sanitation requirements. Minimal outward modification of the structure or grounds may be made if such changes are deemed compatible with the character of the surrounding area or neighborhood. Such addition or alteration must meet all of the requirements of this ordinance and the building code requirements for the City of Newnan.

(2) Interior.

No interior alterations shall be made for the express purpose of creating additional guest rooms.

(l) Other Uses.

A bed and breakfast inn shall be used only as set out herein and shall not be used for any other commercial use or other purpose not specifically set forth herein. A bed and breakfast inn shall not include a public restaurant, special events center, conference center, banquet facility, entertainment venue, or retail uses.

(m) Waste Disposal.

The exterior premises of each bed and breakfast inn shall be kept clean and free of litter and rubbish. All food waste and refuse shall be kept in leak-proof and rodent-proof containers with close-fitting lids and contained sealed disposable bags. All waste must be placed and collected for curbside pickup in accordance with the requirements of the City's sanitation service provider.

(n) Other Regulations.

All bed and breakfast inns shall meet and comply with all applicable local, state, and federal laws, rules and regulations.

**Sec. 3-26.- Bulk Petroleum and Chemical Plants or Storage Facilities.**

- (a) Compliance with all applicable State and Federal laws including but not limited to O.C.G.A. §§12-8-20 through 12-8-42 inclusive and 12-8-60 through 12-8-82 inclusive (or latest versions) and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to §§391-3-4 inclusive and 391-3-1 1 inclusive (or latest versions).
- (b) All necessary State and Federal permits must be obtained prior to submittal of a special exception application.
- (c) Spill containment plan to be approved by appropriate City staff and comply with O.C.G.A. §12-8-60 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to §§ 391-3-4-.1 1, and 391-3-4-.15. A 4-foot high parapet wall shall encircle the storage facilities to further ensure spill containment.
- (d) Minimum site shall be 15 acres.
- (e) No use shall be located closer than one 1,000 feet from any residentially zoned land or school property line.
- (f) Noise abatement and air pollution abatement plans to be approved by City staff.
- (g) Fire prevention, evacuation, and safety plan to be approved by the Fire Marshall.
- (h) Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.
- (i) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a State or Federal highway or a major or minor City thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the City Engineer.

**Sec. 3-27. - Camp, Day and Boarding.**

- (a) A site plan conforming to all requirements of the Procedures and Permits Article shall be required.
- (b) A Type "C" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, shall be maintained along the side and rear property lines abutting residentially zoned land.
- (c) Written verification of ownership, management, and administration for the use shall be submitted along with the site plan and application.

- (d) There shall be a minimum of one full-time staff person present for supervision of participants at all times that participants are in attendance at the camp.
- (e) A play area of a minimum 150 square feet per concurrent participants shall be provided in the yard of the facility.

**Sec. 3-28. - Campgrounds and Recreational Vehicle (RV) Parks, Commercial.**

(a) General Requirements.

In addition to any Zoning District and Use Regulations, the following requirements shall apply to all Recreational Vehicle Parks:

(b) Locational Requirements.

All recreational vehicles shall be placed only in approved recreational vehicle spaces in RV parks. The storage of unoccupied recreational vehicles shall be permitted only in those areas designated for storage on the approved site plan.

(c) Site Design Requirements.

(1) Access.

Recreational Vehicle Parks shall be so located and designed that no entrance or exit shall require movement of traffic to or from the RV park via a local road or residential district.

(2) Parking Pads.

Each recreational vehicle space shall contain a stabilized vehicular parking pad of shell, marl, paving or other suitable material. This parking pad shall be located at least 5 feet from any RV space line.

(3) Sanitary Facilities.

Sanitary facilities shall be provided in accordance with the requirements of the State of Georgia and other applicable City regulations regarding sanitary facilities.

(4) Garbage and Trash.

The RV Park management shall be strictly responsible for internal trash and garbage collection. Central trash collection points shall be completely screened from view from outside the park.

(5) Site Conditions.

Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The RV spaces shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards. To this end, all recreational vehicle spaces where are located in any designated

flood prone area shall conform to the applicable Federal or State minimum finished elevation requirements of such area.

(6) Street Design.

Vehicular use areas shall be paved and shall be clearly marked as to internal circulation and direction of travel. Pavement widths for travel lanes shall be as follows:

- a. One-Way Travel Lane: 18 Feet.
- b. Two-Way Travel Lane: 24 Feet.
- c. Cul-de-Sac Diameter: 80 Feet

(d) Restrictions.

(1) Permanent Occupancy Prohibited.

No recreational vehicle shall be used as a permanent place of residence, dwelling or business. Continuous occupancy extending beyond 3 months in 12 month period shall be considered prima facie evidence of permanent occupancy.

(2) Removal of Vehicle Equipment Prohibited.

Removal of the vehicle tag, wheels, tongue, hitch or A-frame, gas tanks or other vehicle equipment from a recreational vehicle shall be prohibited, and shall be considered prima facie evidence of permanent occupancy.

(3) Attachments to Recreational Vehicles Prohibited.

Attachments to recreational vehicles shall be prohibited, with the sole exceptions of pop-out units and similar structures which are integral to the recreational vehicle as originally manufactured.

(e) Certification of Sites.

After all required improvements have been completed for a recreational vehicle park, or an approved construction stage of the park, the engineer of record shall certify completion of all improvements in accordance with construction drawings and the Planning and Zoning Director shall certify the completed RV spaces as being approved for occupancy. Until an RV space is approved for occupancy, no recreational vehicle shall be placed thereon.

(f) Specific Standards.

(1) Minimum Development Site Standards.

- a. Development site area: 20 acres.
- b. Open space (exclusive of perimeter setback): 10%.
- c. Perimeter setback: 25 feet.
- d. Thoroughfare: 50 feet ROW width and 22 foot pavement width.

(2) Minimum Building Site Standards.

- a. Area: 1,400 square feet.
- b. Mean Width: 25 feet.

(3) Principal Building Setbacks.

- a. Front Yard: 10 feet.
- b. Side Yard: 5 feet.
- c. Street Side Yard: 10 feet.
- d. Rear Yard: 5 feet.

**Sec. 3-29. - Car Wash (Self-Operated, Full-Service, or Accessory to a Gas Station).**

The following requirements shall be met, and the following materials shall be submitted to the Planning and Zoning Department, prior to issuance of any building or development permits:

- (a) A site plan conforming with all requirements of the Procedures and Permits Article shall be submitted.
- (b) A Type "C" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, shall be maintained along the side and rear property lines abutting residentially zoned land.
- (c) The car wash facility and all associated tank, pump motors, hoses, and equipment shall be located within a completely enclosed garage type structure.
- (d) The car wash facility shall be located on property consistent with the design concepts of the underlying zoning district, unless otherwise specified, and if located in an accessory structure, must comply with the requirements of Accessory Uses and Structures section of this Article.
- (e) No outdoor, freestanding units or installation in carports shall be permitted.
- (f) A verification of the peak noise levels during the different stages of the operation of the unit shall be conducted during the final inspection of the building enclosing the car wash facility.
- (g) The City Engineer shall conduct a final inspection of the water drainage system and the hook-up for the required sand trap.
  - (1) Any discharge into the City's sanitary sewer system shall be subject to the rules and regulations of the Newnan Water, Sewerage, and Light Commission. Approval of the discharge plan by the Commission shall be obtained prior to application and submitted as part of said application.
  - (2) In addition to meeting the requirements in subsection a. above, a Full-Service Car Wash shall also meet the requirements specified in Section 10-36 of the City of Newnan Code of Ordinances.

**Sec. 3-30. - Cemeteries and Mausoleums.**

(a) Minimum Lot Area.

- (1) As a Principal Use: 20 acres.
- (2) If Accessory to Funeral Home: 5 acres.
- (3) If Accessory to a Church: 5 acres.

(b) Setbacks.

- (1) All graves shall be set back not less than 50 feet from any property line.
- (2) In the case of planned streets and existing thoroughfares, all graves and other structures shall be set back at least 25 feet from the proposed right-of-way line.

(c) Buffer Requirements.

Cemeteries and mausoleums must have a Type "B" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, in place adjacent to all residentially zoned property lines.

**Sec. 3-30.2. - Residential and Short-Term Care Options for Children.**

(a) Purpose and Intent.

These facilities are designed to provide for children with specific needs and requirements for care and/or supervision. No child day care center or facility may be within 300 feet of another child day care center or facility, nor any other facility that is also regulated in Division V-Special Care Residential Accommodations, with the sole exception of juvenile detention facilities. The distance for Child Day Care Centers to a Juvenile Detention facility will remain at 1,000 feet and vice versa for the distance a Juvenile Detention facility must be from a Child Day Care Center. The method of measurement shall be from property lines in all direction.

(b) Exemptions.

The following facilities are exempted from these rules:

- (1) Programs for children five years and older which operate solely for educational purposes with an established curriculum during the school term for the customary seven 7-hour school day.
- (2) A facility operated by a local school on school board property for children 5 years or older before and after the customary 7-hour day during the regular school term.
- (3) Nursery schools, play schools, kindergartens, or other educational programs for children 2 through 6 years of age which operate for no more than 4 consecutive hours per day.
- (4) Mother's Morning Out or similar programs which operate for no more than 2 days per week or which limit attendance to no more than 8 hours per week per child.

Sec. 3-80. - Residential and Short-Term Care Options for Children.

- (5) Any short-term baby-sitting service provided by an establishment (e.g. church, health club, bowling lanes, etc.) on its premises to children for the convenience of their parents or guardians who are participating in activities being provided by the establishment. No child shall be permitted to remain in the establishment's baby-sitting facility for more than 4 hours per day and 8 hours per week. This exemption does not apply to programs operated by an organization for its employees or registered students.
  - (6) Drop-in recreation programs where the children are free to come and go from the premises without being escorted by a parent or other responsible person and short-term educational programs or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subject(s) such as music, dance, religion, etc. and the program provider is not assuming responsibility for the provision of daily child care outside the scheduled program.
  - (7) Day camping programs for children 5 years and older which have as the primary emphasis outdoor education and recreation and are operated between school terms for no more than 7 hours per day or which are accredited by the American Camping Association (ACA) or other national standard-setting agency or church camp accreditation programs, which must provide standards equivalent to the ACA standards.
  - (8) Child welfare agencies and other facilities and institutions wherein children and youths are detained which are operated by any department or agency of State, County, or Municipal government.
- (c) Child Day Care Center.
- (1) Class I. (3 to 6 children per facility)

A Class I Child Day Care Center is a facility operated out of one's home and are permitted only by special exception in residential zoning districts.

    - a. The facility shall submit a work program indicating that it shall comply with the rules and regulations of the Georgia Department of Human Resources for family day care homes Chapter 290-2-3 inclusive.
    - b. There shall be a minimum of one full-time staff person present for supervision of participants at all times that participants are in attendance at the center.
    - c. Total designated participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices shall be greater than or equal to 35 square feet of useable space per participant.
    - d. The facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building.
    - e. A play area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This play area shall be enclosed

Sec. 3-80. - Residential and Short-Term Care Options for Children.

with a minimum 4-foot fence and screened with a buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.

- f. No person, partnership, association, corporation, or entity shall operate a child day care home in the State without having first obtained a license or commission from the authorizing State agency having jurisdiction over the facility to operate the center by demonstrating compliance with the necessary requirements set forth in these and other applicable rules and regulations.

(2) Class II. (7-18 children per facility)

- a. The facility shall submit a work program indicating that it shall comply with the rules and regulations of the Georgia Department of Human Resources for group day care homes Chapter 290-2-1 inclusive.
- b. There shall be a minimum of one full-time staff person for each 15 participants and at least two staff persons present for supervision of participants at all times that participants are in attendance at the center.
- c. Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices shall be greater than or equal to 35 square feet of useable space per participant.
- d. A play area of a minimum 100 square feet per concurrent participants shall be provided in the rear or side yard of the facility. This recreational area shall be enclosed with a minimum 6-foot fence and screened with a buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.
- e. No person, partnership, association, corporation, or entity shall operate a child day care center in the State without having first obtained a license or commission from the authorizing State agency having jurisdiction over the facility to operate the center by demonstrating compliance with the necessary requirements set forth in these and other applicable rules and regulations.

(3) Class III. (19-49 children per facility)

- a. The facility shall submit a work program indicating that it shall comply with the rules and regulations of the Georgia Department of Human Resources for child day care centers § 290-2-2 inclusive.
- b. There shall be a minimum of one full-time staff person for each 15 participants and at least two staff persons present for supervision of participants at all times that participants are in attendance at the center.
- c. Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices shall be greater than or equal to 35 square feet of useable space per participant.
- d. The facility including any area set aside for participants shall not be located any closer than 100 feet from the right-of-way of an arterial road.

Sec. 3-31. - Churches and Other Religious Institutions.

- e. A play area of a minimum 100 square feet per concurrent participants shall be provided in the side or rear yard of the facility. This play area shall be enclosed with a minimum 6-foot fence and screened with a buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, adjacent to any residentially zoned property.
- f. No person, partnership, association, corporation, or entity shall operate a child day care center in the State without having first obtained a license or commission from the authorizing State agency having jurisdiction over the facility to operate the center by demonstrating compliance with the necessary requirements set forth in these and other applicable rules and regulations.

(4) Class IV. (more than 50 children per facility)

Must comply with the requirements of a Class III facility.

**Sec. 3-31. - Churches and Other Religious Institutions.**

(a) Church Use Only.

- (1) If located in a residential district, any building or structure established in connection with these uses shall be required to have a 75-foot setback from all side and rear property lines.
- (2) That if located in any residential district these uses shall be permitted only on a lot which abuts a major or minor thoroughfare or a collector street.
- (3) The site must contain at least 1 acre, have frontage of at least 125 feet on a public street, and comply with all applicable setback and buffer requirements. One exception is that churches may be established in shopping centers, storefront space and in the Central Business District (CBD) without having to meet this requirement.
- (4) No parking areas or driveways shall be established within 20 feet of another lot in a residential zoning district, and all parking areas and driveways shall be paved. The location of all curb cuts must be approved by the City Engineer.
- (5) Any existing religious institution with or without accessory facilities not meeting the minimum acreage standards of this Section as of the date of adoption of this Ordinance, may erect an addition or add accessory structures or uses provided that:
  - a. All other provisions of this Section including setbacks and buffers are met;  
and

- b. All parking requirements for religious institutions and accessory facilities are met.
- (b) Church with Accessory Uses.
- (1) These uses shall comply with all provisions of subsection a above.
  - (2) Uses accessory to religious institutions and the minimum land area required in addition to that required in subsection a. above include the following (The acreage on each individual use on a lot will be cumulatively required):
    - a. Cemeteries and mausoleums: 5 acres.
    - b. Religious classrooms: 0.5 acre.
    - c. Church schools and related facilities: 2 acres.
    - d. Meeting and conference facilities: 0.5 acre.
    - e. Offices and rectories: No additional acreage required.
    - f. Gymnasium: 1 acre.
  - (3) Any site of 3 acres or larger must have frontage of at 200 feet on a public street.
  - (4) Any facility having more than 100,000 square feet of floor area must establish a Class "B" buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.
  - (5) All accessory uses shall require additional parking spaces based on the requirements for that use in the Parking and Loading Requirements Article. A modified parking scheme may be utilized showing timing of individual events if a reduced number of spaces is requested.

**Sec. 3-32. - College, University, Technical School or Other Post-Secondary Educational Institution.**

- (a) Under 50,000 square feet of Finished Floor Area.
  - (1) Site shall be a minimum of 3 acres and shall have a minimum of 200 feet of frontage on a major or minor thoroughfare or on a collector street.
  - (2) No building or structure shall be located nearer than 50 feet to any lot line.
  - (3) No parking area or driveway shall be located nearer than 20 feet to another lot in a residential zoning district.
  - (4) A future development plan including a detailed site plan must be provided with the special exception application.
- (b) Over 50,000 square feet of Finished Floor Area.
  - (1) Site shall be a minimum of 10 acres and shall have a minimum of 400 feet of frontage on a major or minor thoroughfare or on a collector street.

- (2) No building or structure be located nearer than 75 feet to any lot line.
- (3) No parking area or driveway be located nearer than 20 feet to another lot in a residential zoning district. One exception is the establishment of classrooms in rented office space which still must provide required parking.
- (4) A future development plan including a detailed site plan must be provided with the special exception application.

**Sec. 3-33. - Coliseums, Stadiums, Amphitheaters, Arenas.**

- (a) Coliseums, stadiums, amphitheaters, arenas and any other facility specifically designed to be for mass public or private assembly are subject to the following requirements:
- (b) Mass assembly shall be defined here to mean any gathering of more than 500 people for the purpose of any event or demonstration. Such uses must meet the following requirements:
  - (1) A Type "D" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, shall be preserved and/or established and maintained adjacent to all abutting residentially zoned property lines.
  - (2) This use shall be located on minor or major arterials only.
  - (3) A traffic impact report prepared by a certified traffic engineer must be submitted.

**Sec. 3-34. - Community Centers.**

- (a) A site plan conforming to all requirements of the Procedures and Permits Article shall be submitted.
- (b) A Type "A" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, shall be maintained along the side and rear property lines abutting residentially zoned land.
- (c) Access to the site must be off a thoroughfare plan designated road; traffic to community centers should not impact local roads or residential areas.

**Sec. 3-35. - Concrete Products Manufacturing, Mixing Plants, Sawing or Planing Mills.**

- (a) A site plan conforming with all requirements of the Procedures and Permits Article shall be submitted.
- (b) A minimum site of 5 acres is required.
- (c) Compliance with all applicable State and Federal laws regulating these uses.
- (d) All necessary State and Federal permits must be obtained and a copy provided at application submittal.
- (e) Spill containment plan to be approved by appropriate City staff and comply with O.C.G.A. §12-8-60 and comply with all rules and regulations of the Georgia Department

Sec. 3-37. - Crematories, Human or Domestic Animal.

of Natural Resources, Environmental Protection Division including but not limited to §§391-34-.11 and 391-34-.15.

- (f) No use shall be located closer than 1,000 feet from any residentially zoned land or school property line.
- (g) Noise abatement and air pollution abatement plans are to be approved by City staff.
- (h) Fire prevention, evacuation, and safety plans are to be approved by the Fire Marshall.
- (i) Cleaning of vehicles and containers shall be performed so that run-off shall not enter the sanitary sewer system nor shall there be run-off into adjoining properties.
- (j) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a State or Federal highway or a major or minor County thoroughfare roadway as shown on the Land Use and Thoroughfare Plan, and truck traffic routes and entrances shall be approved by the City Engineer.

**Sec. 3-36. - Conference or Training Centers.**

- (a) The establishment shall be located on parcels greater than 10 acres in size.
- (b) All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 75 feet from adjacent properties.
- (c) The establishment shall be served by public water and sewer.
- (d) May be established in conjunction with a hotel or similar facility provided that the requirements of this section and requirements for hotel facilities are met.
- (e) A minimum of 20% of the site, excluding major floodplain and steep slopes, shall remain as open space. Recreational uses customarily incidental and subordinate to the retreat allowed in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, childrens' play equipment, and passive recreation facilities such as trails and interpretive centers. Driveways and parking areas supporting these recreational facilities may also be located in the open space area. These establishments may be open to the general public for patronage.

**Sec. 3-37. - Crematories, Human or Domestic Animal.**

- (a) A site plan conforming to all requirements of the Procedures and Permits Article.
- (b) A Type "C" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, shall be maintained along the side and rear property lines that abut a residentially zoned property.
- (c) A minimum of 5 acres shall be required if the use is accessory to a church or place of worship.

**Sec. 3-38. - Dormitories, Fraternity Houses, and Sorority Houses.**

- (a) The land upon which such use or combination of uses is proposed to be located shall be owned by or under the permanent or continuing control of a recognized, established and operating educational institution which conducts a full-time program of educational instruction.
- (b) The proposed use shall be for the purpose of furnishing housing or other permitted use facilities for students, faculty or permanent administrative personnel of such educational institution.
- (c) Sleeping and living facilities shall be designed and arranged for such purposes only, and no student dormitory or other separate arrangement of dormitory rooms for such purposes shall contain any permanent cooking facilities in those rooms used for sleeping and living facilities.
- (d) The land upon which it is proposed to establish such use shall be within one-half (0.5) mile of the educational facilities of the institution proposing to establish such use.
- (e) The parcel upon which such use is to be established shall contain not less than 400 square feet of land area for each person proposed to be housed in any building to be constructed in connection with such use and have direct access to a duly dedicated public street or highway. Ingress and egress therefrom shall be provided by means of roads or drives of such number, location and character as shall be sufficient to supply necessary public or private services to the property and the residents therein.
- (f) Off-street parking shall be supplied in accordance with the Parking and Loading Requirements Article, in addition to the following standards:
  - (1) Credit may be provided to reduce parking requirements at the discretion of the Planning and Zoning Director by the provision of permanent bicycle and/or pedestrian facilities connecting the residence with the existing path system.
  - (2) When special exception approval is required, the Board of Zoning Appeals shall take into consideration and allow credit for any existing or proposed off-street parking facilities either owned or controlled by the educational institution the use of which is available to such educational institution in a manner other than as merely a member of the general public.
- (g) The size, type, location and arrangement of all sleeping or living rooms in any building shall be such as will provide adequate light and air or other means of ventilation for the occupants thereof. However, no provision of any City code or ordinance establishing standards for area of rooms for multiple-family dwellings shall be deemed to apply to a building or use approved under this subsection, and in any combination of rooms designed for occupancy by more than one person, there shall be contained not less than 150 square feet of floor area for the first occupant thereof, and not less than 100 additional square feet of floor area for each additional occupant thereof.

**Sec. 3-39. - Drive-In or Drive-Through Facilities.**

- (a) Such facilities are allowed by-right in the PDC, CCS, CBD, CGN and CHV Districts unless otherwise indicated in the Principal Uses Allowed by Zoning District table in the Use of Land and Structures Article.
- (b) Such facilities, whether allowed by right or upon special exception approval, shall be regulated according to the following:
  - (1) Such facility should be located so as to be the least disruptive to pedestrian or through vehicular traffic.
  - (2) The location of access drives shall be evaluated according to the Parking and Loading Requirements Article.
  - (3) For locations where such a facility is proposed to abut a residential district, a minimum Type "C" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, along the entire length of the common boundary between the district where the proposed drive-in or drive-through facility would be located and the abutting residential district shall be required pursuant to the City's Tree Preservation and Landscaping Ordinance.
  - (4) As a condition of special exception approval, the Board of Zoning Appeals, upon recommendation from the Planning Director, may deem it necessary or prudent to impose restrictions on the hours of operation of the drive-through facility.
  - (5) All drive-in or drive-through facilities shall provide on-site waiting areas for vehicles waiting on service in accordance with the following standards:
    - a. The waiting areas shall provide convenient or continuous access to the facility. The waiting area shall be located at or before any ticket booth, speaker box or similar device, if included in the facility.
    - b. A by-pass aisle shall be required.
    - c. Minimum number of waiting spaces shall be provided as follows:
      - 1. Bank or Other Financial: 6 per teller.
      - 2. Car Wash: 5 per service bay.
      - 3. Church or Funeral Home: 5 spaces.
      - 4. Restaurant: 6 spaces minimum.
      - 5. Drive-In Theater: 20 spaces.
      - 6. Other Uses: Determined by Planning and Zoning Director.
  - (6) Unified Access and Circulation.  
Any such facility shall be subject to the City of Newnan Sidewalk Regulations.
  - (7) Speaker Boxes.

Sec. 3-41. - Golf Courses and Country Clubs.

All speaker boxes located within 300 feet of any residential structure shall be oriented away from the residential structure and not create noise that would constitute a nuisance.

(8) Traffic Hazards.

Parking aisles shall be painted and striped with directional arrows and stop bars and appropriate traffic signage shall be installed to reduce traffic hazard.

**Sec. 3-40. - Flea Markets.**

- (a) Flea markets must have a centralized public entrance/exit.
- (b) All interior walkways must remain free and clear of vendor displays and merchandise.
- (c) Wire caging or chain-link fencing is not permitted as a wall or barrier.
- (d) All interior structures for vendor booths/stalls must be permitted and approved by the City's Building Department.
- (e) Flea markets must be in an approved, permanent, fully enclosed space.
- (f) No merchandise or products may be stored outdoors after or before business operating hours.
- (g) No animals or pets may be sold.
- (h) Any agricultural products vendors must have a valid license from the Georgia Department of Agriculture.
- (i) Each vendor must adhere to the City's Occupational Tax Certificate requirements.
- (j) Flea Market vendors are only permitted to sell merchandise and services. Any used merchandise for sale must be items brought in from another location. Flea market vendors shall not be permitted to buy or barter for merchandise from the public while on the property of the flea market.

**Sec. 3-41. - Golf Courses and Country Clubs.**

The City may, by special exception, authorize a golf course, country club, private club, or service organization including community buildings, upon a finding that the proposed use will not adversely affect surrounding residential and agricultural uses because of noise, traffic, number of people, or type of physical activity; provided, that the following standards and requirements shall be met:

- (a) Each golf course shall be a full nine-hole (Par 3) or 18-hole (Regulation) course or larger.
- (b) Any building or structure established in connection with this use shall be set back no less than 100 feet from any adjoining or adjacent property line and shall conform to all other setback requirements and shall conform to all other dimensional requirements for the district in which it is located.

Sec. 3-42. - Golf Driving Range.

- (c) Automobile parking areas shall be provided that meet the requirements of the Parking and Loading Requirements Article. All automobile drives and parking area shall be paved.
- (d) The provision of food, refreshments, and entertainment for club or organization members and their guests may be allowed in connection with such use, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.
- (e) Lighting shall not adversely affect adjacent properties or roadways. No direct light shall be cast upon adjacent or nearby properties.
- (f) Accessory facilities to golf courses shall meet any applicable requirements of such facility but a special exception for golf course shall be the only one required.

**Sec. 3-42. - Golf Driving Range.**

- (a) Non-Range Areas.

All areas except the range (ball landing) area, including but not limited to the parking, building, practice putting, and tee-off areas, shall be located at least 100 feet from any property having a residential land use designation.

- (b) Tree Protection.

No protected trees, as defined within the City's Tree Preservation and Landscaping Ordinance shall be removed from the range (ball landing) area unless the applicant demonstrates that removal of the tree(s) is necessary for safety reasons in the functioning of the range (such as for ball retrieval).

- (c) Exterior Lighting.

Lighting plans shall be provided (and implemented) which demonstrate that no "spill over" from exterior light sources shall fall onto either roadways or residential zoning districts that are adjacent to the project site.

- (d) Zoning Districts Prohibited.

No driving range shall be allowed on a site zoned for residential uses unless as an accessory to a golf course in which it shall require special exception approval.

- (e) Boundary Setbacks.

In addition to criterion number 1, no building shall be located within 150 feet of the project site property boundary.

- (f) Access to the Site.

Access to the site must be off a thoroughfare plan designated road; driving range traffic shall not use local roads or impact residential areas.

- (g) Buffer Requirements

At a minimum, a Class "C" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, shall be provided between any non-range area and adjacent property having a residential land use designation.

**Sec. 3-43. - Heavy Equipment, Trucks and Machinery Sales, Storage and Ancillary Service.**

- (a) The establishment shall be located on a major or minor arterial road.
- (b) The structures, storage, and parking areas and/or the perimeter of the property shall have a Type "C" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, yard to screen such areas from any property presently used or zoned for residential use.
- (c) Buildings shall have a minimum 75-foot setback from all property lines, except that the minimum setback from the street may be reduced to 50 feet if the board finds that:
  - (1) The site is in an agricultural rather than a residential area; and
  - (2) The smaller setback would be compatible with surrounding uses.
- (d) Adequate parking must be provided on site in accordance with the requirements for heavy equipment and machinery, as provided in the Parking and Loading Requirements Article.
- (e) Parking, driveways (other than entrance or exit), and storage yards shall be set back a minimum of 75 feet from the property line along any road frontage, and a minimum of 50 feet from all other property lines.
- (f) Sites for such establishments shall not be less than 3 acres nor more than 10 acres.
- (g) Accessory retail sales shall be limited to equipment parts and related tools and accessories. In no case shall the floor area devoted to the display and sale of such related tools and accessories be more than 15% of the floor area of the principal building.
- (h) No structure shall be located within 500 feet of an existing residential structure not accessory to the site.
- (i) The City may regulate hours of operation, numbers of vehicles and personnel employed and other on-site operations so as to prevent adverse impact on adjoining uses.

**Sec. 3-44. - Very Heavy Industrial Uses or Industries Using Hazardous Substances.**

Any manufacturing or industrial use which also requires a permit from the State Environmental Protection Division (EPD) of the Department of Natural Resources under the provisions of Chapters 5, 8, or 9 of Title 12 of the Official Code of Georgia Annotated and/or any use which handles hazardous substances or materials at the bulk plant or bulk use level shall require a special exception approval, subject to the following requirements:

- (a) Such establishments shall comply with all Federal, State, and local regulations pertaining to air quality;

Sec. 3-45. - Heliports, Helistops, and Vertiports.

- (b) Such establishments shall comply with all Federal, State, and local regulations pertaining to water quality;
- (c) Such establishments shall comply with all Federal, State, and local regulations pertaining to solid waste handling and disposal and hazardous or toxic waste handling and disposal.
- (d) Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.
- (e) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a State or Federal highway or a major or minor County thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the City Engineer.

**Sec. 3-45. - Heliports, Helistops, and Vertiports.**

- (a) Information Requirements.
  - (1) A site plan showing the location of all take-off and landing areas, approach zones, all zoning designations within 1,000 feet of the proposed site, and the location of any storage and service areas.
  - (2) The number and specifications of all aircraft to be using the facility.
  - (3) All land uses within the approach zones shall be identified.
  - (4) FAA Form No 3840, "Notice of Landing Area Proposal," or subsequent updated form shall be completed and approved for all heliports, helistops and vertiports.
  - (5) Certification that all applicable Federal Aviation Administration (FAA) and State standards and requirements have been satisfied shall be provided.
- (b) Criteria for Heliports and Helistops.
  - (1) All heliports and helistops shall be designed in conformance with the standards set forth in FAA advisory circular 150/5390-18 or subsequently updated standards.
  - (2) All heliport and helistop landing and take-off areas shall be so located as to provide clearance from all obstructions above rotor height for a distance of 25 feet in each direction from the heliport or helistop pad and landing and take-off areas.
- (c) Criteria for Vertiports.
  - (1) The classifications of vertiports are contained in the Federal Aviation Administration (FAA) booklet entitled "Heliport Design Guide," AC 150/53901 A, dated November 5, 1969, or subsequently updated standards. All recommendations set forth therein relating to the location, design, construction, visual markings, and fire protection for such vertiports shall be the requirements of this Section; provided, however, that a variance therefrom may be granted in

accordance with the Appeals Article of this Ordinance, if the FAA advises the City that such variance will not render such vertiports unsafe.

- (2) No special exception permit for any vertiport shall be approved unless the reviewing authority finds that the following standards have been met:
  - a. That the proposed vertiport is operationally feasible; and
  - b. That the FAA considers the proposed vertiport to be safe for the conduct of the type and volume of aeronautical activity proposed to be conducted thereon.

**Sec. 3-46. - Hospitals.**

(a) Location Criteria.

- (1) All hospital sites shall have frontage on a nonresidential collector or arterial roads capable of accommodating the traffic generated by the site.
- (2) Hospital structures not in an urban residential district shall be set back a minimum of 250 feet from any residence, park, school, house of worship, day care facility, or nursing home.

(b) Site Development Criteria.

- (1) Principal structures shall be set back a minimum of 100 feet from property lines or shall meet the minimum yard requirements of the district within which it is located or adjacent district setback requirements, whichever is greater.
- (2) Accessory structures and parking and loading areas shall be setback a minimum of 25 feet from any rights-of-way, private access easements, and property lines which adjoin exclusively residential districts, or shall meet the minimum yard setback requirements of those adjoining districts, whichever are greater.

**Sec. 3-47. - Hotels, Motels, Other Similar Traveler's Accommodations (excluding Travel Trailer or RV Parks).**

(a) Location Criteria.

Hotels, motels, and other similar traveler's accommodations excluding travel trailer or RV parks shall be located on or with ready access to, major streets. Ready access shall mean any court or service road directly linking to a major street.

(b) Site Development Criteria.

- (1) Each room within a hotel, motel, or other similar traveler's accommodations (excluding travel trailer or RV parks) shall be accessed through an interior hallway and shall not have access to the exterior of the building, except through the main or central lobby or as otherwise determined by the fire codes. No guest rooms shall be accessible without passing through a secured area.

- (2) The main or central lobby shall be a minimum of 700 square feet with staff or management on duty 24 hours per day, 7 days per week.
- (3) Each guest room shall have a minimum of 300 square feet.
- (4) Each building shall have a minimum roof pitch of 4:12.
- (5) Any outdoor recreational areas provided shall be located to the rear of the site within all building setbacks.
- (6) No outside storage or permanent parking of equipment or vehicles shall be permitted.
- (7) Hotel or motel uses shall be separated from residential or institutional uses by a Type "D" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.

### **3-47.2 – Hotels, Motels and Facilities-Extended Stay**

- (a) No more than 10 percent (10%) of individual guests shall register, reside in or occupy any room or rooms within the same licensed facility for more than a 90-day period.
- (b) An indoor or fenced outdoor recreation area shall be provided.
- (c) No occupation tax certificate shall be issued for the conduct of any business from any guest room of the facility.
- (d) No hotel or motel room under this section shall be converted to or used as an apartment or condominium without approval from the City Council. Any hotel or motel converted to such use must meet all applicable state and local codes including zoning standards.
- (e) No hotel or motel or other structure can be converted to an extended stay facility without meeting all of the rules and regulations and must obtain special exception use approval.
- (f) No outside storage or permanent parking of equipment or vehicles shall be allowed.
- (g) All such facilities shall provide a fifty (50) foot undisturbed buffer from any property zoned for multi-family residential purposes and/or a one hundred (100) foot undisturbed buffer from any property zoned for single-family residential purposes.
- (h) No building shall be placed within 300 feet of any residentially zoned property, inclusive of the required buffer

### **Sec. 3-48. - Kennels, Boarding and/or Breeding, Animal Shelters (excluding Non-Domestic or Wild and Exotic Animals).**

- (a) No such use shall be permitted on a lot of less than 10 acres except that if all animals are kept in a soundproof building from 8:00 p.m. to 8:00 a.m. the minimum lot size shall be 2 acres or the minimum required lot size for the zone in which the lot is located, whichever is greater.

Sec. 3-58. - Schools, Private.

- (b) Any structure housing animals and any animal runs or pens shall be at least 200 feet from any adjacent property line and at least 200 feet from any street right-of-way line.
- (c) All animals shall be maintained at least 150 feet from any residence in existence when the permit is approved.
- (d) This Section shall not apply to any veterinary hospital, animal hospital, or any other establishment or premise wherein or whereon the practice of veterinary medicine, surgery, or dentistry, or any part thereof, is conducted.

**Sec. 3-49. - Meeting Houses, Clubs, or Halls, Public or Private.**

- (a) A site plan conforming to all requirements of the Procedures and Permits Article.
- (b) A Type "B" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, shall be maintained along the side and rear property lines that abut a residentially zoned property.
- (c) Parking must conform to the requirements specified in the Parking and Loading Requirements Article.

**Sec. 3-50. - Nurseries and Greenhouses, Commercial and Wholesale.**

- (a) Plant production may be certified by the County Extension Agent if requested by the Planning and Zoning Director.
- (b) Accessory products include those related to the culture and care of plants sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. Lawn and garden tractors, or machine or other equipment sales are not permitted.
- (c) The sales area for accessory products shall be limited to 25% percent of gross sales area.
- (d) Nurseries shall only be located on any major or minor arterial road.

**Sec. 3-51. - Outdoor Dining.**

- (a) The facility is used in conjunction with, and is under the same management and exclusive control of, a restaurant located on the same or contiguous property.
- (b) The outdoor seating capacity shall not exceed 25% percent of the restaurant seating capacity.
- (c) The use does not interfere with the public right-of-way. This includes requests to utilize sidewalks in the CBD.
- (d) Unobstructed walkway of a width specified in the conditional use approval is reserved for public passage.
- (e) That the minimum parking required as per the Parking and Loading Requirements Article be increased by a corresponding percentage to the number of additional seats proposed for the outdoor seating area.

**Sec. 3-52. - Parking Lots and Garages, Private and Commuter.**

- (a) Commuter Parking Lot (50 spaces or less).
  - (1) Such structure shall be located along a major transportation corridor as described in City of Newnan Sidewalk Ordinance.
  - (2) Such structures shall have access within one-half (0.5) mile of such major transportation corridor.
- (b) Commuter Parking Lot (more than 50 spaces)
  - (1) Such structure shall be located along a major transportation corridor as described in City of Newnan Sidewalk Ordinance.
  - (2) Such structures shall have access within one-half (0.5) mile of such major transportation corridor.

**Sec. 3-53. - Pawn Shop.**

If a title pawn establishment, there shall be no vehicle storage or display on site unless in a district allowing used car sales.

**Sec. 3-54. - Race Tracks and Drag Strips.**

The following requirements shall apply to race tracks and drag strips, including tracks for motor vehicle racing and dog or horse racing:

- (a) Requires a minimum of 10 acres.
- (b) A Type "F" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, adjacent to all residential zones.
- (c) A noise barrier, such as a berm or a wall, shall be constructed in conjunction with the landscaping buffer to reduce noise generated from these uses.
- (d) Any use of toxic or flammable materials will require that an impact analysis be prepared which shall include the following:
  - (1) Listing of all toxic or flammable materials uses including quantities and type of use.
  - (2) Methods of storage and disposal.

**Sec. 3-55. - Radio and Television Recording Studios and/or Stations.**

No antennae or satellite dish shall be located closer than 100 feet from all property lines.

**Sec. 3-56. - Recycling Facilities, Commercial.**

Commercial recycling facilities shall comply with, as applicable, the rules of the Georgia Department of Natural Resources, Environmental Protection Division; all applicable provisions of O.C.G.A. §12-8-230; and all regulations of the Federal government. In addition, they shall comply with the following requirements:

- (a) Small Facility.

A small recycling facility is that which contains less than 2,000 square feet of floor space. Such a facility shall comply with the following:

  - (1) Separation Distance from Residential Uses.

The operating portion of these facilities shall not be permitted within 200 feet of a residence in existence when the permit is approved.

(2) Traffic on Local Streets Prohibited.

Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a State or Federal highway or a major or minor city thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the City Engineer. The drive from the public street to the scale house shall be paved with asphaltic or Portland cement concrete.

(3) Buffer Requirements.

A Type "C" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, shall be preserved and/or established and maintained adjacent to all exterior property lines adjacent to residential properties, schools, or churches.

(4) Facility Operator Required.

All facilities shall have an operator in attendance at all times when the recycling facility is in use, whose qualifications meet any applicable State law requirements, and the entrance to the facility must be barricaded when closed to the public.

(5) Vehicular Access Limited.

All facilities hereafter established or operated shall be constructed to prevent road vehicles access except when the facility is in use.

(6) Fencing Requirements.

All facilities hereafter established or operated shall be enclosed with a security fence at least 8 feet high with blinders installed or some other similar fencing materials or device. Litter control fencing shall be adequate to prevent paper and similar or related refuse from blowing from the facility onto neighboring property.

(7) Maintenance of Stormwater Management.

Any change in the normal drainage of the property upon which the facility is located shall be accommodated by storm sewers or equivalent measures approved by the City Engineer, as necessary to properly care for drainage; these storm sewers or equivalent measures shall be installed or constructed at the expense of the owner or applicant.

(8) Permits Required.

Certificates by a registered engineer that the site meets State standards shall be submitted prior to the public hearing. A State construction permit as applicable, special exception approval by the City, and written approval of the City Engineer, shall be required before any recycling operation begins.

(9) Pollution Prohibited.

The facility shall be operated in such a manner as to prevent air, land or water pollution, public health hazards, or nuisances.

(10) Disposal Standards.

Materials sent to the facility that are unused for recycling, shall be disposed of in accordance with State and City requirements.

(11) Equipment and Facility Maintenance.

All recycling facilities shall have and keep on their premises in good working order adequate equipment to comply with the requirements established for the use.

(12) Burning Prohibited.

All operators of recycling facilities must operate them in a manner to prevent fires and meet all other requirements of the fire codes. Burning of any type of refuse is prohibited. Outside storage must be shown on the site plan and approved by the City Engineer. The recycling facility must be operated in accordance with applicable State and City environmental requirements.

(13) Minimum Tract Size.

The minimum site, including land for buffers and related uses, which may be conducted for a recycling facility site shall have an area of at least 5 acres.

(14) Inspection Requirements.

The licensee shall permit at any time during business hours an inspection of the premises by officials of the City of Newnan or their designees.

(15) Cleaning of Vehicles.

The cleaning of containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.

(16) Environmental Impact Analysis Required.

An environmental impact analysis (EIA) shall be prepared to gauge the extent of negative impacts from these uses on the natural and man-made environment. Such impact statements shall include but not be limited to the following:

- a. Land use compatibility.
- b. Hydrology.
- c. Transportation.
- d. Social and economic impact.
- e. Geological investigations (to include test borings at ten (10) acre intervals to determine subsurface conditions).
- f. Historic, archaeological, and cultural resources.
- g. Floodplains.
- h. Air quality.
- i. Utilities.
- j. Noise, odors, vibrations, electromagnetic fields, glare, and smoke.
- k. Aesthetic and visual impacts.
- l. Endangered species.

m. Effect on property values.

(17) Additional Requirements.

- a. Facility must comply with the City of Newnan Solid Waste Plan.
- b. The applicant shall hold harmless the City in any litigation resulting from any application or from recycling or other operations.

(b) Large Facility.

A large recycling facility is that which contains 2,000 square feet or more of floor space. Such a facility shall comply with the requirements for a small recycling facility plus the following:

(1) Buffer Requirements.

A Type "E" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, shall be preserved and/or established and maintained adjacent to all exterior property lines adjacent to residential properties, schools or churches.

(2) Minimum Tract Size.

The minimum site, including land for buffers and related uses, which may be conducted for a recycling facility site shall have an area of at least 30 acres.

**Sec. 3-57. - Restaurants in Office and Institutional Districts.**

- (a) The restaurant or similar establishment must be located within or adjacent to property containing a minimum of 50,000 square feet of gross leasable office/institutional space.
- (b) The restaurant shall be limited to 25% of the total floor area if located within an office building or limited to 2,500 square feet if the restaurant is a stand-alone structure.
- (c) Drive-through windows shall only be operational between the hours of 6 a.m. and 8 p.m.
- (d) A minimum distance of 150 feet shall be maintained from the drive-through window to the nearest residential structure.

**Sec. 3-58. - Schools, Private.**

Private, parochial, or other elementary or secondary schools not part of the public school system of the State of Georgia shall meet the following requirements:

- (a) A site plan conforming to all requirements of the Procedures and Permits Article shall be submitted.
- (b) A Type "B" Buffer, as specified by the City's Tree Preservation and Landscaping Ordinance, shall be maintained along the side and rear property lines that abut a residentially zoned property.
- (c) A sidewalk along all public rights-of-way and to all structures shall be maintained pursuant to the requirements specified by the City's Tree Preservation and Landscaping Ordinance.

**Sec. 3-59. - Self-Storage Facilities.**

- (a) Self-storage facilities shall be limited to dead storage use only. No other commercial or industrial use shall be permitted and no occupational license shall be issued for such use.
- (b) All storage on the property shall be located within an enclosed building, except that boats, automobiles, campers and other vehicular items may be stored outside, provided that such storage shall be enclosed by a 6-foot fence, shall be located no closer than 50 feet from adjacent residential uses shall be located outside of the required parking area.
- (c) Plumbing shall not be extended to individual storage spaces and plumbing fixtures such as sinks, toilets and the like shall not be installed.
- (d) Minimum building site shall be 2 acres.

**Sec. 3-60. - Shooting Ranges, Indoor.**

- (a) Location and Distance.
  - (1) Indoor shooting ranges shall be located more than 500 feet from any adjoining residential district boundary or another indoor or outdoor shooting range.
  - (2) The location and distance requirements shall not apply to government owned and operated shooting ranges restricted to use by law enforcement officers.
  - (3) The applicant shall demonstrate that the location and operation of the shooting range will not pose a threat to the health and safety of the citizens of the surrounding area.
- (b) Site Plan.
  - (1) The site plan and structure shall incorporate, at a minimum, the standards for shooting range construction in accordance with the provisions of the Southern Building Code, as amended.
  - (2) Shooting ranges shall not be allowed as accessory uses to an establishment selling guns unless shooting ranges are allowed by that district.
  - (3) Parking for shooting range customers shall be provided on-site. The parking standards for shooting ranges shall be one parking space per shooting lane plus the requirements for retail use applied to the portions of the operation not dedicated to shooting lanes. See Parking and Loading Requirements Article.
- (c) Nuisance.

Shooting ranges shall not create a nuisance, including but not limited to, high noise levels, pollution, or other detrimental effects on the environment.

**Sec. 3-61. - Shooting Ranges, Outdoor.**

Only government owned and/or operated outdoor shooting ranges are allowed.

**Sec. 3-62. - Telecommunication Facilities.**

(a) Purposes, Findings, Goals.

- (1) The purpose of this Section is to establish general guidelines for the siting of telecommunications towers, monopoles and antennas, and the facilities whereon such towers, monopoles or antennas are located.
- (2) The City Council recognizes that the City is to provide for the siting of telecommunications towers, monopoles and antennas pursuant to the mandates of the Telecommunications Act of 1996 and the Mobile Broadband Infrastructure Leads to Development (BILD) Act of 2014, City Council also recognizes that telecommunications towers, monopoles and antennas can negatively impact the visual appearance of the city, and may reduce the value of property situated near such installations, particularly residential properties.
- (3) The goals of this Section are to:
  - a. Permit construction of new towers as an option of last resort, promoting location of antennas on existing towers, buildings, and other suitable structures;
  - b. Prohibit the location of towers, monopoles and antennas in residential areas and minimize the total number of towers in the community;
  - c. Promote co-location of antennas on new and existing tower sites;
  - d. Encourage location of towers, monopoles and antennas in areas where adverse impacts on the community are minimized;
  - e. Require tower and antenna installers to utilize construction technologies which minimize adverse visual impacts of towers, monopoles or antennas;
  - f. Minimize the potential for damage to adjacent properties caused by tower or monopole failure by requiring professional, engineering design and careful siting of tower and monopole structures;
  - g. Establish an inventory of existing tower and antenna sites assembling specific information about load capacity, land area available at individual sites, and any terms or conditions which affect the possibility of co-location on the site; and
  - h. Provide for removal of towers which are abandoned by all users, setting forth the time period within which this requirement shall apply.

(b) Approval of Telecommunications Facility.

It shall be unlawful for any person to erect, repair, relocate, construct, or maintain within the City any telecommunications facility as defined in this Zoning Ordinance, without first obtaining either administrative or special exception approval in the manner set forth in this Ordinance and in compliance with the terms herein.

(1) Issuance Standards.

- a. Approval of telecommunications facilities are guided by the following policies:
  1. Preference is assigned to sites on which topography, vegetation and/or buildings or other structures provide the greatest amount of screening or sites which lend themselves to mitigation of visual impacts.
  2. Facilities should be located to minimize any adverse effect on residential property values, scenic rural character, and resident sense of privacy.
  3. Less obtrusive facilities such as monopoles are preferred over lattice or guyed towers. Preference is also assigned to proposed facilities which are architecturally and visually compatible concerning color, bulk and size with surrounding environment, including buildings, structures, vegetation and uses likely to develop in the underlying zoning district.
  4. Applications must demonstrate the relationship of the proposed facility to the overall low power mobile radio service system network within Coweta County.
  5. Preference is assigned to facilities proposed for lots that permit telecommunications facilities, particularly those lots surrounded by property developed in uses compatible, that is, concerning building and structure characteristics, with the proposed facilities. Rezoning of residential property to permit installation of such facilities is discouraged.
- b. The following factors shall be considered in evaluating an application for a special exception use to install a telecommunications tower or monopole:
  1. Height of the proposed tower or monopole;
  2. Proximity of the tower or monopole to residential structures and residential district boundaries, as measured from the base of the tower or monopole to the boundary of a residentially-zoned lot;
  3. Nature of uses on adjacent and surrounding properties;
  4. Surrounding topography;
  5. Provision an opaque fence or opaque vegetative buffer to fully screen the tower or monopole, or telecommunications facility to a height of 6 feet from adjacent properties and right-of-ways;

6. Design of the tower or monopole, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  7. Proposed ingress and egress;
  8. Conformance to the standards and conditions required by this Section to obtain approval of either a conditional or special exception use; and
  9. Availability of suitable existing towers, monopoles and other structures for the placement of an antenna or antennas. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing telecommunications facility can accommodate the applicant's proposed antenna(s). Evidence submitted to demonstrate such findings shall include, but not be limited to, the following: No existing towers, monopoles or structures meeting the height, structural strength needs of the applicant are located within the appropriate geographic area.
- c. Procedure for approval of an antenna or antennas.
1. The Planning and Zoning Department shall determine whether an application for location of an antenna on an existing building, structure, tower or monopole should be issued or denied under the standards of this Section within 30 days of receipt of a complete application. If the Planning and Zoning Department fails to respond to the applicant within said 30 days, then the application shall be deemed to be approved.
  2. Any decision by the Planning and Zoning Department to deny an application for an antenna shall be in writing and supported by substantial evidence contained in a written record. The Planning and Zoning Department's decision to deny an application may be appealed to the Planning Commission by filing a written notice of appeal within 10 days of the denial. Failure to file a notice of appeal within 10 days of the denial shall constitute a waiver of the applicant's appeal rights.
  3. The Planning Commission shall hold a hearing within 45 days of receipt of the notice of appeal. In the event the Planning Commission affirms the Planning and Zoning Department's decision to deny the application, the decision of the Board shall be in writing and supported by substantial evidence contained in a written record. The decision of the Planning Commission shall be final.
- d. Procedure for approval of a tower or monopole as a special exception use.
1. No special exception use for construction of a tower or monopole shall be approved until an application has been filed with the Planning and Zoning Department and considered by the Planning Commission. The Commission shall transmit its report either recommending approval or

denial of a complete application within 45 days of receipt. In addition to such recommendation, the Planning Commission may attach conditions to any recommended approval. Upon receipt of the Planning Commission's recommendation, the Mayor and Council of the City of Newnan shall set a public hearing in accordance with procedures contained in this Ordinance. The Mayor and Council shall either approve or deny the special exception use following the public hearing; provided, however, that the public hearing and decision of the Mayor and Council shall be made within the 60 day period on the application shall be deemed as approved. In the event Mayor and Council deny the application, the decision of Mayor and Council shall be in writing and supported by substantial evidence contained in a written record. The decision of Mayor and Council shall be final.

2. In approving the construction of a monopole or tower as a special exception use, additional conditions may be imposed by Mayor and Council to the extent necessary to buffer or otherwise minimize adverse impacts of the proposed monopole or tower on surrounding properties and/or the public.

(c) Application Requirements.

- (1) Applications for administrative review and special exception uses pertaining to telecommunications facilities shall be made upon forms provided by the Planning and Zoning Department, and shall provide the following information:
  - a. Name, address and phone number of the applicant;
  - b. Address of building or lot upon which the telecommunications facility is to be erected;
  - c. Name of the person, firm, corporation or association erecting the telecommunications facility;
  - d. Written consent of the owner of the building or lot upon which the telecommunications facility is to be erected;
  - e. Scaled site plan and a scaled elevation view, signed and sealed by appropriate professional engineer showing the relative shape, size, location, materials and color of all existing and proposed transmission structures; guy wire anchors; fencing; access restrictions; setbacks; vegetation to be removed (including an erosion control plan) and vegetation to be planted;
  - f. Statement prepared by a radio frequency engineer confirming that installation and operation of the antenna, including reception and transmission functions, will not interfere with normal and customary transmission or reception of public safety emergency communications;
  - g. A statement confirming adherence to all FCC operating requirements shall be provided by applicants for installation of telecommunications antennas.

Specifically, an applicant must certify in writing that all emissions from the antenna will comply with FCC frequency emissions standards. Applicants for telecommunications towers who are classified as “non-carrier tower owners” must provide a statement confirming adherence to any and all FAA standards. Such certifications shall be renewed by both telecommunications services providers and non-carrier tower owners upon the five-year anniversary date of commencing telecommunications operations or tower installation; and

- h. Number, type and size of antenna(s) that can be accommodated.
- (2) Applications shall be accompanied by a fee in an amount that is established by the Newnan City Council.
- (d) Co-location Requirements.
- (1) No application for approval of a special exception use to erect a telecommunications tower shall be considered until such applicant has demonstrated that no appropriate location for installation of an antenna exists within the City.
  - (2) Applicants for telecommunications towers shall provide a written report by a registered structural engineer licensed in the State of Georgia certifying that the tower can structurally accommodate the required number of shared users, and that the Building Inspector concludes that the tower satisfies the requirements of this Article and that the tower conforms to the following height and use criteria:
    - a. Single users, a height limit of 70 feet;
    - b. Two users, a height limit of 120 feet; and
    - c. Three or more users, a height limit of 150 feet.
- (e) Administrative Approval for Antennas, Micro-cell or Repeater Facilities.
- (1) Administrative approval by the Planning and Zoning Department of antennas, micro-cell or repeater facilities is guided by the following policies:
    - a. Antennas must be architecturally and visually compatible concerning color, bulk and size with surrounding buildings, structures, vegetation and uses likely to develop in the underlying zoning district. Micro-cell or repeater facilities may be considered architecturally or visually compatible when mounted on such existing structures as light standards, telephone poles or otherwise camouflaged to disguise their low power mobile radio service use.
    - b. Applications must demonstrate the relationship of the proposed facility to the overall low power mobile radio service system network within Coweta County.
    - c. An application to erect, construct or relocate an antenna on an existing building, structure, tower or monopole may be approved provided the

following conditions are met. Sectorized panel antennas, repeaters and telecommunications equipment of similar size and visual impact may be placed on existing highway signs, that is, billboards, subject only to provisions listed below:

1. The existing building, structure, tower or monopole is 50 feet in height or greater;
2. Antennas installed on existing buildings, structures or telecommunications towers shall add no more than 20 feet to the height of such structures;
3. No signs are permitted on the antenna(s) or telecommunications facility;
4. Antennas and supporting electrical and mechanical equipment installed on existing buildings or structures other than towers must be of a neutral color, that is, identical to, or closely compatible with, the color of the supporting structure or building so as to render the antenna(s) and related equipment as visually unobtrusive as possible;
5. Antennas shall not be artificially lighted unless required by the FAA, FCC, or other state or federal agency of competent jurisdiction for safety purposes. Where required, the Planning Director shall review available lighting alternatives and approve the design which would cause the least impact on surrounding views;
6. Antennas shall meet or exceed current standards and regulations of the FAA, the FCC or such governing agency with the authority to regulate telecommunications towers and antennas.
7. Antennas shall comply with all current safety, design, structural, and wind loading standards of applicable building and technical codes adopted by the City, so as not to endanger the health and safety of residents.

(f) Applications for Monopoles and Towers as Special Exception Uses Facilities.

- (1) In addition to information specified elsewhere in this Section, applications for installation of monopoles and towers as special exception uses shall provide the following information:
  - a. Location and dimensions of all improvements, including information concerning topography, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the City to be necessary to evaluate compliance with this Section. In addition, the structural engineer's report must provide:

1. Tower height and design, and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included;
  2. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;
  3. Evidence of structural integrity of the tower structure; and
  4. Failure characteristics of the tower and demonstration that the site and property setbacks are of adequate size to contain debris.
- b. An inventory of the applicant's existing telecommunications towers, antennas, or monopole towers that are either within the city or within 1 mile of the city limits, including specific information about the location, height, and design of each tower, antenna, or monopole. The City may share such information with other applicants applying for either special exception or conditional use permits under this Section or other organizations seeking to locate telecommunications towers, antennas or monopoles within the city;
- c. An inventory of existing telecommunications towers or monopoles which are owned by persons other than the applicant and are either within the city or within 1 mile of the city limits, including specific information about the location, height, and design of each facility. In preparing such an inventory, the applicant may access City records and shall provide the following information:
1. Identification of each existing facility by location, parcel identification number, existing uses, and height of the facility;
  2. A determination concerning the ability of each facility to structurally accommodate the proposed antenna(s) without structural changes, including the dimensions, weight, and other relevant data about the proposed antenna(s);
  3. In the event structural changes are indicated, not including totally rebuilding the facility, the nature, extent and cost of such changes;
- (g) Zoning Requirements for Location of Telecommunications Antennas, Monopoles and Towers.
- (1) Antennas may be located on any telecommunications tower or monopole which is defined as "preexisting" provided all reasonable requirements of this Section are met.
  - (2) No approval of a monopole to be erected as special exception use shall be granted unless the location has been zoned CGN, CHV, ILT, or IHV under the zoning laws of the City.

- (3) No approval of a tower to be erected as special exception use shall be granted unless the location has been zoned CGN, CHV, ILT, or IHV under the zoning laws of the City.
- (h) Telecommunications Towers and Monopoles.
- (1) Approval to erect, repair, construct, relocate or maintain a telecommunications tower or monopole as a special exception use may be granted provided:
    - a. Telecommunications tower height does not exceed 150 feet; maximum lattice tower width does not exceed 36 inches; and monopole height does not exceed 70 feet in the CGN Zoning District nor 150 feet in the CHV, ILT, IHV Zoning District;
    - b. Such structures shall feature a galvanized steel finish or, subject to any applicable standards of the FAA, shall be a neutral color so as to reduce visual impacts;
    - c. No signs are allowed on towers or monopoles;
    - d. Towers and monopoles shall not be artificially lighted unless required by the FAA or other authority for safety purposes. Where required, the Planning Director shall review available lighting alternatives and approve the design that would cause the least impact on surrounding views;
    - e. Towers and monopoles shall utilize materials, colors, textures, screening, and landscaping that will blend such structures and associated base facilities into the natural setting or built environment;
    - f. Towers and monopoles shall meet or exceed current standards and regulations of the FAA, the FCC or such governing agency with the authority to regulate telecommunications facilities. If such standards and regulations are amended, the owner of the tower or telecommunications facility shall bring such tower or facility into compliance with any revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling agency. Failure to comply with this provision shall be grounds for the City to require removal or re-permitting of the tower or monopole at the owner's expense;
    - g. The following setbacks and separation requirements shall apply to towers:
      1. All towers, including, but not limited to lattice towers and guy towers, must be set back from any property line abutting a residential, school, place of worship or public park property, as measured from the base of the tower to the boundary of such property, a minimum distance of 500 feet. For guyed structures, such setback shall be adequate to provide a vegetative, topographic, or other buffer sufficient to obscure the view to the guy anchors from such adjacent properties.

2. All towers must provide a minimum front yard setback of 150 feet and sufficient rear and side yard setbacks a distance equal to 50% of the height of the tower.
- h. The following setbacks and separation requirements shall apply to monopoles:
1. All monopoles must be set back from any property line abutting a residential, school, place of worship or public park property, as measured from the base of the monopole to the boundary of such property, a minimum distance of 250 feet.
  2. All monopoles must provide a minimum front yard setback of 70 feet, and sufficient rear and side yard setbacks to fully contain the structure in the event of monopole failure. Failure at the half way point of the tower shall be used in calculating the rear and side yard setback.
  3. Monopoles over 50 feet in height shall not be located within one-quarter (1/4) mile of any existing telecommunications tower or monopole over 50 feet in height. The provision shall not apply whenever both towers and/or monopoles are situated on lots which are zoned CHV, ILT, or IHV.
- i. Towers and monopoles shall be equipped with an anti-climbing device to prevent unauthorized access; fencing or other access restriction provisions must also be provided;
- j. Towers and monopoles shall comply with all current safety, design, structural and wind loading standards of applicable building and technical codes adopted by the City, so as not to endanger the health and safety of residents;
- k. Tower and monopole equipment shall be automated to the greatest extent possible to reduce traffic and congestion generated by maintenance vehicles; and
- l. All access roads to towers or monopoles shall be constructed of dustless and durable portland cement, concrete or asphaltic concrete complying with specifications established by the Planning and Zoning Department and maintained in a usable condition.
- m. The following requirements apply to both telecommunications towers and monopoles:
1. A maximum of two, low power telecommunications facilities, including micro-cells or repeaters, may be located on a single lot of record;
  2. A maximum cross bar length of 15 feet shall apply to the mounting of antennas; and
  3. No tower or monopole shall be approved as a new source of non-ionizing electromagnetic radiation (NEIR) or increase in NEIR from an

existing source which, when combined with existing sources of NEIR, exposes the general public to an ambient radiation exceeding that defined in OST-65 and ANSI C95.1, provided however, that if a federal standard is adopted that is more stringent than the standard set forth herein, such other standard shall apply. No new source of NEIR, or increase in NEIR from an existing source that exceeds 1,000 watts of radio frequency output per transmitter shall be permitted.

- (i) Landscape Buffer/Screening Requirements for Telecommunications Towers and Monopoles:
  - (1) Erection of any tower abutting residentially-zoned property shall require a landscaped buffer a minimum width of 50 feet that effectively screens the view of the tower and base facility from adjacent properties throughout the year. The landscaped buffer must include an opaque fence or vegetative buffer sufficient to screen the tower and base facility completely to a height of 6 feet from adjacent properties and right-of-ways. Where topography and existing conditions permit, the required 50 foot horizontal buffer should be an undisturbed buffer; provided, however, the buffer may be crossed by an access drive of not greater than 20 feet in width.
  - (2) Erection of any tower abutting property zoned other than residential shall require a landscaped, buffer a minimum width of 15 foot that effectively screens the view of the tower and base facility from adjacent properties. Such buffer must include an opaque fence or vegetative buffer sufficient to screen the tower and base facility completely to a height of 6 feet from adjacent properties and right-of-ways.
  - (3) Existing, mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Where towers or telecommunications facilities are sited on wooded lots in excess of 5 acres, natural growth around the property perimeter may be a sufficient buffer.
  - (4) In locations where the visual impact of the tower or telecommunications facility would be minimal, such as developed heavy industrial areas, the landscaping requirement may be reduced or waived.
- (j) Principal, Accessory and Joint Uses Associated with Towers or Monopoles.
  - (1) Accessory structures used in direct support of a tower or monopole shall be permitted, but shall not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower or monopole are being made.
  - (2) Towers or monopoles may be located on sites containing another principal use within the same buildable area. Provided all siting, set back, separation, and general requirements of this Ordinance are met, towers or monopoles may

occupy a leased parcel on a site meeting the minimum lot size requirements for the zoning district in which it is located. When joint use of a lot is permitted, the City shall require the execution of a unity of title if two or more lots are utilized for setback purposes or to prohibit the unlawful division of a lot containing a tower and another principal use.

- (3) Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas or other dangerous chemicals or compounds.
  - (4) Two-way and microwave antennas must be placed inside accessory buildings when technically possible.
  - (5) Power lines which are installed to serve telecommunications facilities must be placed in a manner which minimizes visual impacts and removal of existing vegetation.
  - (6) Buildings used to house radio transmitters and related equipment shall be single-story and shall not exceed 500 square feet. Buildings accessory to telecommunications facilities which accommodate multiple users shall be single-story and shall not exceed 1,200 square feet. Accessory buildings are not permitted for micro-cells.
  - (7) Microwave dishes and accessory buildings shall be located to minimize their visual impact.
- (k) Microwave Dishes.
- (1) Installation of microwave dishes shall conform to the following standards:
  - (2) Placement shall be inside structures when technically feasible.
  - (3) Use of non-reflective colors, galvanized or gray.
  - (4) Use of open grid dishes rather than solid dishes.
- (l) Commercial Satellites Dishes.
- Installation of commercial satellites shall conform to the following standards:
- (1) Use of colors compatible with the surrounding environment.
  - (2) Provision of landscaping which effectively screens satellites from adjacent properties and the traveling public.
  - (3) Siting of satellites in low areas of the lot to reduce visual impacts.
- (m) Periodic Inspection; Inspection Fee; Unsafe Facilities; Abandoned Facilities.
- (1) Tower, antenna(s) and monopole owners shall provide written evidence that each telecommunications tower, antenna(s) or monopole is in compliance with all Federal requirements, including, but not limited to FCC frequency emissions

standards, to the Building Official by February 1<sup>st</sup> of each three-year period of subsequent operation.

- (2) Tower, antenna(s) and monopole owners shall ensure that such facilities are maintained in compliance with standards contained in applicable building codes and applicable standards for towers, antennas, and monopoles published by the Electronic Industries Association, as amended from time to time, to ensure the structural integrity of towers, antennas, or monopoles. Such owners shall conduct inspections once every 3 years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in the State of Georgia. The results of such inspections shall be provided to the Building Official every 3 years, no later than February 1<sup>st</sup>.
  - (3) The Building Official shall have the right in the discharge of his official duties to enter upon and inspect any telecommunications facility located within the city.
  - (4) If, upon inspection or upon receipt of an engineer's report submitted pursuant to paragraph (2) above, the Building Official determines that a telecommunications facility fails to comply with the City's building and technical codes or with the requirements of this Section, and upon written notice provided to the owner of such facility, the owner shall have 45 days to bring the facility into compliance with this Section. Should the owner fail to bring the telecommunications facility into compliance within said 45 days, the City may proceed with removal of such facility pursuant to the procedures set forth in the City's Building Code and place a lien upon the property for the costs of such removal.
  - (5) If upon inspection or upon receipt of an engineer's report submitted pursuant to this Section, the Building Official determines that a telecommunications tower, antenna or monopole has not been utilized for a continuous period of 12 months, such tower, antenna or monopole shall be considered abandoned, and the owner shall remove the same within 90 days of receipt of written notice from the City notifying the owner of such abandonment. If the tower, antenna or monopole is not removed within said 90 days, the City may proceed with removal of such facility pursuant to the provisions of the City's Building Code and place a lien upon the property for the costs of such removal.
- (n) Preexisting Antennas, Towers, or Telecommunications Facilities.
- (1) Any pre-existing antennas, towers, or telecommunications facilities which do not meet the requirements of this Section shall be considered nonconforming and subject to the nonconforming use provisions of the Newnan Zoning Ordinance; however, installation of an antenna or antennas on a preexisting tower or monopole shall not constitute the expansion of a nonconforming use provided the new antenna(s) adds no more than 20 feet to the height of the pre-existing tower or monopole. Nor shall the addition of buildings or structures accessory to such antenna(s) constitute the expansion of a nonconforming use, provided all applicable building permits are obtained.

- (2) Maintenance, repairs or alterations to legal nonconforming telecommunications towers necessary to maintain the tower in good condition and repair may be performed. The weight bearing capacity and wind loading capacity of a tower may only be increased to the extent required to maintain the tower in conformance with state and national standards associated with the weight bearing capacity and wind loading capacity for the number of antennas otherwise allowed on the tower as set forth in this Section.
  - (3) Existing antennas may be replaced with another antenna(s) intended to provide the same service.
  - (4) A legal nonconforming telecommunications tower that is damaged by fire, flood, wind, earthquake, ice or other natural causes, to the extent of not more than 50% of its appraised market value at that time, may be restored and the same use or occupancy resumed, provided that such restoration is initiated within a period of one year from the date of such damage and is diligently pursued to completion. Notwithstanding the foregoing, television and radio stations and land mobile operators shall be entitled to repair, reconstruct or rebuild their towers, but only to the minimal extent necessary to resume broadcasting and to fulfill the requirements of their FCC license.
- (o) Community Notification.

Following submittal of an application for a special exception use associated with a telecommunications facility, the applicant must be available to meet informally with community groups and interested individuals who either own or reside on property within the immediate vicinity to review the site development concept proposed in the application. The purpose of these meetings is to solicit suggestions from these groups concerning the applicant's proposed site design and impact mitigation measures. The applicant must also discuss technical and visual aspects of alternative sites. The applicant should attempt to incorporate community suggestions for impact mitigation and report on such attempts at the Planning Commission meeting at which the application is considered.

- (p) Third Party Review.

In certain instances, there may be a need for expert review by an independent third party of specific technical parameters of a low power mobile radio service facility submitted by the low power radio service provider. Such technical data includes expected coverage area, antenna(s) configuration, topographic constraints affecting signal path, etc. The Planning Commission may require such technical review, at the sole expense of the applicant for the low power mobile radio service facility. The review must address the accuracy and completeness of technical data, legitimacy of the analysis techniques and methodologies, validity of conclusions and any other technical issues specified by the Planning Commission. Selection of the third party expert may be by mutual agreement among the applicant and interested parties, or at the discretion

of the Commission, with a provision for the applicant and interested parties to comment on the proposed expert(s) and to review their qualifications.

(q) Height Variance.

- (1) Where an applicant for installation of a tower, monopole or antenna(s) demonstrates that no site meeting the standards of this Section exists which allows uninterrupted service or service without signal distortion, the applicant may apply for a variance from the height limits of this Section. Where an applicant for installation of a tower, monopole or antenna(s) demonstrates that engineering, technical or environmental consideration render the height limits of this Section infeasible, preventing the applicant from providing the desired service from the proposed site, the applicant may seek a variance from the height limits of this Section.
- (2) Application for variance shall include data which demonstrates the technical necessity for the relief requested and shall specifically describe the structure upon which the antenna(s) is proposed to be erected, the height requested and such further information as required for approval as either a conditional or special exception use.
- (3) Applicants seeking a variance to extend an antenna or antennas more than twenty 20 feet above any tower, building or structure shall first obtain written approval from the FCC and FAA certifying compliance with all aeronautical limitations, transmission regulations and all other applicable requirements. Such applicants shall also provide evidence of registration of such antennas with the FCC.
- (4) Application for variances shall be accompanied by a fee that is established by City Council. In addition to the fee, the applicant shall sign a statement accepting responsibility for the full cost of professional engineering review by an independent engineer to verify the need for the variance.
- (5) In no case shall approval be granted for tower or monopole heights exceeding 200 feet.

(r) Exemptions.

- (1) A single antenna under 70 feet in height owned and operated by a federally licensed amateur radio station operator shall be exempted from the provisions of this Section. The owner or operator of such antenna, however, shall be required to comply with all applicable city, state and federal codes.
- (2) This Section shall not apply to the installation, maintenance, or use of:
  - a. A satellite earth station antenna that is 2 meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted; or
  - b. A satellite earth station antenna that is 1 meter or less in any area.

- c. Any cable television headend or hub towers and antennas used solely for cable television services.

**Sec. 3-63. - Timbering and Tree Removal.**

Timbering and tree removal is permitted as-of-right provided that the applicant complies with the provisions of the City's Tree Preservation and Landscaping Ordinance and obtains a permit from the City of Newnan. Timbering activities shall also comply with the Soil Erosion, Sedimentation and Pollution Control Ordinance, latest edition. When exempt forestry management practices cause or result in land disturbance with a protected stream buffer, then only forestry management practices shall be allowed on the entire property for a period of three years after completion of such forestry practices.

**Sec. 3-64. - Tire Sales and Installation.**

- (a) Tire installation shall be conducted within completely enclosed buildings.
- (b) No parts, tools or equipment used in tire installation shall be placed outside of the building housing the installation.
- (c) Used tires shall be stored in an area which is covered and sufficiently screened from view.

**Sec. 3-64.2 – Tobacco shops, vape shops, vapor products and alternative nicotine product retail establishments**

- (a) A tobacco shop, vape shop or a retail establishments that primarily sells vapor products and alternative nicotine products shall not be located within 300 feet of any parcel upon which a public or private elementary or secondary school, college campus, substance abuse treatment facility or any residence.
- (b) A tobacco shop, vape shop or retail establishment that primarily sells vapor products and alternative nicotine products shall not be located within 300 feet of any parcel upon which another tobacco shop, vape shop or retail establishments selling vapor products and alternative nicotine products are located.
- (c) For the purpose of this section, measurements shall be made in a straight line from the closest part of any structure that is occupied by a tobacco shop, vape shop or retail establishment primarily selling vapor products and alternative nicotine products to the closest property line of a parcel containing a use listed in subparts (a) and (b) above. Where a use listed in subparts (a) and (b) above is in a multi-tenant space, the distance shall be measured to the closest part of the tenant space occupied by that use rather than the property line of the entire development.

**Sec. 3-65. - Unattended/Attended Collection Centers, Charity or Commercial.**

- (a) The maximum area for an unattended collection center shall not exceed 50 square feet.
- (b) The maximum size for an attended collection center shall not exceed 200 square feet.
- (c) Unattended/attended collection centers' structure shall be no more than 8 feet in height.
- (d) The following requirements shall also apply to all unattended/attended collection centers:

Sec. 3-68. - Purpose and Intent.

- (1) Shall be established in conjunction with a commercial use or community service facility which is compliance with the zoning and ordinances of the City of Newnan.
- (2) Shall not occupy parking spaces required by the primary use, nor reduce available parking spaces below the minimum number required for the primary host use.
- (3) Shall be constructed of durable waterproof and rust-proof material, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected.
- (4) Shall be clearly marked to identify the type of material to be deposited, operating instructions, the collection schedule and the identity and phone number of the operator or responsible party. A notice must also be displayed stating that no material shall be left outside of the collection center. Attended Collection Centers located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.
- (5) Shall be set back at least 10 feet from the public right-of-way and at least 30 feet from any property zoned or occupied for residential use. Shall not obstruct or block any pedestrian or vehicular circulation.
- (6) Shall not impair the landscaping required by local ordinance.
- (7) Unattended/attended collection centers shall not require any additional parking spaces at the established parking lot of a host use. In addition, Attended Collection Centers can provide one space for the attendant, if needed.
- (8) Signs must comply with terms and conditions of the Sign Regulations Article.

**Sec. 3-66. - Vehicles for Hire.**

- (a) No vehicle for hire shall be operated in the City without having first obtained a certificate from the City Council authorizing such operation, as specified in Chapter 22 of the Code of Ordinances of the City of Newnan, Georgia.
- (b) Companies located in the CUN and CBD districts shall be limited to a fleet of 5 vehicles for hire.
- (c) Companies located in the OI-1, OI-2, CCS, CGN districts shall be accessory to the main business on the property which shall be limited to a shuttle service or limousine service provided by a hotel. Such companies need not be operated as a division of the primary use. Companies in these districts shall be limited to a fleet of five vehicles.
- (d) One parking space shall be provided for each vehicle in the fleet, plus one for each on-duty driver and one per dispatcher.
- (d) On-site repair services will only be permitted in the CHV and ILT districts.

**Sec. 3-66.2. – Vehicle Sales – Automobile (new), boat, motorcycles and similar light vehicles**

- (a) The following standards shall apply to vehicle sales upon which approval as a special exception is required.
- (b) Automobile sales shall be limited to passenger cars, passenger trucks and passenger vans.

- (c) Established on a lot having a minimum of two (2) acres.
- (d) All vehicles on the lot shall be in operating condition and substantially free of body damage.
- (e) All vehicle repairs must be conducted inside an enclosed building. No outdoor storage of any parts, tires, etc. shall be permitted.
- (f) Only businesses properly licensed by the state as vehicle sales dealers may sell products from the premises. No vehicles shall be parked and offered for sale in a commercial parking lot or the parking lot of a place of business unless such lot is a designated vehicle sales lot.
- (g) Vehicles sales establishments shall abide by site design and architectural requirements of any zoning overlay district and no deviations shall be permitted. All vehicle sales establishments shall abide by the City of Newnan's Sign Regulations.

**Sec. 3-67. - Waste Transfer Stations.**

(a) Site Conditions.

- (1) The following areas are excluded as sites for waste transfer stations: Wetlands and floodplains; endangered and protected flora and fauna habitats; protected sites of historical, archeological, or cultural significance; prime agricultural land and parks and preserves.
- (2) The operating portions of these facilities hereafter established shall not be permitted within 200 feet of any property zoned or occupied for residential use, office or institutional use and/or any special overlay districts.
- (3) A type "E" Buffer, as specified in the City's Tree Preservation and Landscaping Ordinance shall be preserved and/or established and maintained to all exterior property lines.
- (4) The facility shall not be closer than 200 feet to any stream. All drainage and stormwater measures must be approved by the City Engineer.
- (5) The minimum size, including land buffers and related uses for a waste transfer station is 5 acres.
- (6) A State permit, as applicable, special exception approval by the City and written plan review approval by the City shall be required before operations begin.
- (7) The completion of the facility shall result in the improvement of the property on which it is located.

(b) Waste Transfer Station Design and Operations.

- (1) Waste transfer stations shall be accessible without excessive travel over local residential streets. The entrance or entrances shall be directly off a State or Federal highway
- (2) Noise Control.
  - a. All waste-handling operations must be totally enclosed.

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- b. Concrete walls and structures are required to absorb sound.
  - c. Shielding or barriers, such as trees, berms or walls must be installed around the facility to block and absorb noise. Walls can be made from concrete, stone, brick, wood, metal, or earth subject to approval by the City Engineer. Vegetate berms with grasses, shrubs or trees can also be added to mitigate noise and increase aesthetics. Barriers should be continuous, with not breaks and of sufficient length to protect the intended receptors.
  - d. Wing walls, constructed of concrete, on transfer buildings must be installed to block noise from trucks entering and exiting the facility and noise from interior operations.
  - e. Insulate the facility's walls with sound-absorbing material.
  - f. Administrative buildings should be located between the sources of noise and community.
  - g. Doors to the facility shall be kept closed during operating hours, except when vehicles are entering or exiting.
  - h. (Establish non-peak operating hours that avoid early morning or late-night operations.
- (3) Odors.
- a. All waste must be removed at the end of each operating day. No waste shall be allowed to remain on site overnight.
  - b. The facility's tipping floor or surge pit must be cleaned and/or washed down with sufficient frequency. The frequency of cleaning the facility's floor or surge pit can be determined by the Board of Zoning Appeals.
  - c. Misting systems shall be installed with deodorants to mask or neutralize odors. Facility operators must make seasonal adjustments as needed to control odors.
  - d. Ventilation systems with air filters or scrubbers shall be installed.
  - e. The facility should employ odor vestibules on truck entrances and exits. Odor vestibules are 2-door systems in which the outer door closes before inner door to prevent odors from escaping.
  - f. Plastic curtains on entrances and exits should be installed when doors are opened to allow vehicles to enter or exit.
- (4) Dust.
- a. All roads, parking areas and access surfaces on the facility's site must be paved.
  - b. The paved areas must be cleaned frequently with street-sweeping equipment.
  - c. Waste collection vehicles must be washed before they leave the facility to remove dust-generating dirt or debris.
  - d. Misting systems should be installed over tipping areas to keep dust particles down.

- (5) Vectors – rats, mice, cockroaches and other insects.
  - a. The facility shall hire a professional licensed pest control company to treat and maintain the facility.
  - b. Openings that allow rodents or insects to enter the building must be screened or sealed.
  - c. The facility shall be responsible for exterminating and/or pest control to neighboring properties if it can be proven that the facility is the source of the problem.
- (6) Traffic.
  - a. All facilities hereafter established or operated shall be constructed to prevent road vehicle access except when facility is in use.
  - b. The facility shall submit plans to be approved by the City Engineer concerning traffic patterns and designs. Such considerations should include, but are not limited to, creating acceleration, deceleration, or turning lanes at site entrances and exits; funding road improvements and upgrades around facility to reduce congestion and prevent damage from additional truck traffic; designating inbound and outbound truck traffic routes; prohibiting incoming trucks to queue on public streets and scheduling incoming traffic so that it does not coincide with local rush hours.
- (7) Litter.
  - a. All incoming and outgoing loads must be covered.
  - b. The facility must ensure that all incoming and outgoing trucks are leak-proof to avoid leachate spills on public streets.
  - c. The facility shall implement daily litter inspections and pickup at the facility and on surrounding streets.
  - d. All facilities hereafter established or operated shall be enclosed with a security fence at least eight (8) feet high and no greater than ten (10) feet high meeting the requirements for fences found elsewhere in this ordinance. The fence shall have blinders installed or some other similar fencing material or device. In addition, litter control fencing shall be installed around the perimeter of the facility adequate to prevent paper and similar or related refuse from leaving the facility onto neighboring properties.
- (8) The facility must comply with the City of Newnan’s Solid Waste Plan.
- (9) The cleaning of containers and vehicles shall be performed so that runoff shall not enter the sanitary sewer system, nor shall it runoff onto adjoining properties or into any stream, rivers, creeks, ponds, etc.
- (10) No burning of any kind shall be allowed whatsoever.
- (c) Facility Oversight.
  - (1) All facilities shall have an operator in attendance at all times when the facility is in use. The entrance to the facility must be barricaded when closed to the public.
  - (2) The facility shall be open to inspection of the premises at any time during business hours by officials of the City of Newnan and/or their designees.

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- (3) The facility applicant and/or operator shall hold harmless the City in any litigation resulting from any application or from operation of the facility.

## **DIVISION IV – ALTERNATIVE RESIDENTIAL ACCOMMODATIONS**

### **Sec. 3-68. - Purpose and Intent.**

The purpose of this Division is, on a limited basis that preserves and protects the character of existing single-family neighborhoods and other neighborhoods as applicable, to recognize that as the demographic makeup of Newnan changes, alternative housing options (otherwise known as secondary or subordinate residential units) must be available to meet the needs of specific groups of households. These households include but are not limited to retirees, "empty nesters," the elderly, physically or mentally challenged persons, single person households, developmentally disabled persons, and family members of the primary residential unit occupant. It is the intent of this Division to provide residential options for these persons and to regulate these options so as not to detract from the residential character of the neighborhoods in which they exist. Finally, the intent of this Division is to

achieve specific community-oriented goals including permitting older homeowners to remain in their homes in the face of fixed incomes, rising expenses such as taxes and maintenance, physical infirmities, or the death of a spouse; the stimulation of new, moderate cost rental housing; preserving the vitality of older neighborhoods; and regulating the quantity, quality, and location of alternative residential unit types whereas the lack of such regulation can lead to the establishment of illegal units lacking adequate space, safety, and located in a haphazard and uncontrolled manner.

**Sec. 3-69. - Definitions Referenced.**

The definitions of certain terms referenced in these Sections are set forth in the Interpretation and Definitions Article of this Ordinance.

**Sec. 3-70. - Applicability.**

The requirements established herein shall apply to all districts which allow for alternative residential options in the City of Newnan. Where there is a conflict between the terms and/or requirements contained in this section and another section contained in this Ordinance, as amended or any other ordinance, code, or regulation of the City of Newnan, Georgia, the more strict shall apply.

**Sec. 3-71. - General Provisions.**

The following provisions shall apply to all residential options included in this Division.

- (a) All alternative residential options listed in the sections below shall be prohibited from being located in a platted subdivision existing or approved at the time of the adoption of this Ordinance unless specified below, and shall be prohibited from being located in any zoning district not specifically listed.

- (b) Limitation on the Number of Secondary or Subordinate Units.

There shall be no more than one secondary or subordinate residential unit per lot on any individual lot of record of less than 2 acres.

- (c) Revocation of Alternative Residential Options.

If the provisions are not met herein in full, the accessory dwelling unit shall be vacated within 30 days and shall remain vacant until such time complete information can be provided.

- (d) Dimensional Zoning and Use Criteria.

Refer to Table 3-E, which specifies the dimensional criteria for alternative residential options. Zoning district and use requirements are set forth in Article 3.

**Table 3-E : Dimensional Criteria, Alternative Residential Accommodations**

Dimensional Requirements	Accessory Apartments and Residences for Domestic Help	Apartments Above Commercial Storefronts	Ground Floor Residential
<b>Districts Permitted</b>	Single-family districts upon meeting the requirements of this Division	CBD	None
<b>Districts as Special Exceptions</b>	None	CUN, CGN, CCS, MXD, OI-1, OI-2, PDC	CBD
<b>Maximum Density</b>	One unit per	n/a	One Unit
<b>Unit Cap</b>	One unit	No Requirement	One Unit
<b>Floor Area as Percentage of Primary Unit (Maximum)</b>	30 Percent	No Requirement	No Requirement
<b>Minimum Distance Apart from Other Accessory Unit</b>	10 Feet	No Requirement	No Requirement
<b>Lot Size Minimum</b>	7000 Square Feet	No Requirement	No Requirement
<b>Unit Size Minimum</b>	350 Square Feet	500 Square Feet	500 Square Feet
<b>Unit Size Maximum</b>	750 Square Feet	No Requirement	No Requirement
<b>Location of Unit(s)</b>	<ul style="list-style-type: none"> <li>✓ Above garage</li> <li>✓ Basement</li> <li>✓ Attic</li> <li>✓ Rear of Primary</li> </ul>	Any permitted floor above street level.	Street Level
<b>Separate Entrance Required? Location?</b>	Yes. Not on front façade of primary residence.	Yes. Units must be accessible via an entrance separate from commercial entrances.	Yes. Units must be accessible via an entrance separate from commercial entrances.
<b>Common Doorway Connection</b>	Permitted	Not Permitted	Not Permitted
<b>Water and Sewer</b>	Required	Required	Required
<b>Parking</b>	One paved space in rear yard or garage	See Parking and Loading Requirements Article	One parking space in rear yard or garage.

**Sec. 3-72. - Accessory Apartments and Residences for Domestic Help.**

(a) Purpose.

The purpose of permitting accessory apartments and residences for domestic help on a limited and select basis is to allow homeowners to rent, lease or provide living quarters for a single accessory apartment clearly subordinate to the primary unit and limited in size and location, which may include mother-in-law suites.

(b) Infrastructure Requirements.

Public water and sewer shall be required.

(c) Additional Development Requirements.

Any new subdivision seeking approval for allowing the establishment of accessory apartments or residences for domestic help must include in the required application for preliminary plat approval a description of those lots designated for potential accessory apartments. The deed shall indicate that accessory apartments are permitted on the lot.

(d) Building Code Requirements.

All additions or alterations to a primary residence or any other building or structure for the purpose of establishing an accessory apartment or residences for domestic help of such unit shall comply with all building codes governing residential development.

(e) Design of Additions or Alterations.

Any addition or alteration for the purpose of establishing an accessory apartment or residences for domestic help should be compatible in design with the primary residence and in keeping with the character of the district in which it is to be established.

(f) Same Address.

The accessory apartment or residences for domestic help must have the same street address (house number) as the primary residence.

(g) Ownership and Occupancy Requirements.

(1) An accessory apartment may be occupied by a tenant or owner-occupant as long as the owner of the lot maintains residency in either unit. The residences for domestic help shall be within the housing unit in which the owner occupies.

(2) The owner-occupant may be permitted bona fide temporary absences not exceeding 6 months in any 12-month period. The period of temporary absence may be increased only by the Board of Appeals upon a finding that a hardship would otherwise result.

(3) Except in the case of an accessory apartment that lawfully exists at the time of the acquisition of the home by the applicant, one year must have elapsed between

the date when the owner purchased the property (settlement date) and/or the date when the special exception becomes effective for areas in which a special exception is required.

- (4) Under no circumstances shall an owner receive compensation for the occupancy of more than one dwelling unit on a single-family zoned lot. Compensation shall not be received for residences of domestic help.

**Sec. 3-73. - Apartments Above Commercial Storefronts.**

(a) Purpose.

The purpose of allowing residential apartments above commercial storefronts on a limited and select basis in certain zoning districts is to encourage residential uses within these districts to accommodate residents who need easy and direct access to their place of work, to create an alternative housing option, to facilitate a housing option that is compatible with street level commercial uses with a minimum of disruption to those uses, and to provide an added security measure by creating a district that is active 24 hours a day. Refer to the "Storefront Developments" requirements under Sec. 3-13 for additional information regarding storefront development configuration requirements.

(b) Infrastructure Requirements.

Residential apartments above storefronts must meet the following infrastructure requirements:

- (1) Public water and sewer shall be required.
- (2) Sidewalks adjacent to the building containing such units shall be required.

(c) Additional Development Requirements.

- (1) If residential uses are provided above the street level, such uses shall have separate and distinct entrances. In addition, such residences must meet the following requirements:

Unit Type	Minimum Size (Square Feet)	Minimum/Maximum Percentages
Studio or Efficiency	500	None/30
One Bedroom	700	None/None
Two Bedroom	950	None/None
Three (3) Bedroom or More	1100	None/10

(2) Building Codes.

All such residential units shall comply with all existing commercial building codes and fire codes (NFPA Life Safety Code, 1991 Edition; Southern Building Code Standard Fire Prevention Code) with fire walls.

(3) Restrictions.

- a. All window treatments shall be off-white colors with no signs, drawings, or photographs incorporated therein. Nothing shall hang from the outside of the windows.
- b. No outside mailboxes shall be permitted; inside mailboxes or mail slots shall be used.
- c. No daily or weekly boarding rooms shall be permitted. Only complete dwelling units as defined herein may be established.
- d. Each dwelling unit shall be furnished with a washer and dryer or be located no more than 500 feet from a common wash area accessible to residents or a public laundromat.
- e. Each unit must contain a garbage disposal unit.
- f. Outside building identification numbers shall be provided and not exceed 6 inches in height.
- g. No drying of clothes shall be permitted on the outside of any building.
- h. Entry to the unit or to a hallway serving one or more unit shall be provided by a stairway opening directly to the outside at street level. All entry stairways shall be enclosed and secured. For buildings with multiple units, a central common hallway conveniently serving all units shall be established.
- i. All window air conditioning units shall not be visible from any public street.
- j. No outdoor cooking shall be permitted.
- k. No maintenance, washing, or detailing of vehicles is permitted.
- l. No recreation, entertainment, public gathering, or placement of furniture shall be allowed on the sidewalks adjacent to the building containing the units unless permitted by City Council.

- m. No garage, yard, estate, rummage or other similar sales shall be permitted.
- n. Landlords shall furnish a City approved trash container and recycling bin for each dwelling unit that shall be located with the approval of the Planning and Zoning Director.
- o. A copy of these requirements / restrictions shall be made a part of each lease agreement.

(4) Additional Building Design Requirements.

- a. Residential areas shall be designed in such a manner as to provide a safe and secure environment for residences. This shall include, at a minimum, secured common building entrances to residential areas which, for entrances serving six or more units, shall open to a heated lobby of a minimum of 10 square feet per unit up to 300 square feet.
- b. Common residential building entrances shall be physically separated and distinct from commercial or other nonresidential building entrances.
- c. For buildings with multiple apartment units, a central hallway conveniently serving all units shall be established.
- d. All construction of apartments above commercial storefronts shall comply with all building codes governing residential development.

(d) Unit Registration and Permitting.

(1) Registration.

Each apartment approval as a special exception must be registered in the Planning and Zoning Department and the owner shall keep all information related to the unit current.

(2) Permitting.

While no permit is required, landowners with apartments above commercial storefronts are required to keep registration current or risk revocation of special exception approval.

**Sec. 3-74. - Ground Floor Residential.**

(a) Purpose.

The purpose of allowing ground floor residential on a limited and select basis within certain areas of the Central Business District, as shown on Exhibit "A" referenced in paragraph (d) below, is to accommodate residents who need easy and direct access to their place of work, to create alternative housing options, and to provide an added security measure by creating a district that is active 24 hours a day.

(b) Infrastructure Requirements.

- (1) Public water and sewer shall be required.
  - (2) Sidewalks adjacent to the building containing such units shall be required.
- (c) Additional Development Requirements.
- (1) The Special Exception shall be heard by the Planning Commission since the property will lie within the Downtown Design Overlay District (DDO).
  - (2) If exterior improvements are being proposed, the structure must receive a Certificate of Appropriateness as outlined in the requirements for the Downtown Design Overlay District in this Ordinance.
  - (3) At least one off street parking space will be required for the residence.
  - (4) For buildings which have both nonresidential and residential ground floor uses, separate entrances shall be required.
  - (5) Ground floor facades must be screened in such a manner to prevent visibility into the residence from the public right-of-way. For windows and glass doors, privacy can be achieved by using a full pane of non-reflective fixed translucent glass or non-reflective translucent window film of sufficient thickness to prevent views from the outside into the residence.
  - (6) The minimum residential unit size shall be 500 square feet.
  - (7) No outside mailboxes shall be permitted on City right-of-way.
  - (8) Outside building identification numbers shall be provided and shall not exceed 6 inches in height.
  - (9) No drying of clothes shall be permitted on the outside of any building.
  - (10) All window air-conditioning units shall not be visible from any public street.
  - (11) No maintenance, washing, or detailing of vehicles is permitted on City right-of-way.
  - (12) No recreation, entertainment, public gathering, or placement of furniture shall be allowed on the sidewalks adjacent to the building containing the residence unless permitted by Council.
- (d) Establishment of Ground Floor Residential in Limited Areas of the CBD Zoning District.
- Ground Floor Residential will be permitted as a special exception in those areas designated on the overlay map of the CBD zoning district attached hereto as Exhibit "A" and by reference made a part hereof:



## **DIVISION V – SPECIAL CARE RESIDENTIAL ACCOMMODATIONS**

### **Sec. 3-75. - Purpose and Intent.**

It is the intent of this Division to allow for the provision of residential and short-term care facilities for special populations who have special needs in an environment that will assist their transition to normal daily life or provide an environment that is as close to a normal residential home life as possible while protecting the health, safety, welfare, and general well-being of the community and the environment where the facility is located.

### **Sec. 3-76. - Definitions Referenced.**

The definitions of certain terms referenced in these Sections are set forth in the Interpretation and Definitions Article of this Ordinance, as amended.

### **Sec. 3-77. - Applicability.**

The requirements herein established shall apply to any facility or facilities that are defined and established below. Where there is a conflict between the terms and/or requirements contained in this section and another section contained in this Ordinance, as amended or any other ordinance, code, or regulation of the City of Newnan, Georgia, the more restrictive shall apply.

### **Sec. 3-78. - General Provisions.**

#### **(a) Classification of Facilities.**

The following classification system has been established for the purpose of distinguishing between facilities of low impact and high impact. Low-impact facilities are those that can be absorbed by and fit in with the surrounding residential environment without constituting a nuisance due to excessive traffic, insufficient parking, number of individuals being cared for, excessive noise, or type of physical activity.

- (1) Class I: A low impact facility permitting from three to six residents per facility. Class I facilities are permitted only by special exception approval in residential zoning districts. In addition to the requirements imposed by the underlying zoning, Class I facilities must also meet the following requirements: No facility shall be closer than 1,000 feet, as measured from the property line in all directions, from any other facility regulated in this Division; and The special exception permit required for the facility to operate shall be valid for 12 months from the date of approval, subject to annual review by the granting board or commission of the City. As a part of the annual review, each facility must submit a copy of any and all inspection reports conducted by the authorizing State licensing agency and any incident reports filed with local law enforcement agencies.

- (2) Class II: A moderate impact facility permitting from 7 to 18 residents per facility. Class II facilities are permitted with approval as a conditional use or by special exception or conditional use approval as determined by the underlying zoning, unless otherwise specified by this Division. In addition to the requirements imposed by the underlying zoning, Class II facilities must also meet the following requirements: No facility shall be closer than 1,000 feet, as measured from the property line in all directions, from any other facility regulated in this Division; and The special exception permit required for the facility to operate shall be valid for 12 months from the date of approval, subject to annual review by the granting board or commission of the City. As a part of the annual review, each facility must submit a copy of any and all inspection reports conducted by the authorizing State licensing agency and any incident reports filed with local law enforcement agencies.
  - (3) Class III: A high impact facility permitting from 19 to 49 residents per facility. Class III facilities are permitted with approval as a conditional use or special exception use as long as the site and affiliated structures meet all of the requirements of the underlying zoning, unless otherwise specified by this Division. In addition to the requirements imposed by the underlying zoning, Class III facilities must also meet the following requirements: No facility shall be closer than 1,000 feet, as measured from the property line in all directions, from any other facility regulated in this Division; and The special exception permit required for the facility to operate shall be valid for 12 months from the date of approval, subject to annual review by the granting board or commission of the City. As a part of the annual review, each facility must submit a copy of any and all inspection reports conducted by the authorizing State licensing agency and any incident reports filed with local law enforcement agencies.
  - (4) Class IV: A very high impact facility permitting fifty (50) or more residents and constituting a special population community. Class IV facilities are permitted with approval as a conditional or special exception use as long as the site and affiliated structures meet all of the requirements of the underlying zoning, unless otherwise specified by this Division. In addition to the requirements imposed by the underlying zoning, Class IV facilities must also meet the following requirements: No facility shall be closer than 1,000 feet, as measured from the property line in all directions, from any other facility regulated in this Division; and The special exception permit required for the facility to operate shall be valid for 12 months from the date of approval, subject to annual review by the granting board or commission of the City. As a part of the annual review, each facility must submit a copy of any and all inspection reports conducted by the authorizing State licensing agency and any incident reports filed with local law enforcement agencies.
- (b) Density, Zoning and Use Provisions.

All such developments shall meet the density requirements of the district in which they are located unless otherwise provided in this Division. Zoning district and use requirements are set forth in the Use of Land and Structures Article.

(c) Procedures.

(1) Permit Application for Approval and/or Registration.

All residential and short-term care facilities must receive a conditional use or special exception permit from the city. All facilities which require a special exception shall have their application forwarded to the appropriate board for public hearing. The following shall be submitted as part of any application for all residential and short-term care facilities:

- a. A completed special exception application form (when applicable).
- b. Receipt of appropriate fees.
- c. A site plan which denotes the location of all current or proposed structures, parking facilities, a landscaping and screening plan, and a proposed circulation plan.
- d. The applicant shall submit a floor plan showing the location, size, and space utilization of each room in the facility.
- e. The applicant shall submit a signed affidavit stating that the applicant either has applied for or will immediately apply for the corresponding permit or authorization (if required) for the operation of such a facility from the State Department of Human Resources or other applicable agency, in accordance with their rules and regulations, and the affidavit shall also certify that the proposed facility will meet and be operated in conformance with all applicable Federal and State laws and regulations, with all ordinances and regulations of the City of Newnan.
- f. The City may require clarification or additional information from the applicant that is deemed necessary by the City to determine whether the proposed facility will meet applicable laws, regulations, and development standards and will not constitute a nuisance due to excessive traffic, insufficient parking, number of individuals being cared for, excessive noise, or type of physical activity.
- g. If after receiving approval by the City to operate, should any facility regulated in this Division operate in such a manner so as to constitute a nuisance, as defined and regulated by ordinance, the City reserves the right to revoke the facility's permit.

(2) Minimum Criteria.

Approval of any application to operate a residential or short-term care facility is subject to the following criteria:

Sec. 3-79. - Residential and Short-Term Care Options for Elderly or Adult Persons.

- a. Issuance of any permit or license required by the State Department of Human Resources along with a copy of the application submitted for licensure.
- b. Compliance with any applicable City fire and building safety regulations and all requirements of these sections.
- c. Upon a determination that the proposed facility is not detrimental to the uses of surrounding or nearby properties.
- d. For Class II or greater facilities that are not owned by an individual, a governing body must be established which is identified and defined as having full responsibility for the overall conduct and activity of the center. The governing body shall appoint a director who shall have the authority and responsibility for the direction and administration of the facility according to the written policies and procedures required of this Article. A description of the governing body, a copy of the adopted policies and procedures, and the name of the director shall be submitted with an application for registration. In the event that the facility is individually owned, the owner(s) will complete the statement of responsibility.
- e. The governing body or individual applicant shall establish and submit a work program consisting of written policies and procedures to assure that the purposes and requirements of the facility are being met. In addition, policies shall include:
  1. State number of participants to be served.
  2. Operational hours.
  3. Range of services offered.

**Sec. 3-79. - Residential and Short-Term Care Options for Elderly or Adult Persons.**

(a) Purpose and Intent.

These facilities are designed to provide for the special needs and requirements of the elderly or the adult infirm populations. The purpose of a day care facility is to provide a residential or family-based day care home for the elderly or adult infirm which shall be operated during a part of the day only and shall not provide residence. These facilities are subject to the requirements in this Section.

(b) Adult Day Care Facility.

(1) Class I.

- a. The applicant shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for personal care homes covered under Chapter 290-5-35.

- b. At least one administrator, on-site manager, or a responsible staff person shall be on the premises during all operating hours.

(2) Class II.

- a. The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for adult day care.
- b. There shall be a minimum of one full-time staff person for each 15 participants and at least two staff persons present for supervision of participants at all times that participants are in attendance at the center.
- c. Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices) shall be greater than or equal to 35 square feet per participant.

(3) Class III.

- a. The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for adult day care.
- b. There shall be a minimum of one full-time staff person for each 15 participants and at least two staff persons present for supervision of participants at all times that participants are in attendance at the center.
- c. Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices) shall be greater than or equal to 35 square feet per participant.

(4) Class IV Adult Day Care Facilities are not allowed.

(c) Assisted Living Facility.

(1) Class I.

- d. The home shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for personal care homes covered under Chapter 290-5-35.
- e. There shall be a minimum of one full-time staff person during operating hours. At least one administrator, on-site manager, or a responsible staff person shall be on the premises 24 hours per day.
- f. Private or single bedrooms shall contain a minimum of 100 square feet of usable floor space. Other bedrooms require 80 square feet of usable floor space per resident. Useable floor space shall be defined here exclusively to mean that floor space in addition to that area provided for closets, toilet rooms, and entry ways. There shall be no more than four residents per bedroom.

- g. The floor plan shall be such that no person other than the resident assigned to a bedroom should pass through that resident's bedroom in order to reach another room.
  - h. The facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building.
  - i. A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This area shall be enclosed with a minimum 6-foot fence and screened with a Class A buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.
- (2) Class II.
- a. Signage requirements will be based on the underlying zoning.
  - b. All other requirements are the same as Class I Assisted Living Facility (Group Home), above.
- (3) Class III.
- a. The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for personal care homes (Chapter 290-5-35).
  - b. The facility including any area set aside for participants shall not be located any closer than 100 feet from the right-of-way of an arterial road.
  - c. A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the side or rear yard of the facility. This recreational area shall be enclosed with a minimum 6-foot fence and screened with a Class A buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, adjacent to any residentially zoned property.
- (4) Class IV.
- All other requirements are the same as Class III Assisted Living Facility, above.
- (d) Nursing Home.
- This facility category is subject to stipulations found in Sec. 3-78 of this Article.
- (1) Class II and Class III.
- a. The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for skilled nursing facilities (Chapter 290-5-8).
  - b. The facility including any area set aside for participants shall not be located any closer than 100 feet from the right-of-way of an arterial road.

(2) Class IV.

All other requirements are the same as a Class III Nursing Home above.

(e) Retirement Community.

(1) Independent Community – Purpose.

- a. The purpose and intent of an Independent Retirement Community is to provide for the establishment of a retirement community type of development, providing within it all the recreational, medical, retail, commercial and similar services required by the residents thereof, in accordance with the comprehensive development plan approved by the Planning Commission and so designed as to achieve a maximum of coordination between the development and the surrounding uses, including a maximum of safety, convenience and amenity for the residents of the development. Such developments shall be limited to areas which have adequate highway access, public water and sewer, and shall provide the area of land required to furnish the development with necessary public services. They shall be so designed as to have a minimum of impact upon surrounding land and to provide adequate open spaces adjacent to their boundaries.
- b. In addition, it is the purpose of establishing this type of development to preserve and take the greatest possible aesthetic advantage of existing trees and to minimize the amount of grading necessary for construction of a development.

(2) Required Uses.

An independent retirement community must, at a minimum, contain the following:

- a. A minimum of 20 dwelling units.
- b. Retail commercial center, limited to the uses permitted in the CUN zone and occupying not more than 1.5% of the gross site area, including off-street parking.
- c. Necessary accessory buildings and uses, including facilities for maintenance, administration, fire prevention and safety, streets and off-street parking facilities.
- d. Two or more of each of the following recreational, educational and cultural facilities, which shall be available on a reasonable basis for the exclusive use of the residents of the area restricted to permanent residents who are 50 years of age and over, their guests and reasonably to others designated by any party holding title to such facilities, in trust or otherwise:
  1. Golf course, 18 holes.
  2. Lake.

3. Clubhouse.
4. Swimming pool.
5. Auditorium or meeting hall or both.
6. Bowling green.
7. Shuffleboard court.

(3) Allowed Uses.

The following uses are also allowed:

- a. Hotel located in the age-restricted community for use predominantly by guests of permanent residents, occupying not more than 5 acres of land.
- b. Home occupation in the unrestricted portion of the development regulated by 3-24 of this Article.
- c. Hospital.
- d. Life care facility.
- e. Nursing home or similar convalescent facility.
- f. Recreational, educational and cultural facilities not otherwise required by this Section which are not inconsistent with the purposes of this zone.
- g. Public utility buildings and structures.
- h. Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room may be installed pursuant to Sec. 3-62 of this Article.
- i. Temporary helistop.
- j. Sites for a church, synagogue, temple or other house of worship with accessory facilities.

(4) Special Exception Uses.

If the use is not located in, and subordinate to, the residential use of a dwelling unit, a special exception approval, pursuant to the Procedures and Permits Article, is required to allow the use.

(5) Minimum Area of Tract.

Each independent retirement community shall have an area of at least 30 acres; except, that a lesser area may be added to an existing planned retirement community if contiguous thereto and in compliance with the provisions of this Section.

(6) Age of Residents and Residential Densities.

A planned retirement community may include a section in which:

- a. There is no restriction upon the age of residents.
- b. The recreational, educational, and cultural facilities listed in subsection 2)d. above are not required.

(7) Age-Restricted Section.

An area containing not less than 80% of the total number of dwelling units must be occupied by at least one person 55 years of age or older per unit. The number of dwelling units in that part of the retirement community shall not exceed 25 per acre of the land constituting the age-restricted section, including the retail commercial center and the associated off-street parking, except as further provided in this Division.

(8) Unrestricted Section.

- a. The number of dwelling units in the area included in the unrestricted section shall not exceed 10 dwelling units per acre of land constituting the unrestricted section, except as otherwise provided in this Division.
- b. The maximum density permitted in each section (age-restricted and unrestricted) may be increased by one dwelling unit per acre for each low and moderate-income dwelling unit included in the respective development plans, provided that the total increase does not exceed 22% of the number of dwelling units permitted by this section, whichever is applicable. The requirement to provide moderately priced dwelling units does not apply to the age-restricted section of a planned retirement community for which construction was initiated prior to the adoption of this Ordinance. All development on any property added to the age-restricted area after the adoption date will be subject to all applicable provisions of this Ordinance.

(9) Setbacks.

All buildings and structures shall be set back at least as follows:

- a. Along not more than 40% of the length of the tract boundary the setback shall be at least 50 feet.
- b. Along the remainder of the tract boundary the setback shall be at least 100 feet.
- c. Notwithstanding the above:
  - 1. There shall be no minimum setback requirement for an entrance gate house, and
  - 2. Along any portion of the tract boundary adjoining land owned or occupied by a public utility the setback may be reduced to not less than 10 feet.

(10) Coverage Limitations.

a. Buildings.

Not more than 15% of the gross area shall be covered by residential buildings.

b. Green Area.

Not less than 50% of the gross land area shall be devoted to green area.

(11) Height of Buildings.

a. No building except a church tower shall have a height of more than 45 feet.

b. At least 65% of the total number of dwelling units shall be contained in buildings not more than 35 feet in height.

c. No residential building over 35 feet in height shall be located within 200 feet of any boundary line of the retirement community.

(12) Roads, Parking and School Sites.

a. Off-street parking.

Off-street parking shall be provided in accordance with the requirements of the Parking and Loading Requirements Article.

b. Roads.

Interior roads not dedicated to public use shall be designed and constructed to the Standards of the City, as set forth by Ordinance of the City of Newnan.

(13) Procedures for Application and Approval and Limitation on Filing.

a. Application and development plan approval shall be in accordance with the provisions of this Division.

b. Site plans shall be submitted and approved in accordance with the provisions of the Procedures and Permits Article.

c. No application for the reclassification of land in the planned retirement community shall be accepted within 50 years after the land was classified in this zone.

(f) Dependent Community.

(1) Purpose and Intent.

Dependent communities are to provide suitable housing options for elderly residents in a variety of living environments and arrangements. Dependent communities shall consist of a minimum of two of the following three (3) types of living arrangements: congregate elderly housing, adult assisted living facilities, and nursing homes.

(2) Project Requirements.

- a. All such developments containing congregate elderly housing facilities shall, at a minimum, contain 12 such units.
  - b. A development shall be a minimum of 5 acres.
  - c. Walk areas and/or paths shall be designed as part of the project.
  - d. All requirements of congregate elderly housing, adult assisted living facilities, and skilled nursing facilities, as listed above, must be met for the living arrangement facilities selected.
- (3) Density.
- The number of units per acre shall not exceed the limits of the zoning district for which the development is proposed.

**Sec 3-80 - Juvenile Detention Home.**

This facility category is subject to stipulations found in Sec. 3-78 of this Division.

- (1) Class I.
  - a. The facility shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for child caring institutions §290-2-5.
  - b. There shall be a minimum of one child care worker for each 10 residents, or fraction thereof, in a living unit 24 hours per day and at least one human services professional employed by or contracted by the home. There shall be a minimum of two staffers present at the facility 24 hours per day.
  - c. All Juvenile Detention Homes must provide the minimum square footage of bedroom personal space, living space and bathrooms, as required by City Ordinance or that amount required by the State of Georgia, whichever is greater.
  - d. A recreation area of a minimum 100 square feet per concurrent participants shall be provided in the rear or side yard of the juvenile detention home facility. This play area shall be enclosed with a 6-foot fence and screened with a Class A buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.
  - e. No sign shall be permitted.
  - f. No person, partnership, association, corporation, or entity shall operate such a facility in the State without having first obtained a license or commission from the authorizing State agency having jurisdiction over the facility to operate the center by demonstrating compliance with the necessary requirements set forth in these and other applicable rules and regulations.

- (e) Juvenile Detention Home (Class II, III & IV).

Not allowed.

- (f) Foster Home.

A duly licensed foster home operated under the guidelines and provisions of §290-2-5 of the State Department of Human Resources is permitted as-of-right in any residential zone. The foster home shall be occupied by the foster care givers on a full-time basis.

**Sec. 3-81. - Residential and Short-Term Care Options for the Developmentally Disabled.**

- (a) Purpose and Intent.

Residential and short-term care options for the developmentally disabled are facilities specifically designed to provide for the special needs and requirements of the developmentally disabled.

- (b) Family-Based Group Homes for the Developmentally Disabled.

This facility category is subject to stipulations found in Sec. 3-78 of this Division.

- (1) Class I.

- a. The facility shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for personal care homes covered under Chapter 290-5-35.
- b. There shall be a minimum of one full-time staff person during operating hours. At least one administrator, on-site manager, or a responsible staff person shall be on the premises 24 hours per day.
- c. Bedrooms shall contain a minimum of 80 square feet of usable floor space per resident and there shall be no more than four residents per bedroom.
- d. The floor plan shall be such that no person other than the resident assigned to a bedroom should pass through that resident's bedroom in order to reach another room.
- e. The facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building.
- f. A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This play area shall be enclosed with a minimum 6-foot fence and screened with a Class A buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.
- g. No sign shall be permitted.

- (2) Class II.

- a. The facility shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for Group Homes for the Developmentally Disabled.
- b. There shall be a minimum of one full-time staff person for each 15 participants and at least two staff persons present for supervision of participants at all times that participants are in attendance at the facility.
- c. Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices) shall be greater than or equal to 35 square feet per participant.
- d. A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This recreational area shall be enclosed with a minimum 6-foot fence and screened with a Class A buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.
- e. No sign shall be permitted.

(c) Assisted Living Facility for the Developmentally Disabled.

This facility category is subject to stipulations found in Sec. 3-78 of this Division.

(1) Class III.

- a. The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for Group Homes for the Developmentally Disabled.
- b. There shall be a minimum of one full-time staff person for each 15 participants and at least two staff persons present for supervision of participants at all times that participants are in attendance at the center.
- c. Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices) shall be greater than or equal to 35 square feet per participant.
- d. The facility including any area set aside for participants shall not be located any closer than 100 feet from the right-of-way of an arterial road.
- e. A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the side or rear yard of the facility. This area shall be enclosed with a minimum 6-foot fence and screened with a Class A buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, adjacent to any residentially zoned property.

(2) Class IV.

- a. The center shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for Group Homes for the Developmentally Disabled.

- b. There shall be a minimum of one full-time staff person for each 15 participants and at least two staff persons present for supervision of participants at all times that participants are in attendance at the center.
- c. Total participant activity space (PAS) which excludes halls, kitchens, storage, bathrooms, and offices) shall be greater than or equal to 35) square feet per participant.
- d. The facility including any area set aside for participants shall not be located any closer than 100 feet from the right-of-way of an arterial road.
- e. A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the side or rear yard of the facility. This recreational area shall be enclosed with a minimum 6-foot fence and screened with a Class A buffer, as specified in the City's Tree Preservation and Landscaping Ordinance, adjacent to any residentially zoned property.

**Sec. 3-82. - Other Residential and Short-Term Care Options.**

(a) Purpose and Intent.

These facilities are designed to provide for the special needs and requirements of other special groups or persons.

(b) Patients Family Home.

Such a home shall be designed and occupied so as to fit in with the existing character of the neighborhood in which it is located. This facility category is subject to stipulations found in the General Provisions section of this Division.

(c) General Requirements.

The application shall include but not be limited to the following information:

- (1) The facility shall be limited to no more than two residents per bedroom;
- (2) There shall be a minimum 80 square feet of bedroom space per resident;
- (3) There shall be a minimum of 2,500 square feet of lot area per resident;
- (4) No such facility be located closer than one 1,000 feet from any other facility regulated in this Division;
- (5) The applicant shall possess a valid license to operate a he freestanding home issued by the Georgia Department of Human Services. Such license and a copy of the accompanying application shall be required to make an application;
- (6) The facility shall meet all of the requirements for patient's family home as specified by the Georgia Department of Human Resources; and
- (7) The home shall provide transportation to the care facility for the patient's family members staying at the home.

(d) Facilities for Adult Offenders – including, but not limited to Halfway Houses.  
Not allowed.

(e) Hospice Care Facility.

This facility category is subject to stipulations found in Sec. 3-78 of this Division.

(1) Class I.

- a. The facility shall be limited to no more than two residents per bedroom;
- b. There shall be a minimum 80 square feet of bedroom space per resident;
- c. There shall be a minimum of two 2,500 square feet of lot area per resident;
- d. No such facility be located closer than 1,000 feet from any other facility regulated in this Division;
- e. The applicant shall possess a valid license to operate a freestanding hospice care facility issued by the Georgia Department of Human Services as per Chapter 290-5-43-.02 of the rules of the Georgia Department of Human Resources. Such license and a copy of the accompanying application shall be required to make an application; and
- f. The facility shall meet all of the requirements for Hospices as specified by Chapter 290-5-43 of the rules of the Georgia Department of Human Resources.

(2) Class II.

- a. The facility shall be limited to no more than two residents per bedroom;
- b. There shall be a minimum 80 square feet of bedroom space per resident;
- c. There shall be a minimum of 2,000 square feet of lot area per resident;
- d. No such facility be located closer than 2,000 feet from any other facility regulated in this Division;
- e. The applicant shall possess a valid license to operate a freestanding hospice care facility issued by the Georgia Department of Human Services as per Chapter 290-5-43-.02 of the rules of the Georgia Department of Human Resources. Such license and a copy of the accompanying application shall be required to make an application; and
- f. The facility shall meet all of the requirements for Hospices as specified by Chapter 290-5-43 of the rules of the Georgia Department of Human Resources.

(3) Class III.

The facility shall meet all other requirements of the Class II Hospice, above.

(4) Class IV is not allowed.

(f) Transitional Shelter.

This facility category is subject to stipulations found in Sec. 3-78 of this Division.

(1) Class I.

- a. The facility shall be limited to no more than two residents per bedroom;
- b. There shall be a minimum 80 square feet of bedroom space per resident;
- c. There shall be a minimum of 2,500 square feet of lot area per resident;
- d. No such facility be located closer than 1,000 feet from any other facility regulated in this Division;
- e. The applicant shall possess a valid license to operate a freestanding shelter issued by the Georgia Department of Human Services. Such license and a copy of the accompanying application shall be required to make an application; and
- f. The facility shall meet all of the requirements for transitional shelter as specified by the Georgia Department of Human Resources.

(2) Class II.

- a. The facility shall be limited to no more than two residents per bedroom;
- b. There shall be a minimum 80 square feet of bedroom space per resident;
- c. There shall be a minimum of 3,000 square feet of lot area per resident;
- d. No such facility be located closer than 2,000 feet from any other facility regulated in this Division;
- e. The applicant shall possess a valid license to operate a freestanding shelter issued by the Georgia Department of Human services. Such license and a copy of the accompanying application shall be required to make an application; and
- f. The facility shall meet all of the requirements for transitional shelters as specified by the Georgia Department of Human Resources.

(3) Class III and IV not allowed.

(4) Other Requirements.

- a. Such facilities shall maintain records of occupants and include the following information: name(s), Social Security Number, and date of admission.
- b. Occupants shall be limited to 6 months residency.

(g) Residential Mental Health and Substance Abuse Facilities.

This facility category is subject to stipulations found in Sec. 3-78 of this Division.

(1) Class I.

- a. The facility shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for residential mental health and substance abuse facilities.
  - b. There shall be a minimum of one full-time staff person during operating hours. At least one administrator, on-site manager, or a responsible staff person shall be on the premises 24 hours per day.
  - c. Bedrooms shall contain a minimum of 80 square feet of usable floor space per resident and there shall be no more than four residents per bedroom.
  - d. The floor plan shall be such that no person other than the resident assigned to a bedroom should pass through that resident's bedroom in order to reach another room.
  - e. If located in a residential district, the facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building.
  - f. A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This play area shall be enclosed with a minimum 6-foot fence and screened with a Class A buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.
  - g. No sign shall be permitted.
  - h. The facility shall not be located within 300 feet of any church, school, college campus, public library, or location licensed for the sales or pouring of distilled spirits, wine, or malt beverages.
- (2) Class II.
- a. The facility shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for residential mental health and substance abuse facilities.
  - b. There shall be a minimum of one full-time staff person for each 15 participants and at least two staff persons present for supervision of participants at all times that participants are in attendance at the facility.
  - c. Total participant activity space (PAS), which excludes halls, kitchens, storage, bathrooms, and offices, shall be greater than or equal to 35 square feet per participant.
  - d. A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the side or rear yard of the facility. This recreational area shall be enclosed with a minimum 6-foot fence and screened with a Class A buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.

- e. The facility shall not be located within 300 feet of any church, school, college campus, public library, or location licensed for the sales or pouring of distilled spirits, wine, or malt beverages.

(3) Class III.

All other requirements are the same as Class II Residential Mental Health and Substance Abuse Facility, above.

(4) Class IV not allowed.

(h) Personal Care Group Home.

This facility category is subject to stipulations found in Sec. 3-78 of this Division. Personal Care Group Homes are exempt from the definition of family and shall be classified in one the following ways:

(1) Class I.

- a. The home shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for personal care homes covered under Chapter 290-5-35.
- b. There shall be a minimum of one full-time staff person during operating hours. At least one administrator, on-site manager, or a responsible staff person shall be on the premises 24 hours per day.
- c. All Personal Care Group Homes must provide the minimum square footage of bedroom personal space, living space and bathrooms, as required by City Ordinance or that amount required by the State of Georgia, whichever is greater.
- d. The facility shall be operated out of the principal residence of the owner or operator who shall also occupy the residence and shall not be operated out of an accessory building.
- e. A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear yard of the residence. This play area shall be enclosed with a minimum 6-foot fence and screened with a Class A buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.

(2) Class II, III & IV.

- a. The home shall submit a work program indicating that it shall adopt the standards of the Georgia Department of Human Resources for Personal Care Group Homes.
- b. There shall be a minimum of one full-time staff person for each 15 participants and at least two staff persons present for supervision of participants at all times that participants are in attendance at the facility.

- c. All Personal Care Group Homes must provide the minimum square footage of bedroom personal space, living space and bathrooms, as required by City Ordinance or that amount required by the State of Georgia, whichever is greater.
- d. A recreational area of a minimum 100 square feet per concurrent participants shall be provided in the rear or side yard of the personal care group home facility. This recreational area shall be enclosed with a minimum 6-foot fence and screened with a Class A buffer, as specified in the City's Tree Preservation and Landscaping Ordinance.

## **DIVISION VI – TEMPORARY USES AND STRUCTURES**

Temporary or seasonal uses and structures may be permitted in compliance with the following provisions. Required parking spaces may be used for the temporary use or event unless otherwise provided below.

### **Sec. 3-83. - Temporary or Seasonal Uses.**

- (a) Temporary or Seasonal Outdoor Sales Including Christmas Trees, Special Event Souvenirs, or Other Seasonal Agricultural Products Such As Pumpkins.

A Temporary Sale Permit shall be required from the City Clerk. Such sales shall be limited to nonresidential districts and shall be limited in duration to 45 consecutive days. No new permit may be issued until after a minimum of 30 days has expired after the previous permit.

- (b) Carnival, Fair, Side Show, Circus, Religious Services or Revivals, or Other Special Entertainment Event.

A Temporary Event Permit shall be required from the City Clerk. These events, open to the general public, shall not exceed a 10-consecutive day period. The applicant must submit a site layout showing adequate provisions for emergency vehicles, fire extinguisher, refuse containers, parking, and general pedestrian access and circulation.

- (c) Auction or Estate Sales.

These events, open to the general public, shall be limited in number to one during any 12 month period. A Temporary Sale Permit shall be required from the City Clerk for each sale.

- (d) Sidewalk Sale, Commercial Outdoor Festival, Arts and Crafts Shows, and Plant Shows.

A Temporary Sale Permit shall be required from the City Clerk. Such events shall be limited to three consecutive days in length and to six such sales events per year. Displays for such events shall not encroach into required parking areas or yards.

(e) Outdoor Community Festivals.

An outdoor community festival may be permitted with a permit issued by the City Clerk in any zoning district provided that the following stipulations be met:

- (1) The festival shall be sponsored by a street club, neighborhood association, or other nonprofit community organization, including a merchant's association or the like within a commercial district.
- (2) In a residential district, the City may authorize a nonprofit organization to conduct an outdoor festival so long as outdoor activity is designed to accommodate and to be used primarily by the residents of the street, church membership, or sponsoring non-profit organization and provided further that such outdoor activity be limited in time to no more than 24 consecutive hours. Festivals of a longer duration shall be considered by the Planning Commission.
- (3) In a commercial district, the City may authorize a civic business or community-based nonprofit organization to conduct an outdoor festival that does not extend for a period longer than three consecutive days. Festivals of a longer duration shall be considered by the Planning Commission.
- (4) A festival may include activities in an area where property is publicly-owned so long as the public entity grants prior written approval for the event which shall be submitted when making an application for said event.

(f) Mobile Food Vendors.

(1) Operation on Public Property.

- a. Mobile food vendors may conduct business or operate in the public right-of-way or publically-owned property if the vendors are part of a city-sponsored or sanctioned special event, or if they have been approved by City Council as a temporary event in accordance with the requirements for Outdoor

Community Festivals above and with the Applications for Temporary or Seasonal Use Permits section herein.

- b. Mobile ice cream trucks may conduct business or operate in the public right-of-way in accordance with the City of Newnan Code of Ordinances.

(2) Operation on Private Property.

Mobile food vendors may operate on private property with a permit issued by the City Clerk provided that the following stipulations be met:

- a. Mobile food vendors shall only operate in nonresidential zoning districts, with the exception that outdoor festivals in residential districts meeting the requirements of subsection h) above may utilize mobile food vendors.
- b. Mobile food vendors shall operate on private property that may contain an occupied or vacant principal building(s) or that may be undeveloped. In all cases, written consent from the property owner(s), property manager(s), leasing agent(s) and or lessee(s) indicating their approval of the vendor site required.
- c. Mobile food vendors shall be located outside of the public right-of-way, landscape buffers and sight triangles, and shall be placed a minimum distance of 30 feet from arterial highways and 15 feet from hydrants and transformers. They shall not block drive aisles, access to loading/service areas, emergency access, or fire lanes.
- d. A mobile food vendor may operate from any given property between the hours of 7:00 a.m. and 11:00 p.m.
- e. Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
- f. Product sales are limited to food and nonalcoholic beverages.
- g. Mobile food vendors 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 vendor's business. Food trucks may not occupy any parking spaces reserved for persons with disabilities.
- h. The owner of a licensed restaurant located within the city may engage in mobile food vending as an ancillary location of said restaurant, provided that all other provisions of this Section are met and adhered to.
- i. Mobile food vendors shall comply with the City's sign regulations.

**Sec. 3-84. - Applications for Temporary or Seasonal Use Permits.**

In addition to the requirements specified in this Division, all applications for temporary or seasonal use permits shall be filed at least 2 weeks prior to the date the use will commence. If public safety support is requested from the City, such application must be filed at least 4 weeks before the commencement of the temporary use. All applications for uses described above shall include the following information:

- (a) The location of the property on which the proposed activity (hereafter "event") will take place, the event's starting date and time, the event's ending date and time, the date and time preparatory activities will commence on the property, and the date and time of completed cleanup of the property.
- (b) A description of the proposed event, including:
  - (1) The type of event, and general nature of the program to be presented, if applicable;
  - (2) The number of persons expected to attend, and, where applicable, the number of tickets to be placed on sale or the number of invitations distributed; and
  - (3) The planned use of sound amplification equipment.
- (c) A security plan, including information regarding each of the following:
  - (1) The number of security guards to be provided, their duties and responsibilities.
  - (2) The agency providing security guards, its address and telephone number.
  - (3) The site supervisor designated by the security agency and contact telephone number.
  - (4) Public safety support requested from the City of Newnan Police Department.
  - (5) Proposed means of contact between safety and security guards, the City and other local emergency services during the course of the event, including cleanup.
  - (6) Location and description of any command center or supervisory office, and of any public safety, security, or first aid stations.
  - (7) A parking plan, including information shown on the sketch plan regarding each of the following:
    - a. Locations of pedestrian, vehicular, and emergency ingress and egress over the entire property, including pedestrian access to streets, driveways, and parking areas, and obstructions of vehicular rights of way;
    - b. Locations and numbers of available off street parking spaces within 500 yards of the property available to individuals in attendance;
    - c. Locations and numbers of available on street parking spaces within 500 yards of the property available to individuals in attendance;

- d. Locations, numbers, and proposed pedestrian access plan for parking spaces located beyond 500 yards of the property available to individuals in attendance; and
  - e. Locations of restricted parking zones within 500 yards of the property.
- (d) The applicant shall provide evidence that all reasonable attempts will be made by applicant to notify the public that animals will not be permitted within the boundaries of the event. Public notification shall include notice in all advertisements and the posting of notices on the property immediately before and during the event.
- (e) The City Clerk shall issue a Temporary or Seasonal Use Permit only upon finding that the proposed temporary use satisfies the following requirements:
- (1) If the property is undeveloped, it contains sufficient open space to support the temporary use;
  - (2) If the property is developed, it contains an area that is not actively used which would support the proposed temporary use without encroaching into or creating a negative impact on existing buffers. open space, landscaping, traffic movements. or parking space availability;
  - (3) Tents and other temporary structures will be located so as to not interfere with the normal operations of any permanent use located on the property;
  - (4) The proposed temporary use will be located no closer than 200 feet to a dwelling;
  - (5) Off-street parking is adequate to accommodate the proposed temporary use;
  - (6) Where the temporary use will occupy an existing parking area, the number of parking spaces left available will be no less than the minimum required under the Parking and Loading Requirements Article, for the principal, permanent use of the property;
  - (7) Adequate restroom facilities, if needed, are provided;
  - (8) For uses described in Sec. 3-83, subsections 1(d - g), an adequate plan for security and safety will be implemented on and around the site of the event, including sufficient staffing, provision for pedestrian safety and traffic routing;
  - (9) For uses described in Sec. 3-83, subsections 1(d - g), an adequate plan for public health, safety, and welfare on and around the site of the event will be implemented;
  - (10) For uses described in Sec. 3-83, subsections 1(d - g), an adequate plan for public health, safety, and welfare outside the site of the event will be implemented, including a showing that the event will not likely cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the City and will not likely cause unreasonable or unwarranted disruption to vehicular or pedestrian traffic.

- (11) All inspections and permits required by applicable construction codes have been made and approved by the Building Official; and
- (12) The temporary use meets all other applicable requirements of this Ordinance.

**Sec. 3-85. - Other Provisions.**

Any special exception approval for a temporary use or event may contain special limitations thereon in accordance with the difference in circumstances which may attend each such requested use.

**Sec. 3-86. - Temporary Structures.**

(a) Temporary Expansion or Replacement of Existing Facilities or until Permanent Establishment of New Facilities

(1) Purpose and Scope.

Factory-fabricated, transportable buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as the following:

- a. Expansion space for existing churches, health care facilities, and government offices, provided that plans for the permanent expansion of the existing facilities have been submitted to and approved by the City;
- b. Temporary offices for construction and security personnel during the construction of a development for which the City has issued an environmental permit or building permit pursuant to the Procedures and Permits Article;
- c. Temporary quarters for recreational facilities which are being provided in conjunction with a new residential development, provided that the City has approved a site plan, planned unit development phase plan, or subdivision plat for the residential development; and
- d. Temporary quarters for a nonresidential use when the permanent building has been destroyed by a fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within ninety (90) days after approval of the modular building. The Planning Director may approve a written request for an extension of an additional ninety (90) days for good cause shown. Failure to obtain a building permit within the time frame allowed will revoke approval for the modular building.
- e. Temporary quarters for a nonresidential use when the permanent building is being renovated or replaced on the same site, provided that a building permit is obtained prior to approval of the modular building.

(2) Standards and Requirements for Approval.

In addition to the above limitations, all such factory-fabricated, transportable buildings shall meet the following standards and requirements:

- a. The factory-fabricated, transportable building shall not be located between the principal building and the front lot line or in any required yard or setback that applies to the principal building;
- b. Underskirting shall be installed around the entire factory-fabricated, transportable building;
- c. Where used to accommodate the expansion of an existing facility, the design of the factory-fabricated, transportable building shall be compatible with the existing buildings on the site in terms of scale and exterior color;
- d. In addition to any other off-street parking required on the site, off-street parking shall be provided for the factory-fabricated, transportable building in accordance with the requirements set forth in the Parking and Loading Requirements Article, as determined by the use and size of the fabricated transportable building;
- e. All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the Building Official prior to installation of the factory-fabricated, transportable building; and
- f. A sketch plan, containing sufficient information to show compliance with the above standards, shall be submitted to and approved by the Building Official prior to installation of the factory-fabricated, transportable building.

(3) Duration.

Such factory-fabricated, transportable buildings may remain on the site for no more than 12 months. This period may be renewed for another 12-month period, for good cause shown, upon approval of a written request, submitted to the Planning Director 30 days prior to the expiration of the permit. In no event, however, shall such extensions allow the factory-fabricated, transportable building to remain on the site for more than 3 years. In any event, temporary construction and security personnel offices shall be removed from the site before the City issues the last certificate of occupancy for the development.

(b) Temporary Expansion of School Facilities.

(1) Purpose and Scope.

Factory-fabricated, transportable buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as expansion space for existing schools.

(2) Standards and Requirements for Approval.

In addition to the above limitations, all such factory-fabricated, transportable buildings shall meet the standards and requirements in subsection (a)(2) above, except that at least 300 square feet of landscape screening material shall be provided in the immediate vicinity of each factory-fabricated, transportable building in order to screen it from the view of other properties and public streets.

(3) Duration.

Such factory-fabricated, transportable buildings may remain on the site for no more than 12 months. This period may be renewed for additional 12-month periods, for good cause shown, upon approval of a written request for such an extension by the Building Official submitted to the Building Official 30 days prior to the expiration of the permit.

(c) Model Sales Homes.

Model sales homes shall be allowed within a new residential development subject to approval by the Building Official as a temporary use provided that:

(1) The model sales home is located on a lot that was approved by the City as part of the subdivision or development, or a model sales home may be permitted prior to subdivision under the following conditions:

- a. No more than one unit per proposed phase shall be allowed, except for planned residential developments (PDR) that have multiple types of housing. Approved planned residential developments can have up to three (3) model sales homes. In PDR developments, each model sales home must represent a different type of residential product offered with that PDR development.
- b. A sales unit agreement providing for a limitation on the amount of time such a unit may be located on un-subdivided property and that the unit may not be sold until the unit is located on a platted lot shall be executed.
- c. The home will be converted to residential use after it is used as a sales office; and
- d. Only one informational ground sign is erected on the property, with a height no greater than 42 inches and a surface area no greater than 15 square feet.

(2) Model sales homes may be approved for a period of up to 3 years. This period may be renewed for additional 6 month periods, for good cause shown, upon approval of a written request for such an extension by the Building Official. Imposing other requirements as he or she deems necessary should be done to avoid adverse impacts that the use as a model sales home may have on adjacent properties or the community as a whole. If at any time the model sales home fails to comply with the provisions of this section, the Planning Director may revoke approval of the model sales home.

(d) Temporary Real Estate Sales Offices.

Sec. 3-86. - Temporary Structures.

Temporary real estate sales offices shall be allowed within a new residential development, subject to approval by the Planning and Zoning Department as a temporary use, provided that:

- (1) The temporary real estate sales office is located on a lot that was approved by the City as part of the subdivision or development, or a model sales home may be permitted prior to subdivision under the following conditions:
  - a. No more than one unit per proposed phase shall be allowed.
  - b. A sales unit agreement providing for a limitation on the amount of time such a unit may be located on un-subdivided property and that the unit may not be sold until the unit is located on a platted lot shall be executed.
  - c. The building will be converted to residential use after it is used as a sales office; provided, however, that if the temporary building is a factory-fabricated, transportable building, it shall meet the requirements of the section "Temporary Expansion of School Facilities."
  - d. Only one informational ground sign is erected on the property, with a height no greater 42 inches and a surface area no greater than 15 square feet.
  - e. The temporary real estate sales office is aesthetically compatible with the character of the community and the surrounding development.
  - f. The temporary office complies with the minimum yard and setback requirements of the zoning district in which it is located.
  - g. There is no more than one temporary real estate sales office in the development.
  - h. Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices in Parking and Loading Requirements Article.
  - i. Landscaping shall be provided in accordance to the requirements set forth for office development in the as specified in the City's Tree Preservation and Landscaping Ordinance.
  - j. A site plan, consistent with the Procedures and Permits Article, shall be provided, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Building Official prior to installation of the sales office.
- (2) Temporary real estate sales offices may be approved for a period of up to one year. This period may be renewed for two additional 12-month periods, but not exceeding a total of three years, for good cause shown, upon approval of a written request for such an extension by the Building Official filed at least 30 days prior to the expiration date of the existing approval. In approving or renewing approval of a real estate sales office, the Building Official may impose other requirements as he or she deems necessary to avoid adverse impacts that the use as a sales office may have on adjacent properties or the community as a whole.

- (3) The use as a sales office shall be terminated upon expiration of the site plan for the development.
- (e) Other.
  - (1) Temporary Construction Fences.

Temporary construction fences are permitted on properties where projects are required to construct such structures in order to minimize the impact of development on adjacent properties. Such structures shall be approved with the site plan and shall be removed from the site prior to receipt of a Certificate of Occupancy by the Building Official.
  - (2) Any other temporary structure may require information to allow a decision to be made.

## **DIVISION VII – PROHIBITED USES.**

The following uses shall be prohibited in the City of Newnan.

**Sec. 3-87. - Hazardous or Toxic Waste Incinerators and Biomedical Waste Disposal Facilities.**

**Sec. 3-88. - Sanitary or Inert Landfills and Incinerators.**

**Sec. 3-89. - Other.**

See Article 2, including the Principal Uses Allowed by Zoning District table.