

# Article 6 – Master Planned Developments

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**Sec. 6-1. - Purpose of Article 6.**

This Article presents the different ways that land can be developed through master planning processes, allowing flexibility and innovation in order to achieve City goals and result in high quality development.

**Sec. 6-2. - Definitions Referenced.**

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

**DIVISION I – PLANNED DEVELOPMENT DISTRICTS**

**Sec. 6-3. - General Purpose and Description.**

The Planned Development (PD) district is a residual district which shall no longer allow new designation through rezoning, with the exception that Planned Development Residential Districts (PDR) may be allowed through rezoning. The primary purpose of this Article is to administer to the completion of already approved PD projects and any new PDR projects. It is the specific purpose and intent of the Planned Development district:

- (a) To provide for the planned, orderly, and efficient improvement of large, unique or strategically situated landholdings while protecting the natural open space, ecological, topographical, geological, and/or historic features which may exist, from damage which might occur from development permitted by conventional zoning and subdivision regulations. Such features may include but not necessarily be limited to steep slopes, soils, streams and other water bodies, woodlands and pasturelands, wetlands, watershed lands, flood plains, historic structures or sites, cultural features, and scenic views.
- (b) To encourage protected open space to be accumulated into larger contiguous open space tracts.
- (c) To allow for a more efficient and imaginative development of a specific property.
- (d) To permit property to be used in a manner not sanctioned by the existing district regulations in harmony with and without detriment to neighboring properties.
- (e) To provide a review process by the Planning Commission which will allow them an opportunity to evaluate whether the proposed development will be in harmony with the character of the neighborhood in which the development is located.
- (f) To encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale, and other public benefits.

Sec. 6-4. - Types of Planned Unit Developments.

- (g) To encourage better land utilization, economy in the provision of roads and utilities, and flexibility in design.
- (h) To encourage ingenuity and resourcefulness in project and site planning and to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment.
- (i) To provide for a mixture of housing types such as detached single-family homes, two-family homes, townhouses, apartments, zero lot line homes, etc. in order to be responsive to changing market demands and conditions and to the introduction of innovative designs while assuring adequate privacy, light and air, interior space, freedom from noise and traffic, and access to open space and recreation.
- (j) Encourage the mixing of uses as appropriate including housing, neighborhood commercial, office, cultural, institutional, and other compatible uses.
- (k) For mixed-use developments with a residential component, to provide for a variety of housing types such as detached single-family houses, two-family homes, townhouses, apartments, zero lot line development, etc.
- (l) Discourage clearly incompatible land uses and prevent conflicts where such uses cannot be physically separated by the use of buffer strips and open space, gradations in the intensity of use, control of traffic patterns (through the arrangement of streets), the arrangement of uses in relation to topography, and other means.
- (m) To facilitate more affordable and efficient housing by providing possibilities for cost savings in infrastructure, installation costs, and energy costs through clustering of dwellings and other structures and other means.
- (n) To provide a linkage to any public or private transit system within and adjacent to the development by effective organization of uses and the orientation of pedestrian and vehicular facilities.
- (o) To encourage pedestrian circulation within and adjacent to the PD development.
- (p) Provide long range stability in the planning of public facilities and services for the area through the use of a master plan specifying the arrangement and scheduling of the various land use components and project phases.
- (q) Zoning district and use requirements are set forth in the Use of Land and Structures Article.

**Sec. 6-4. - Types of Planned Unit Developments.**

The following types of planned unit developments are authorized by this Ordinance:

- (a) PDR      Planned Residential Development District
- (b) PDC      Planned Commercial Development District
- (c) PDO      Planned Office and Institutional District

**Sec. 6-5. - Location and Siting of Planned Development Districts.**

No new Planned Development districts shall be created, with the exception that new Planned Development Residential Districts may be created. PD for all other types that are not classified as PDR is a residual district designation whereby lands already zoned PD may carry out their approved development plan or modify their project based on the provisions of this Article.

**Sec. 6-6. - Designing a Planned Development District.**

- (a) A Planned Development project consists of four separate components, as described below:
  - (1) Sketch Plan.  
General concept designed to elicit preliminary feedback from staff and Planning Commission.
  - (2) Project Plan.  
The overall concept plan for the development locking in land uses, circulation, and other elements.
  - (3) Phase Plan.  
Preliminary plat for individual phase or pod of the development.
  - (4) Site Plan.  
Site plan review of individual lot or parcel within a phase or pod.
- (b) More detailed descriptions of these components can be found in Sec. 6-12.
- (c) Table 6-A contains dimensional and bulk standards for PD developments.

**Table 6-A: Planned Development District Dimensional Standards**

PROJECT & PHASE DIMENSIONS ↓	ZONING DISTRICT			
	PDR	PDR-developments approved after July 18, 2018	PDC	PDO
<b>Minimum District Size</b> (Acres)	50 75 w/ commercial element	5	25	25
<b>Base/Maximum Density</b> <sup>1</sup> (Residential Units/Acre)	6/8	None	n/a	n/a
<b>Maximum Building Coverage</b> (Project Area Average)	20%	None	35%	35%
<b>Minimum Common Open Space</b>	20%	None	15%	15%
LOT AREA DIMENSIONS ↓	PDR		PDC	PDO
<b>Minimum Lot Size</b> <sup>2</sup> (Square Feet)	6000	None	10,000	10,000
<b>Building Setbacks, Detached Residences</b>				
<b>Front Setback</b> <sup>3</sup>	Major St.=30/80 Minor St.=15/40	None	---	---
<b>Side Setback</b>	5'	None	---	---
<b>Street Side</b> <sup>4</sup> <b>Setback</b>	Major St.=30/80 Minor St.=15/40	None	---	---
<b>Rear Setback</b>	20'	None	---	---
<b>Building Setbacks, Attached Residences</b>				
<b>Front Setback</b>	Major St.=15/40 Minor St.=0/25	None	---	---
<b>Side Setback</b> <sup>5</sup>	10' <sup>5</sup>	None	---	---
<b>Street Side Setback</b>	Major St.=15/40 Minor St.=0/25	None	---	---
<b>Rear Setback</b>	20'	None	---	---
<b>Building Setbacks, Other Uses</b>				
<b>Front Setback</b>	Major St.=30/80 Minor St.=15/40	None	Major St.=30/80 Minor St.=15/40	Major St.=30/80 Minor St.=15/40
<b>Side Setback</b>	10'	None	10'	10'

**Table 6-A: Planned Development District Dimensional Standards**

Street Side Setback	Major St.=30/80 Minor St.=15/40	None	Major St.=30/80 Minor St.=15/40	Major St.=30/80 Minor St.=15/40
Rear Setback	10'	None	10'	10'
LOT AREA DIMENSIONS ↓	PDR	PDR-developments approved after July 18, 2018	PDC	PDO
Minimum Bldg. Line Width	50'	None	50'	50'
Minimum Lot Frontage	50'	None	50'	50'
Minimum Lot Depth	100'	None	100'	100'
Principal Building Height	35'	35'	35'	35'
Accessory Building Height	15'	15'	15'	15'
Min/Max Building Coverage <sup>6</sup> Per Lot	None/50%	None	None/50%	None/50%
Base/Maximum Floor Area Ratio (FAR)	0.50/0.80	None	0.60/1.00	0.60/1.00
Distance Between Buildings	10'	10'	10'	10'
Minimum Landscaped Area	10%	10%	10%	10%
Storefront Development Option				
Front Setback	None	None	None	None
Side Setback	None except 10' adjacent to residential districts			
Street Side Setback	None	None	None	None
Rear Setback	None	None	None	None
Minimum Bldg. Line Width	30'	30'	30'	30'
Minimum Lot Frontage	30'	30'	30'	30'
Minimum Lot Depth	100'	100'	100'	100'
Principal Building Height	35'	35'	35'	35'
Accessory Building Height	15'	15'	15'	15'
Min/Max Building Coverage	None/70%	None/70%	None/80%	None/75%
Base/Max Floor Area Ratio (FAR)	0.50/1.00	0.50/1.00	0.80/2.00	0.70/1.50

**Table 6-A: Planned Development District Dimensional Standards**

<b>Distance Between Buildings</b>	10'		10'	10'
<b>Minimum Landscaped Area</b>	5%		5%	10%

NOTES:

- <sup>1</sup> Note that maximum density may only be achieved through the provision of bonuses and incentives listed in this Division.
- <sup>2</sup> Note that lot sizes may be modified to the extent necessary to reflect the provision of open space.
- <sup>3</sup> Note that the first number refers to the distance to be set back from the public right-of-way and the second number refers to the distance to be set back from the centerline of the road or street. Both numbers shall be considered when calculating setbacks and the larger number used.
- <sup>4</sup> Note that the first number refers to the distance to be set back from the public right-of-way and the second number refers to the distance to be set back from the centerline of the road or street. Both numbers shall be considered when calculating setbacks and the larger number used. Street side may refer to the side of the residence or to the rear of the residence.
- <sup>5</sup> Required at the end of a series of units except that adjacent to an alley, no setbacks shall be required.
- <sup>6</sup> Does not apply to townhomes or storefront development.

**Sec. 6-7. - Planned Developments Approved Prior to the Date of Adoption of This Article.**

Requirements for planned developments have been significantly modified from earlier versions and therefore some transitional rules and privileges will be necessary. Any PD district without an approved project plan will be required to adhere to all of the requirements of this Article. For PD developments with an approved project plan or approved project plan and phase plan, the following shall govern:

(a) Approved Project Plan.

Planned developments having received approval for a project plan or concept plan applicable to the entire planned development project area, the layout and related elements permitted as a part of receiving approval shall be grandfathered. If land use was approved, the land uses proposed shall be permitted to be developed. If circulation routes were approved, these circulation routes shall remain and be developed as approved except that a revised project plan may require a modification to circulation patterns. The GDOT may also require modifications to circulation patterns and other transportation elements of the plan. If specific density of land use elements was approved, these densities may be developed as approved. If the project plan contains no specific reference to land use, circulation, or density, a revised project plan will be required to consider those elements not approved as a part of the original plan. Project plan revisions must be recommended by the Planning Commission and approved by the City Council if:

- (1) The proposed use of any phase or land use area is to be changed to another use.
- (2) Any phase or land use area is to be reduced or enlarged by more than 10%.
- (3) Any proposed additions or deletions to the land area of the PD development. PD projects may only be enlarged to further a public purpose such as to make transportation or circulation improvements, to increase public open space, to provide

additional buffering between incompatible uses, to better connect to the urban fabric outside of the PD project area, or other purpose as deemed appropriate by the City Council after a recommendation from the Planning Commission. In no case shall any existing PD be enlarged more than 10% maximum beyond the area existing at the time of adoption of this ordinance.

- (4) Vehicular or pedestrian circulation routes are to be rerouted, added to or deleted from, or modified as to the design of the facility.
- (b) Project plan revisions must only be approved by the Planning Commission if:
  - (1) Any phase or land use area is to be reduced or enlarged by 10% or less.
  - (2) Changes are proposed to the open space, or other required elements of the project.
  - (3) Staff may administratively approve changes to the following elements provided that such change is consistent with the provisions of this Section:
    - (4) Proposed changes to landscaping elements (will require the submittal of a revised landscape plan).
    - (5) Proposed changes to sign package.
- (c) Approved Phase Plan or Preliminary Plat.

If, in addition to a project or concept plan, a plan for a specific phase of an approved planned development has also been approved, the specifications of the plan approved by the Planning Commission shall be allowed.

- (d) Revised Project or Phase Plans.

Major revisions or amendments to project or phase plans shall subject the plans to review based on the complete provisions of this Division. Revisions resulting in changes to the land uses or layout of previously approved plans shall include elements such as open space or other requirements of this Division that prior versions of the Planned Development district may not have required. Additions to previously approved phase plans will require approval of the phase that land area is to be added to plus the phase that land area will be removed from. Such additions will require adherence to current regulations including the provision of open space.

**Sec. 6-8. - PDR, Planned Residential Development District.**

- (a) General Purpose and Description.

The PDR Planned Residential Development zoning district allows residential development in a manner open to and advocating innovation in design and layout. The principal uses of land in this district are residential with related recreational, cultural, community, and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. Internal stability, harmony, attractiveness, order

and adequate light, air and open space for dwellings and related facilities and by consideration of arrangement of the different uses permitted in this district.

(b) Location of PDR Districts.

PDR districts may be located where sufficient land and infrastructure exists or is planned for which will allow for a development that meets the standards and requirements of this section.

(c) Dimensional Requirements.

Refer to Table 6-A for general dimensional requirements.

**Sec. 6-9. - PDC, Planned Commercial Development District.**

(a) General Purpose and Description.

The PDC Planned Commercial Development zoning district provides for primarily commercial development in a manner encouraging innovation in design and layout. The principal uses of land in this district are commercial with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive commercial area.

(b) Location of PDC Districts.

Planned Commercial Development districts must be located adjacent to a major arterial roadway and be centrally located to serve a wide area of the community. Since innovative site planning is a component of this district, the City may be flexible regarding the permitted location of this district type.

(c) Dimensional Requirements.

Refer to Table 6-A for general dimensional requirements.

**Sec. 6-10. - PDO, Planned Office and Institutional District.**

(a) General Purpose and Description.

The PDO Planned Office and Institutional zoning district provides for primarily office development in a manner encouraging innovation in design and layout. The principal uses of land in this district are office with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive commercial area.

(b) Location of PDO Districts.

PDO districts are most suitably located on arterial or non-residential collector streets between uses of higher and lower intensity or in areas where other office uses are located. PDO districts can serve as an effective transitional area between a more intensive use such as commercial and residential uses. PDO districts should not be located at major street intersections but are more suitably sited in mid-block areas or interior areas of sites.

(c) Dimensional Requirements.

Refer to Table 6-A for general dimensional requirements.

**Sec. 6-11. - Planned Development Standards and Requirements.**

All Planned Developments, in addition to meeting the intent of this Division, shall meet the following standards and such other requirements as are set forth with respect to each of the three permitted types of Planned Developments.

(a) General Standards and Requirements.

(1) Preservation of Features.

The development shall be compatible with the existing topography of the land and shall preserve any unusual topographic or natural features. Requests to waive this standard must be accompanied by a report indicating that the proposed development is a significant community need that transcends the need to preserve the topography and/or feature(s).

(2) Design Focus.

The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations. It must be shown that conventional development regulations would not allow the design of the proposed project and that the project as proposed offers features that are an improvement to conventional zoning from a community or public perspective.

(3) Land Disturbance.

No alteration or disturbance of land in a Planned Development district or the natural or cultural resources thereon shall be permitted until the Project Plan has received approval from the Planning Commission. Any subsequent land disturbance must be consistent with the approval granted by the Planning Commission.

(4) Subdivision Regulations.

Land within a Planned Development shall be treated in its entirety as a subdivision and thus subject to the provisions of the City of Newnan Subdivision Ordinance and Development Regulations, except as follows:

- a. All land subdivision is included regardless of size, land use, purpose of subdivision, or whether new streets are involved.
- b. Preliminary and final plats shall follow the procedures and meet all of the requirements of the City of Newnan Subdivision Ordinance and Development Regulations which shall be supplemented by the requirements of this Division. Wherever there is a conflict between the provisions of the Subdivision Ordinance and Development Regulations and this Division, the provisions of this Division shall govern.

(5) Integrated Functional Design.

Planned Developments must be built as a single integrated design entity. While a PD development may be subdivided subject to the provisions of this Section and the City of Newnan Subdivision Ordinance, every lot shall be contiguous, and the PD shall not be fragmented or separated by non-PD lands.

a. Interconnectivity of Land Uses/Phases.

Each phase of the project shall not be isolated from adjacent phases or land use areas. Each phase shall be served by at least one public roadway which shall connect to all adjacent phases or land use areas. In addition, each phase or land use area adjacent to land outside of the project boundary shall connect to such adjacent land if such a connection is available. If one phase cannot reasonably be connected to another via a public roadway, then a private road or drive may be required. Such a private road must be open to the public at all times for travel to the adjacent phase area. The project must contain a minimum of 2 primary access points from the outside.

b. Calculation of Density.

Land used for open space, common areas, and interior streets, drives, sidewalks, and other circulation ways may be included as part of the land area used for determining the number of dwelling units allowed, the maximum floor area, or the amount of required land. Land characterized by floodplain, steep slopes, wetlands, or other unbuildable or sensitive lands may not be included as part of the land area for density calculations, except that a 25% density provision may be applied to the buildable portion of the development. Therefore, 25% of the land area of the unbuildable area may be added to the buildable portion of the property to increase net density. Density is calculated for the project and for individual phases. Within modules, density for a specific product may exceed that permitted provided that the overall density for the phase meet the required maximum density.

c. General Private Deed Covenants.

The entire PD district shall be included within private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and developments. Refer to Sec. 6-11(a)(6) for additional information.

(6) Ownership and Management Standards and Requirements.

a. Initial Ownership.

All of the land in a planned unit development shall be owned initially by an individual, by a corporation, or by some other legal entity. Individual properties in a planned unit development may be sold after a final plat has been recorded

for each phase with the properties subject to private deed covenants that assure the continuance of the Planned Development as originally approved.

b. Single Ownership and Design.

Planned Developments must be built as a single integrated design entity. The project must be under single ownership or control when the project receives final approval. Should any part of the project be designed for ownership transfer, this shall be so stated in the application. The management plan for the development shall include language that ties subsequent owners of any part of the development to belong to a management entity or association overseeing the entire PD site. A PD development may be subdivided subject to the provisions of this Section and the City of Newnan Subdivision Ordinance. However, every lot shall be contiguous, and the PD shall not be separated by non-PD lands.

c. Owner/Developer Responsibilities.

Initial Owner/Developers of PD projects are responsible for the following elements of the project:

1. Development and maintenance of general common area.
2. Development of arterial and other major roadways and related infrastructure serving the development including the extension of utilities to serve the development.
3. Development of the management plan including development of general covenants, management association set up, and related responsibilities to assure that ownership and management standards are met in full.
4. All approvals and conditions therefrom received related to the PD and its elements.
5. That all overall requirements such as landscaping and open space meet PD requirements.

d. Change of Ownership.

Any conditions attached to an approved PD plan or subdivision plat shall not lapse or be waived as a result of any subsequent change in tenancy or ownership of said land.

e. Management Association or Governing Board.

Each property owner shall become a shareholder in the common ownership of the PD development. Ownership for the purpose of the association can mean ownership of the land, owning a share of a condominium or cooperative development, or a commercial leasehold. Residential renters will not be granted association membership. PD developments shall have two types of documents that relate to governance, the deeds of ownership and the bylaws:

1. Deeds of Ownership.

These documents consist of the deeds of ownership; the warranties conveyed and described in the deed; and a list of covenants, conditions, and restrictions that are conditions of ownership upon the purchasers and owners in the PD. The deeds describe the type of property conveyed, unit of ownership of the purchaser, and property owned and directly managed by the association. Deeds and warranties shall be conveyed to owners from the developer or prior owners of the parcel. The developer shall convey deeds and warranties to the association upon completion of construction of the project and after 40% of units of ownership in the project have been sold. Percentage share of ownership in the association shall be determined by the percentage of acres held by the owner compared to the development as a whole.

2. Bylaws.

Consist of three elements described as follows:

Association Organization—This element describes the organization of the association including the composition and function of the board of directors and executive officers; qualifications, duties, and number of members of the board of directors; how often the board of directors shall meet; whether committees or subcommittees may be established; and its decision functions and obligations.

Association Duties—The bylaws shall require the board of directors to carry out the duties of the association through the officers of the organization. The board may engage the services of paid staff, volunteers, consultants, attorneys, or others to carry out administrative and other functions of the association such as security, landscaping, maintenance, litigation, public relations, and other duties as may be determined by the board.

Shareholder Duties—The bylaws specify the duties and obligations of the individual shareholders as owners and occupants of the PD. The bylaws shall list rules of behavior and rules limiting physical changes or remodeling of buildings, structures, and lots. This element shall provide the amount of association dues to be received from shareholders and how such dues are set and modified. Finally, this element shall list penalties and remedies that can be imposed on shareholders for violating the terms of the deeds and bylaws which may include eviction and foreclosure on the unit of shareholder ownership.

(7) Infrastructure Standards and Requirements.

Water, sewerage, street and school facilities, and other required infrastructure shall be adequate for the proposed development or there shall be a definite proposal for

making them so. Infrastructure required as a part of all PD developments are as follows:

- a. Public water is required.
- b. Public sewer is required.
- c. Roads/Streets.

All interior streets and roads must meet the requirements for such facilities for the City of Newnan as well as the following:

1. The City may require interior streets and sidewalks through the development that connect to the existing street and sidewalk infrastructure of the city.
2. The provision and/or design of streets is subject to review by the Planning Commission which may require or allow modifications to the location, layout, or capacity of roads or attach additional requirements such as turn lanes, traffic circles, wider or narrower rights-of-way, pavement widths, medians, traffic calming or other associated features and provided that such modifications meet generally accepted traffic engineering and planning principles that can be justified by the applicant and/or verified by the Planning Commission. The full cost of City review of the proposed modifications by a consulting traffic engineer shall be borne by the applicant.
3. Public roads, road extensions, or other similar infrastructure shall be provided according to the approved plan. Deviation from plans shall require a revised development plan.
4. All major roadways and other transportation infrastructure serving a Planned Development must be completed and publicly dedicated prior to any building permits being issued.

- d. Sidewalks.

Sidewalks shall be provided according to the requirements as specified in the City's Sidewalk Regulations and may be required by the Planning Commission for other purposes.

- e. Parking.

1. Parking Requirements.

All parking requirements shall be derived from the proposed uses making up the project plan. Each use shall determine its share of required parking. Moreover, spaces calculated for residential units, commercial uses, and other permanent spaces shall be physically separated and dedicated exclusively for that use.

2. Shared Parking.

A shared parking plan meeting the requirements of the Parking and Loading Requirements Article of this Ordinance may be submitted with the phase or site plan for approval.

3. Location of Parking.

Unless physically impossible, all parking for PD developments shall be located to the rear, a combination of side and rear, or underground.

4. Illumination of Parking.

All parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the PD development nor to uses adjacent or nearby the PD development.

f. Utilities.

All utility lines in a PD project shall be placed underground except that adaptive reuse developments may have this provision waived upon a finding by City staff that such requirement would require the replacement or relocation of existing lines at a cost prohibitive to the economic rehabilitation of the building or site. The developer or subdivider shall ensure final and proper completion and installation of utility lines as provided in the subdivision regulations. Standards for street lighting shall be provided by the developer in accordance with the approved site plan.

(8) Landscaping Standards and Requirements.

Minimum standards for landscaping in PD developments are necessary to ensure that higher standards of site planning are realized and to tie the separate elements of the mixed use development together.

- a. A landscape plan meeting the requirements of the City of Newnan landscape requirements as specified in the City's Tree Preservation and Landscaping Ordinance must be submitted as part of a new or revised Project Plan. This can be a separate plan or may be integrated with the Site Development Plan requirements as part of the Project Plan submittal. If the project is phased, only the submitted phase will be required to be provided in detail but calculations and proposed plant materials and treatments must be provided for the entire development.
- b. Entry points to the development shall be landscaped in an attractive manner using plant specimens utilized throughout the remainder of the development.
- c. All interior and perimeter roads and streets shall provide street trees allowed by the City of Newnan Plant Palette. Such trees shall be planted no more than 20 feet apart along all street frontages.

- d. All boulevards shall provide attractive, low maintenance plantings in the center islands and be grassed throughout the remainder of the islands.
- e. Landscaping shall be provided adjacent to all buildings and structures including solid waste receptacles.
- f. A minimum 10% of the project site shall be landscaped.

(9) Open Space Standards and Requirements.

Common open space is an important element in a mixed use development serving to provide resting and gathering places, recreation areas, aesthetic complements, stormwater percolation areas, and other purposes. Open space for the purpose of the PD district shall be defined as a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, scenic, recreational, resting, or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated. Open space may include a limited proportion of space so located and treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or adjacent landowners, or a general appearance of openness. Open space (not including unbuildable lands such as steep slopes, wetlands, flood plain, and the like) will be fully credited toward gross density. For every such acre of open space set aside, the number of units which could have been developed on this open space may be assigned to the remaining buildable portion of the property thereby increasing net density for this area. However, gross density shall remain the same. General open space requirements are as follows:

- a. PD developments shall provide a minimum of 30% impervious surface for the overall project area. This may vary from phase to phase but shall be a minimum for the project as a whole.
- b. PD developments shall have an overall maximum building coverage of 50%. Specific land use types may vary.
- c. A minimum of 15% common open space is required for all PD developments except as provided in this Section or reduced under the provisions of Subsection k below. Each phase of the development shall meet the following requirements:
  - 1. Each phase shall contain a minimum of 15% open space; or
  - 2. Each phase shall contain a minimum of 7.5% open space provided that the phase be directly adjoining other common open space of at least 1 acre in size either within another phase of the PD development or outside of the PD development altogether provided that such open space is available for use and enjoyment by the residents or users of the phase in question; or
  - 3. Each phase shall contain a minimum of 10% open space provided that the phase has direct and uninterrupted pedestrian access to common open space of at least 1 acre in size within a distance of no more than 1,500 feet.

- d. Open space shall include: parks, commons, plazas, community green or lawn, landscaped buffers or other areas, decorative plantings, formal or informal gardens, pedestrian walkways or paths, and active or passive recreation areas.
- e. No more than 40% of required open space may be landscaped area.
- f. Not more than 40% of required open space may lie in a floodplain, groundwater recharge area, wetland, steep slope area, or other undevelopable area.
- g. Landscaped open space shall be provided by the developer in accordance with an approved landscape plan that meets the minimum requirements of the "Tree Preservation and Landscaping" Ordinance within the City of Newnan Code of Ordinances.
- h. A minimum of one-third (1/3) of required common open space shall be maintained as parkland provided that:
  - 1. Such lands identified for parkland are found acceptable with respect to size, shape, topography, maintenance requirements, or other factor affecting the suitability of the land as parkland or open space.
  - 2. Dedication may be in 1 or more parcels conveniently located to the residents of the development.
- i. Open space shall not consist of required buffer area, streets, parking lots, driveways, loading areas, sidewalks located in the public right-of-way (except as may be internal to a dedicated park), and area normally inaccessible to pedestrian circulation.
- j. Open space shall also not consist of unimproved or vacant land that does not provide any natural or man-made amenity. This shall include but not be limited to abandoned or overgrown lawn area, scrub land or urban fields, eroded areas or areas of exposed soil, or other land area that, in the opinion of the Planning Commission or their designee, does not have any functional or aesthetic use as open space.
- k. Reduction of Required Open Space.
  - 1. Adjacent Public Open Space.

The minimum amount of open space required for a PD development may be reduced by a maximum of 50% if the PD site bounds, along at least one property line for a minimum of 100 feet, public open space with a minimum area of 10 square feet for every 100 square feet of the PD site and including a park, playground, plaza, garden, or other open space available for and accessible to public use for recreation, relaxation, walking, etc.
  - 2. Open Space Substitutions.

Pedestrian and bicycle amenities may substitute for required open space in the following manner: Dedicated bike path connected to existing or planned bike route; Open pedestrian bridge; Raised pedestrian deck; Enclosed pedestrian bridge; Elevated pedestrian bridge; Shopping or through block arcade. Each amenity may be substituted in a 1:1 ratio related to square feet up to 50% of required open space.

(10) Residential Standards and Requirements.

a. Maximum Lot Area Per Dwelling Unit.

Density of dwelling units may be applied to a specific module or may be averaged for the entire development based on the sum of permitted units allowed by individual zoning areas within the development area divided by the developable residential land area of the development.

b. Single-Family Housing.

Single-family housing in a PD development may consist of the following:

1. Standard single-family detached residences.
2. Cluster residences.
3. Zero lot line residences.
4. Two-family homes.

c. Multifamily Housing Types.

Multifamily housing in a PD development may be in the form of:

1. Townhouses.
2. Apartment structures.
3. Apartments above retail storefronts.
4. Garden apartments.
5. Apartment buildings with retail shops on the first floors.

d. Development requirements for multifamily housing include:

1. Safety and Security.

Apartments shall be designed in such a manner as to provide a safe and secure environment for residents. This shall include, at a minimum, secured entrances to residential areas.

2. Entrances Separated.

Common residential building entrances shall be physically separated and distinct from commercial or other non-residential building entrances.

3. Noise.

Residential units shall be constructed so that interior noise levels are not excessive or constitute a nuisance.

4. Storage of Refuse.

Residential units shall maintain a separate refuse storage container from that used by non-residential uses. It shall be clearly marked for residential use only and use by non-residential tenants is strictly prohibited.

(11) Non-Residential Standards and Requirements.

a. Location of Commercial Phases or Uses.

General commercial and service uses shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the district, workers within the district, and visitors. It is highly preferable that commercial uses maintain a street presence in a traditional storefront configuration. Other acceptable locations include an arcade, interior mall, or in the lobby of a building containing other allowable uses. Strip commercial with front parking is generally not acceptable.

b. Maximum Floor Area Ratio.

Floor Area Ratios (FAR) for non-residential uses may be applied to a specific phase or may be averaged for the entire development based on the sum of permitted floor area allowed by individual zoning areas within the development area divided by the developable non-residential land area of the development.

c. Common Walls.

Common walls between residential and non-residential uses should be constructed so as to minimize the transmission of noise and vibration.

d. Nuisances.

No commercial use shall be designed or operated so as to expose residents to offensive odors, dust, electrical interference, and or vibration.

e. Limitation of Hours and Activity.

Commercial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic and late night activity. In addition, no amplified music shall be audible to neighboring residents.

f. Outdoor Lighting.

All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not be directed toward residential units nor shall such lighting blink, flash, oscillate, or be of unusual brightness or intensity.

g. Finishing Materials.

Non-residential PD development shall utilize masonry or decorative wood exterior finishing materials for, at a minimum, the front and sides of the building. If the rear of the building faces a public street or road, this side shall utilize a masonry or decorative wood exterior finish as well. Acceptable masonry finishing materials include brick, stucco, natural or cultured stone, decorative concrete, or terrazzo tile. Unfinished concrete, cinder block, metal panels, plywood, Masonite, and vinyl siding are not acceptable finishes.

(12) Compatibility Standards and Requirements.

All uses shall conform to the purposes of the PD district and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed PD development. In order to assist in accomplishing such external compatibility, the following requirements shall apply:

a. Relation to Residentially Developed Property Lying Outside of PD District.

1. The sides, rear or front of a lot developed for retail sales and services or multifamily dwellings shall neither abut nor lie across the street from property lying inside or outside the PD district that has been developed with single-family dwellings.
2. No buildings other than single-family detached dwellings shall be constructed within 75 feet of adjoining property that is developed with single-family detached dwellings unless the Planning Commission finds that topographical or development features permit a lesser setback. However, in no case shall the setback be less than 35 feet.
3. No building shall be constructed to a height greater than its distance from any adjoining property designated for residential use on development plan, unless the Planning Commission finds that approval of a waiver of this requirement will not adversely affect the adjacent property.

b. Compatibility with Surrounding Public Improvements.

PD developments must provide public improvements that are compatible in design and function to those of surrounding and adjacent properties. Improvements such as sidewalks, street lighting, trash receptacles, street furniture, and other public elements shall be compatible unless this provision is waived by the Planning Commission based on a conclusion that the proposed improvements are an improvement over the existing adjacent improvements.

c. Effect on Neighboring Properties.

The development shall not in any way negatively affect developed or undeveloped neighboring properties.

**Sec. 6-12. - Application Procedures and Requirements.**

Applications for amendments to existing Planned Development districts and for proposed new Planned Residential Development districts shall follow the procedures outlined in this Section. Previously approved Planned Development districts shall follow the provisions of Sec. 6-7. As described in Sec. 6-6, PD projects have four distinct elements. Requirements for the Project Plan, Phase Plan, and Site Plan elements are described in this Section.

(a) Project Plan.

(1) General Requirements.

- a. The project plan is the plan for the development of the entire Planned Development. The project plan shall identify the specific phases that the project will consist of, all proposed general circulation transportation facilities, land uses and proposed densities, and open spaces and natural site features to be preserved between phase locations. If only one phase of the project is proposed, the project must combine the requirements of the project and phase plans into one submittal. Proposed major streets and other circulation infrastructure along major corridors including sidewalks must be clearly indicated on the plan. The applicant or developer of the PD is solely responsible for the provision of major transportation facilities regardless of property disposition. Such facilities must either be developed prior to approval of any Phase Plan or a bond for 150% of the estimated cost of such infrastructure must be provided to the City prior to the approval of any Phase Plan. Building permits shall not be issued for any lot or parcel that is not located on a dedicated or developmental public street or road.
- b. The project plan shall consist of a professionally designed schematic plan indicating the layout of the development. Two complete sets of the project plan shall be submitted to the Planning & Zoning Department; 9 copies of each graphic in 11"x 17" format; and 2 color renderings of the plan on 36" x 48" claycoat or similar heavy duty paper. This plan shall contain the following elements:

(2) Project Plan Elements.

- a. Identify the boundary of the project property;
- b. Provide a delineation of phases (if applicable);
- c. Indicate total project site area and area by type of land use (i.e. residential, commercial, industrial, office, open space, utilities and right-of-way, other);
- d. Indicate proposed land uses including square footage or acreage and percentage of each component;
- e. Indicate the number of residential units and/or square footage of non-residential floor area by type (i.e. commercial, office, etc.);

- f. Indicate the density of uses within each land use component or phase using units per acre for residential uses and floor area ratio (FAR) for non-residential components;
- g. Show a proposed vehicular and pedestrian circulation plan including entrances and exits and connections to vehicular and pedestrian facilities external to the project property. The project must have a reasonable mix of public and private roadways to maximize circulation efficiency;
- h. Show existing natural features of the site including rivers, lakes, ponds, streams, wetlands, steep slopes, mature trees and tree stands, and other natural features;
- i. Show where proposed open space will be provided by type of open space—landscaped area, community green, plaza, formal or informal garden, natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project. Also indicate where publicly dedicated open space will be provided; and
- j. Indicate location of landscaping and buffers.

(3) Rezoning Application Required.

The applicant shall provide a completed rezoning application and a cover letter requesting review of the project plan that shall include a written narrative describing how the proposed project meets the purposes of the Planned Development district as provided in Sec. 6-3 and the purpose statement of the specific district(s) requested.

(4) Review of Project Plan by Staff.

The project plan shall be reviewed by staff and discussed in an informal meeting with the applicant to examine potential areas of non-conformity. Staff, upon review of the plan, will determine whether the project meets the intent of the district and includes the required elements. If the project does not meet with the intent or lacks required elements, staff may reject the project plan. However, should the plan meet the intent and contain the required elements, staff will accept the project plan and provide the applicant with suggestions for changes and modifications, if any, that will prepare the applicant for the submittal of phase plans. While the applicant may ask for more than one project plan review, at least one review is mandatory.

(5) Review of Project Plan by Planning Commission.

After staff officially accepts the project plan, the Planning Department places the plan on the Planning Commission agenda provided that the date the plan is officially accepted by staff is on or before the 15<sup>th</sup> of the month. After the 15<sup>th</sup>, the plan shall be placed on the agenda for the following month. The Planning Commission shall review the project plan and make a recommendation on the plan and the rezoning of the property. The Planning Commission shall review the plan for the following elements: how the proposed project meets the purpose of a Planned Development as provided in Sec. 6-3; how the proposed project meets the purpose of the specific

Planned Development district; the overall project density as well as the density of land use components; land use mix and percentages; general vehicular and pedestrian circulation including the location and capacity of the facilities and connections internally and externally; and open space type, amount, and location. Other site and project design criteria shall be reviewed at the phase plan stage.

(6) Review of Project Plan by City Council.

Upon receiving a recommendation from the Planning Commission and before enacting an amendment to the Zoning Ordinance, the City Council shall hold a public hearing thereon, at least 15 but not more than 45 days prior to the hearing date, notice of the time, place, and purpose of which shall be published in a newspaper of general circulation in the City of Newnan. If approved, the rezoning becomes effective and the project plan becomes the official plan for the district which will determine how phase plans are developed. The project plan indicated the general land use zones which are associated with the PD designations in this Section. Upon approval of the plan, the applicant shall provide the City with 2 revised color renderings of the plan on 36" x 48" claycoat or similar heavy duty paper.

(7) The following shall be inscribed on each Concept Plan prior to submittal to the City:

**Pursuant to the Planned Development provisions of the Zoning Ordinance of the City of Newnan, Georgia, all the requirements of Project Plan approval having been fulfilled including rezoning of the property to a designation of PD and an acceptable concept plan which shall serve to delineate phases and land use zones of the project, this Project Plan was approved by the City Council at its meeting on \_\_\_\_\_, \_\_\_\_.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

(8) Effect of Approval of Project Plan.

If the project plan and rezoning are approved, the Planned Development district that will have been established and all conditions and requirements attached to that approval are binding on the property unless an amendment is approved. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. The intent of this form of zoning is to provide a *voluntary* alternative procedure for specific development proposals and as such it is intended that all property zoned be in accordance with specific plans to develop. Therefore, every 3 years from the date of approval of a project plan, the Planning Commission will examine development progress to determine if it is proceeding in full compliance with the conditions, provisions, and restrictions of approval. In the event that the development does not comply with the approved plan, the Planning Commission shall direct staff to prepare a findings report to City Council in which the

Planning Commission may recommend remedial action on the property which may include the removal of Planned Development district zoning for the property.

(9) Minor Amendments to Approved Project Plan.

The Planning Commission is authorized to approve minor amendments to the Project Plan provided that:

- a. The applicant submits a revised set of plans detailing the proposed changes along with a cover letter that addresses each proposed change.
- b. That the proposed change:
  1. Involve no more than a 5% increase in residential density.
  2. Involve no more than a 5% increase in non-residential floor area.
  3. Involve no more than a 10% decrease in parking allocated.
  4. Involve no more than a 5% modification to a dimension including setbacks, height, or lot width.
  5. Involve no more than a 5% modification to any other measurable project criteria.
- c. That the proposed changes meet all of the requirements and provisions of this Section.
- d. That the proposed amendment not alter any approved site development regulations of the plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, or general physical layout.

(10) Major Amendments to Approved Project Plan.

Any proposed amendments not conforming with these provisions shall be considered major amendments and resubmitted as a revised project plan. Any proposed amendments which do not meet the minimum dimensional standards or other provisions of this Section shall be required to apply for a variance with the Planning Commission.

(b) Phase Plan.

(1) General Requirements.

- a. After the project plan has been formally reviewed and accepted by staff and the basic concept plan has been found acceptable by the Planning Commission and City Council, the applicant shall submit a plan for the improvement of a specific phase or land use area of the project.
- b. The phase plan shall serve as the preliminary plat for a specific phase, pod, module, or land use designation of the project. Most Planned Developments will consist of a project plan identifying a number of areas of the site with unique or individual land use types. Each of these areas, if developed separately, will

require separate preliminary and final plat approval. Phase plans must be consistent with the project plan or the project plan must be revised and approved by the City. Phase plans must show lot subdivision, if proposed; internal site circulation within the phase or land use area; specific open space set asides; as well as the requirements for phase plans that are provided below.

- c. The phase plan shall be prepared by a Georgia registered land surveyor, Georgia licensed architect, Georgia licensed landscape architect, or Georgia licensed engineer.
- d. Two complete sets of the phase application shall be submitted to the Planning & Zoning Department plus 9 copies of each graphic in 18" x 24" format; and 1 color renderings of the plan on 36" x 48" claycoat or similar heavy duty paper. The phase plan shall meet all requirements for a preliminary plat and this Section and shall be submitted in the format described herein.

(2) Phase Plan Elements.

a. Site Location Plan.

This plan shall identify proposed phases within the project area. This plan shall be submitted at a scale no greater than 1" = 400' and show completed phases and future phases in relation to the phase currently proposed. This plan can be the project plan highlighting the phase area.

b. Existing Conditions Plan.

The plan shall include:

- 1. The boundaries of the site;
- 2. Existing boundary streets and access streets to the phase;
- 3. The topography of the site at 2-foot contour intervals;
- 4. Tabulation of site acreage;
- 5. Existing buildings including square footages;
- 6. Existing parking and paved areas including the number of dedicated parking spaces;
- 7. Other improvements including utilities and other structures;
- 8. Existing vegetation. This plan shall also show existing landscaping and all existing trees of greater than 8 inches caliper and indicate any to be removed;
- 9. Existing circulation pattern of the site including entrances and exits;
- 10. Existing stormwater control and detention (if any); and

11. Adjacent property ownership, land use, and zoning including buildings on adjacent properties.

(3) Site Development Plan.

The applicant shall submit 2 color renderings of the site development plan on 24" x 36" claycoat or similar heavy duty paper. The site development plan shall include the following elements.

- a. Existing boundary streets and access streets to the project;
- b. The boundaries of the site and boundaries of proposed phases;
- c. The delineation of parcel lines, if subdivision will be a part of the development;
- d. The topography of the site at 2-foot contour intervals;
- e. Tabulation of site acreage and the acreage of each proposed phase;
- f. Delineation of the development for the entire site. If only a portion of the site is to be improved in the current project (i.e. developed in phases), that portion shall be shown in detail on the plan. Subsequent phases or portions of the project may be shown conceptually except that land use, density, and other dimensional requirements shall be provided for these areas. Failure to provide this information or proposals to modify the proposed elements of a phase as submitted will require the applicant to file a revised PD preliminary development plan;
- g. Common facilities, such as recreation amenities, service buildings, garages, and trash collection stations;
- h. Site amenities such as benches, fountains, outdoor art, waste containers, kiosks, etc.;
- i. The location of each proposed new building or structure, together with a plan or statement showing the number of stories, height, number of dwelling or commercial units (including details regarding the square footage and/or number of bedrooms, as applicable), proposed uses, and ground coverage of each building;
- j. Proposed changes of contour intervals at a detail of 2-foot intervals;
- k. Any adjacent property owned by the applicant and the uses planned for that property;
- l. The location and type of open space to be provided including landscaped area, community green, plaza, formal or informal garden, or natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project and by phase. Required open space shall be provided as common area and be maintained by a homeowners or merchants association.

(4) Engineering Plan.

This plan shall include:

- a. Existing boundary streets and access streets to the project;
- b. The boundaries of the site;
- c. The topography of the site at 2-foot contour intervals;
- d. Tabulation of site acreage;
- e. The location and preliminary engineering drawings showing centerline profile and typical cross-sections for streets; the location of drives; proposed access for emergency vehicles including fire trucks; and the location, area, and number of parking spaces;
- f. The system of stormwater control both during and after construction;
- g. The location of all existing and proposed utilities including natural gas, water, sewer, electricity, cable television, telephone, etc.

(5) Project Data Report.

This report, 9 copies of which are to be submitted on 8½" x 11" paper, shall include:

- a. A statement on the present and anticipated future ownership and control or management of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, sidewalks, drives, parking areas, utilities, common areas, and common facilities;
- b. The anticipated impact of the proposed development on the surrounding neighborhood. This environmental assessment shall describe the abutting land uses, the existing site, and the proposed development as it affects traffic, air, water, and noise pollution, surface water and sewerage, drainage and stormwater runoff, soil stability, and visual and aesthetic quality in the vicinity;
- c. The proposed minimum and maximum floor areas of buildings and statements and illustrations of the elevations, design, materials, and floor plans of buildings and their identification on the development plan;
- d. A narrative including tables delineating the percentages of land uses to be a part of the development.

(6) Review and Approval of Phase Plan by Planning Commission.

- a. After a phase plan is submitted, the plan shall be placed on the Planning Commission agenda for the following month provided that the date the plan is officially accepted by staff is on or before the 15<sup>th</sup> of the month. After the 15<sup>th</sup>, the plan shall be placed on the agenda for the following month. The Planning Commission shall review the phase plan and decide on the plan as a preliminary plat.



If land subdivision was required for a phase or land use area, the applicant shall submit an application for final plat approval using the criteria and procedures specified in the "Subdivision" Ordinance within the City of Newnan Code of Ordinances. In addition, the plan requirements of Sec. 6-6 shall also be followed. A final plat shall be required when the project infrastructure for the phase is in place.

(8) Submittal of Subsequent Phases.

- a. If the project is phased, each phase subsequent to the initial submittal shall be submitted according to the same requirements as the initial phase plan. Phases completed shall be shown with as-built site renderings on the project locator map indicating what has been already developed.
- b. First and all subsequent phases of Planned Developments shall provide proportionate amounts of proposed site design requirements including open space, recreation facilities, and other amenities.

(c) Site Plan.

- (1) The site plan shows the development plan for an individual building site within a specific phase. If there is to be only one phase to the project and all buildings are to be located on one legal lot, a single site plan for the entire project will be permitted. Site plans must meet all of the requirements for site plan review submittal for the City of Newnan plus the requirements of Sec. 6-6. Single-family residential lots are not required to submit a site plan for Planning Commission review.
- (2) Site plans shall be submitted for individual lots within a phase. More than one building may be contained on an individual lot but shall conform to the "Group Developments" requirements of the Lot and Building Standards Article. Site plans shall be submitted to the Building Department and shall meet all of the criteria for site plans as required by that department. Site plan submittals for Planned Developments must also contain the following items:
  - a. Provide a landscaping plan for the lot that meets the requirements of the City's landscaping ordinance for commercial, office, other non-residential uses, and multifamily housing; and
  - b. Provide a plan showing how the lot relates to the approved phase plan including indicating previously developed sites in the phase; the location, type, and square footage of required open space including detail regarding specific amenities and site elements within the open space area; ingress and egress to the lot from the rest of the phase and other adjacent land.

**Sec. 6-13. - Variances.**

Any variances requested in the PD District shall be granted or denied by the Planning Commission. In granting such variances, the Planning Commission shall adhere to the procedures set forth in the Appeals Article of this Ordinance.

## **DIVISION II – MIXED USE DEVELOPMENT DISTRICT**

### **Sec. 6-14. - Purpose.**

- (a) The MXD, Mixed Use District, is intended to:
- (1). Accommodate mixed-use buildings with neighborhood-serving retail, service and other uses, including residential, on the ground floor and/or residential uses above non-residential uses.
  - (2). Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
  - (3). Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.
  - (4). This zoning district is intended to provide for vertical and horizontal mixed uses. It is intended to integrate uses primarily within the same building or group of buildings. This may permit buildings and uses to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale and other public benefits. In the MXD district smaller lots than might otherwise be under traditional zoning districts may be allowed; however, the purpose is not merely to allow smaller lots or reduce development requirements but to achieve other goals including the protection of sensitive environmental, historic or aesthetic resources as well as the provision of site amenities such as plazas, parks, open space, walking trails, etc.

The MXD district is not intended to encourage greater density of development, nor circumvent traditional zoning by separating uses into parcels or different project areas; rather, it is to facilitate compatible commercial and noncommercial uses and provide quality developments which enhance the surrounding area. MXD may also be utilized to foster the adaptive reuse of existing buildings. A minimum of two (2) different use categories is required for an MXD district.

### **Sec. 6-15. - Applicability.**

- (a) The MXD District is a separate zoning district and shall follow the same amendment procedures as other zoning districts. Unless otherwise indicated in this Division, the land uses and development standards that are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning approval.
- (b) Any MXD District that was approved prior to the adoption of this Zoning Ordinance or amendments to the Ordinance shall continue to be developed under the provisions and conditions of zoning approval that applied at the time of rezoning.

## Sec. 6-16 – General Requirements

- (1) MXD Developments shall be built as a single, comprehensive integrated design entity meaning that both residential and non-residential elements be included in the Master Concept Plan. If the development is proposed to be phased, the first phase should be sufficient to stand on its own as a mixed-use development.
- (2) The MXD project must be under single ownership or control when the project receives final approval. Should any part of the project be designed for ownership transfer, this shall be so stated in the application.
- (3) The management plan for the development shall include language that ties subsequent owners of any part of the development to belong to a management entity overseeing the entire site. The entire MXD district shall be included within private deed covenants running with the land to assure the continuance of the planned development in accordance with the approved Master Concept Plan and development.
- (4) A mandatory homeowners association or similar entity shall be created that will be responsible for the upkeep and maintenance of all yards, common areas, including fencing, landscaping, amenities, and buffers.
- (5) Mixing requirements shall include a balance of a mixture of residential and pedestrian-friendly commercial uses. Potential noise, hours of operation, odors, glare, pedestrian traffic, and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.
- (6) Mixture of residential uses in a project site. For the residential portion, a variety of residential housing types is encouraged to suit a variety of lifestyles, price points, life cycles and privacy between residential uses and other uses on the site is maximized.
- (7) Development must show compliance with all infrastructure requirements, including, but not limited to, utilities, pedestrian and vehicular access including parking spaces and calculations showing the appropriate number of parking spaces for the proposed types of uses has been provided. Infrastructure improvements must be compatible in design and function to those of surrounding and adjacent properties, unless improvements proposed by the applicant/developer are a clear improvement over the existing adjacent infrastructure or public elements.
- (8) Refuse storage containers shall be screened on all sides. Screening material shall be of the same finish material predominantly used on the principal buildings. Minimum height of any fence or wall for screening is 6 feet.
- (9) A complete Landscape plan, including the correct type of plants and trees are planted, especially along streets and sidewalks.
- (10) Open Space plan, with a minimum 15% of the site in open space.

- (11) Within the MXD district, there shall be no restriction on combining different categories of uses within the same building, other than those imposed by Building code, or other regulations.
- (12) Consideration should be given to locating general commercial and service uses in a concentrated area for maximum pedestrian convenience and easy accessibility. It is preferable that commercial uses maintain a street presence.
- (13) Outdoor storage is not permitted.

**Sec. 6-17. - Application Procedures and Requirements.**

(a) Development Summary Report Required.

Applications for rezoning to MXD shall require a written report that establishes the type, nature, size, intent and characteristics of the proposed development. At a minimum, the report shall include the following:

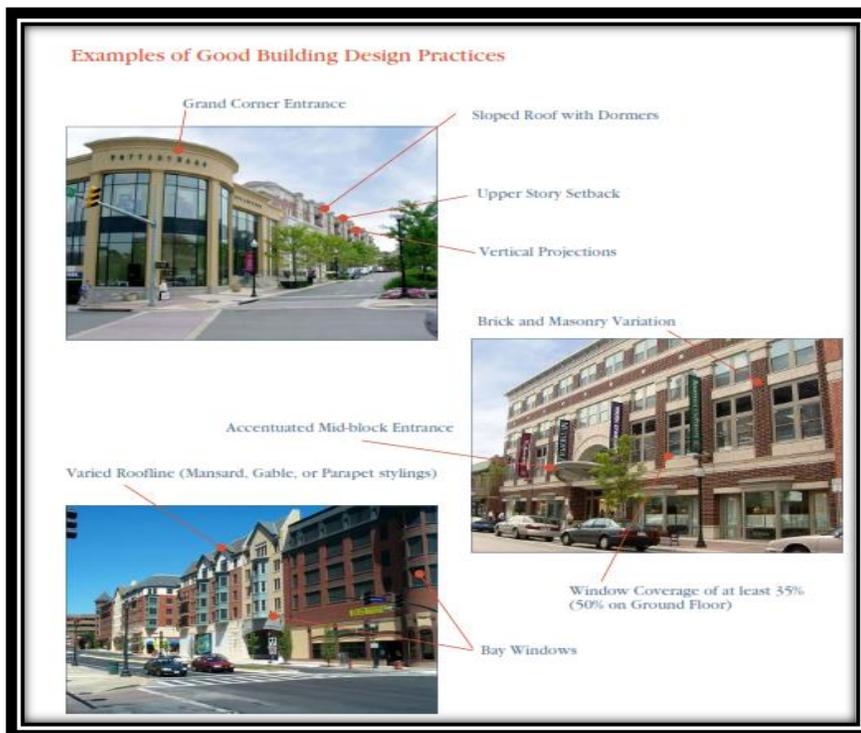
- (1) A complete listing and general description of every land use category proposed within the development, including total acreage of the MXD development, and the total amount of acreage and percentage devoted to each use category, as well as the total number of residential units by type and density, and Floor Area Ratio (FAR) of nonresidential uses. Common open space acreage is to be listed separately.
- (2) Individual areas of an MXD development are to be described as to their specific use and development standards, and keyed to the Master Concept Plan Map. Each area description must include the following subject matter, as relevant to the proposed character of development:
  - a. Principal and accessory uses proposed for the development. All uses not specifically included in the Development Summary Report, either in a general land use category or detailed for individual areas and approved by City Council are prohibited unless the application is subsequently amended in accordance with applicable procedures.
  - b. Gross acreage of the individual area and approximate acreages of separate land use or development areas, including common open space.
  - c. Intensity of development, such as:
    1. For residential uses: Density controls (units/acre) or minimum lot size, minimum lot area per dwelling unit, minimum lot width, minimum lot frontage, minimum floor area or residential dwelling unit sizes, and maximum total number of dwelling units by type, as applicable to the character of the development proposed.

2. For mixed-use and nonresidential uses: Floor area ratio (FAR), dwelling unit sizes and total dwelling units, as applicable to the character of the development proposed.
- d. Principal building setbacks or build-to lines along all streets and property lines.
- e. Maximum building heights.
- f. Buffers, landscape strips and open space standards.
- g. Exceptions or variations from the sign, parking or street design requirements of this Ordinance or other city regulation, if any are being requested.
- h. An indication whether the internal streets will be public or private.
- i. A description of intended plans for the provision of utilities, including water, sewer, drainage facilities and street lighting, as applicable.
- j. For all streets and utilities not proposed for dedication to the public, provisions for the ownership and maintenance must be explained.
- k. Proposed restrictive covenants (for informational purposes only).
- l. Any other relevant or applicable standard or requirement for the individual area.
- m. Applications may include prospective front, side and rear elevation drawings of representative building types. These drawings shall indicate general architectural characteristics. If the MXD district is approved, general compliance with the architectural elevations shall be required.
- n. Residential and non-residential building permits must be obtained simultaneously.

**Sec. 6-18. - Master Concept Plan Required.**

- (b) Applications for rezoning to the MXD District shall require a Master Concept Plan, including, at a minimum, those items listed below. The Planning and Zoning Director, Planning Commission and/or City Council may require, in addition, such other information, studies, plats, plans or architectural elevations deemed necessary to perform an adequate review of the proposed application.
- (c) Master Concept Plans shall be prepared by a professional engineer, architect, land surveyor, land planner or landscape architect, and his/her seal of registration or professional initials shall be indicated on such plans.
- (d) All Master Concept Plans required by this Section shall contain, at a minimum, the following information:
  - (1) Boundaries of the subject property based on the boundary descriptions or boundary survey submitted with the rezoning application.

- (2) Title of the proposed development and the name, address and contact information of the property owner or their designated representative.
- (3) The name, address and contact information of the architect, engineer or other designer of the proposed development.
- (4) Scale, date, north arrow, and general location map showing relationship of the site to the surrounding area, streets and/or natural features.
- (5) All existing streets within or adjacent to the property, including right-of-way and street pavement widths; location of existing buildings to be retained or removed; water courses and impoundments, wetlands and the limits of the 100-year flood plain; and other physical characteristics of the property relevant to the development proposal.
- (6) Common open space areas to be retained.
- (7) The general location of the proposed major street circulation system to be located within the development.
- (8) General approximate delineation of individual areas of the proposed development that differ by land use or development standards, keyed to a description for each area contained in the Development Summary Report prepared in accordance with this Section.
- (9) Proposed building designs and architectural elements.



(e) Key Elements

(1) Diverse Mix of Uses

(2) Attractive Central Plaza



(3) Pedestrian-Friendly Building Design



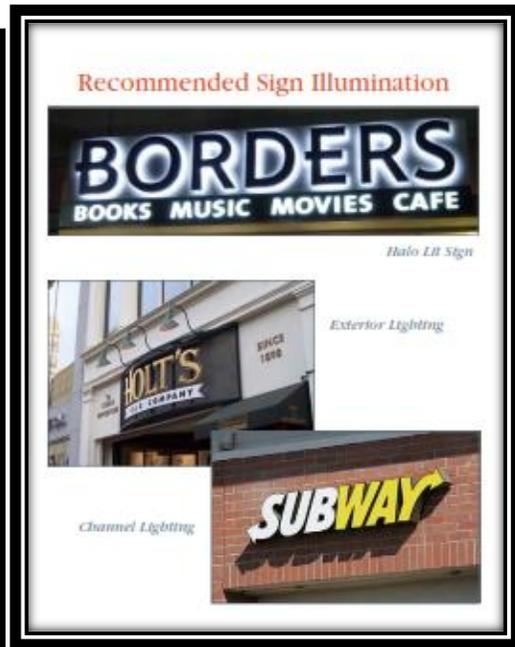
(4) Appropriately scaled height

(5) Distinctive





(f) Sign package



**Sec. 6-19. - Review Standards for MXD Rezoning.**

In considering and acting upon applications for rezoning to the Mixed Use Development District, in addition to the standards for rezoning consideration in the Procedures and Permits Article, the City Council may consider and base their recommendation and decision, respectively, on the following information:

- (a) Conformity with the intent and purpose of the MXD District.
- (b) Conformity with the Comprehensive Plan and, if located in the downtown area, the Newnan Livable Centers Initiative.
- (c) Compatibility with adjacent land uses. The uses proposed will not be detrimental to present surrounding uses and potential surrounding development as shown on the Future Land Use Plan.
- (d) Quality of architectural, landscaping and site design.
- (e) Preservation of natural features.
- (f) Provision and type of open space and the provision of other amenities designed to benefit the general public.
- (g) Adequacy of utilities and other public works.
- (h) The Mayor and City Council for the City of Newnan may require changes or alterations in the master concept plan during the approval process in order to further promote the intent and standards of the MXD District.

**Sec. 6-20. - Report and Concept Plan Establish MXD Uses and Requirements**

- (a) The approved development summary report, master concept plan, and all other information, studies, plats, plans or architectural elevations submitted in the application, or required to be submitted by the City Council, shall establish the standards and minimum requirements for the subject property and shall become the conditions of zoning approval that apply to the subject property, regardless of changes in property ownership.
- (b) After rezoning is approved, development of the MXD zoned site or any portion of the site will require submission and approval of subdivision plats and site development plans, in accordance with the Site Development Plan requirements in the Procedures and Permits Article, as well as the City of Newnan Subdivision Regulations.

**Sec. 6-21. - Revisions to Approved MXD Requirements.**

- (a) Any changes that, in the opinion of the Planning and Zoning Director, result in a development of such intent and character that has not been conceptually approved by the City Council shall require additional approval in accordance with procedures established in the Procedures and Permits Article for a revision of conditions of rezoning approval.

- (1) Such changes may be additions in the types of land uses, increases in square footage or density, decreases in lot sizes, changes in the location or dimensions of major streets, decreases in dwelling unit floor areas, major alterations in the land use patterns, or other substantial changes that are inconsistent with the summary report or the master concept plan approved for the MXD proposal.
  - (2) Minor changes may be approved by the Planning and Zoning Director prior to issuance of development or building permits.
- (b) As development of each portion of an MXD development proceeds, the Master Concept Plan map shall be updated to show each final subdivision plat as it is approved for recording, and each site development plan for a multifamily or nonresidential project upon its approval for a land disturbing activity permit. No certificates of occupancy will be issued within those areas until the Planning and Zoning Director has received the updated Master Concept Plan Map.

## **DIVISION III– OPEN SPACE DISTRICTS**

### **Sec. 6-15. - Purpose and Intent.**

- (a) The purpose of the Open Space districts is to provide an optional method of development that encourages the provision of community open space for active or passive recreation, the preservation of trees and other significant flora, the preservation of significant views and vistas, the protection of sensitive environmental resources, and the enhancement of the character and texture of the urban or suburban setting of the area.
- (b) Further, the Open Space districts provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure; provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land; preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat; permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development; promote interconnected greenways and corridors throughout the community; promote contiguous greenspace with adjacent jurisdictions; encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood; encourage street designs that reduce traffic speeds and reliance on main arteries; promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities,

businesses, and facilities to reduce reliance on automobiles; conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space; and preserve important historic and archeological sites.

- (c) These development options provide for flexibility in lot layout and variety in the types and sizes of buildings developed while maintaining the same limitations on gross density of dwelling units per acre in the general area; protecting the character of existing neighborhoods or areas; and providing useable and valued open space for common use and enjoyment.

**Sec. 6-16. - Applicability.**

- (a) This Conservation Subdivision (CS) overlay option is available in the following residential zoning districts as a use by right: RS-20, RS-15, RU-7. The applicant shall comply with all other provisions of this Zoning Ordinance and all other applicable laws, except those specifically referenced herein.
- (b) No new OSD-2 districts shall be created. OSD-2 is a residual zoning district designation whereby lands already zoned OSD-2 may carry out their approved development plan or modify their project based on the provisions of this Division. The developer of any land zoned OSD-2 shall comply with all other provisions of this Zoning Ordinance and all other applicable laws, except those specifically referenced herein.

**Sec. 6-17. - CS, Conservation Subdivision District.**

- (a) Ownership of Development Site.

The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

- (b) Allowed Uses.

- (1) The uses allowed for the underlying zoning district in which the overlay was applied will be allowed with the conditions set forth in this Division and other relevant sections of the Zoning Ordinance. Refer to the “Principal Uses Allowed by Zoning District” table in the Use of Land and Structures Article.

- (2) Townhouses, if allowed in the underlying zoning district, will be allowed in the Conservation Subdivision Overlay. A maximum of 20% of the total units, up to 50 units, may be townhouses.

- (c) Prohibited Uses.

Any use not specifically listed as an allowed, special exception, temporary or seasonal, or in-home occupation use in the underlying zoning district shall not be allowed.

- (d) Accessory Buildings, Structures, and Uses.

Accessory buildings, structures, and uses allowed in the underlying zoning district in which the overlay was applied will be allowed with the conditions set forth in this Division, the Restrictions on Particular Uses Article, and other relevant sections and Articles of the Zoning Ordinance. Refer to the “Accessory and Temporary Uses Allowed by Zoning District” table in the Use of Land and Structures Article.

(e) Dimensional Requirements.

Refer to Table 6-B for dimensional requirements.

**Table 6-B: Conservation Subdivision Dimensional Requirements**

DIMENSION ↓	CS DISTRICT
<b>Minimum/Maximum District Size</b>	5 acres/None
<b>Minimum Lot Size</b>	N/A
<b>Density (Units/Acre)</b>	Based on Yield Plan plus awarded bonuses
<b>Front Setback <sup>1</sup></b>	Major Street = 30/60 Minor Street = 20/40 With rear access alley = 5/25
<b>Side Setback</b>	5 feet
<b>Street Side Setback <sup>2</sup></b>	20 feet
<b>Rear Setback</b>	15 feet
<b>Minimum Bldg. Line Width</b>	Detached = 40 feet Attached = 30 feet
<b>Minimum Lot Frontage</b>	Detached = 40 feet Detached cul-de-sac = 30 feet Attached 30 feet
<b>Minimum Lot Depth</b>	N/A
<b>Minimum Principal Living Space (Square Feet)</b>	Based on Underlying Zoning District
<b>Principal Building Height</b>	35 feet
<b>Accessory Building Height</b>	15 feet
<b>Maximum Building Coverage Lot</b>	N/A
<b>Distance Between Buildings</b>	10 feet
<b>Minimum Development Open Space</b>	40%

<sup>1</sup> Note that the first number refers to the distance to be set back from the public right-of-way and the second number refers to the distance to be set back from the centerline of the right-of-way. Both numbers shall be considered when calculating setbacks and the larger distance used.

<sup>2</sup> Street side may refer to the side of the residence or the rear of the residence.

(f) Signs.

Refer to the Sign Regulations Article.

(g) Infrastructure Requirements.

(1) Public water is required.

(2) Public Sewer is required.

(3) Sidewalks are required on both sides of the streets.

(4) Parking must meet the requirements of the Parking and Loading Requirements Article. Applicants wishing to provide on-street parking shall discuss plans with the Planning Director and City Engineer prior to submitting plans.

(5) Roads/Streets.

a. Residential streets may be classified as minor residential streets which require a 22-foot gutter-to-gutter width unless on-street parallel parking is proposed. Collector streets may be 30 feet in width unless on-street parallel parking is proposed.

b. Any proposed cul-de-sacs shall be designed with a central island containing landscaping material. These islands shall meet the requirements of the City Landscape Architect and the City Engineer.

(6) Utilities.

a. All utility lines shall be placed underground.

b. The developer or subdivider shall ensure final and proper completion and installation of utility lines as provided in the Subdivision Regulations of the City of Newnan.

c. Standards for street lighting shall be provided by the developer in accordance with the Subdivision Regulations of the City of Newnan.

(h) Better Site Design Practices and Techniques.

All Conservation Subdivisions are strongly encouraged to use the Better Site Design Practices and Techniques as explained in detail in the *Georgia Storm Water Management Manual* along with the *Coastal Stormwater Supplement*.

**Sec. 6-18. - General Development Standards – Open Space (CS).**

Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.

(a) Standards to Determine Open Space.

- (1) The minimum restricted Open Space shall comprise at least a minimum 40% of the gross tract area.
- (2) The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
  - a. The regulatory 100-year floodplain;
  - b. Buffer zones of at least 75 feet width along all perennial and intermittent streams;
  - c. Slopes above 25% of at least 5,000 square feet contiguous area;
  - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
  - e. Populations of endangered or threatened species, or habitat for such species; and,
  - f. Archaeological sites, cemeteries and burial grounds.
- (3) The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible:
  - a. Important historic sites;
  - b. Existing healthy, native forests of at least one acre contiguous area;
  - c. Individual existing healthy trees greater than 8-inches caliper, as measured from their outermost drip line;
  - d. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
  - e. Prime agricultural lands of at least five acres contiguous area; and,
  - f. Existing trails that connect the tract to neighboring areas.
- (4) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
- (5) At least 75% of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
- (6) The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.

(b) Permitted Uses of Open Space.

Uses of Open Space may include the following:

- (1) Conservation of natural, archeological or historical resources;
- (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (3) Walking or bicycle trails, provided they are constructed of porous paving materials;
- (4) Passive recreation areas;
- (5) Active recreation areas, provided that they are limited to no more than 10% of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space;
- (6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
- (7) Nonstructural stormwater management practices;
- (8) Easements for drainage, access, and underground utility lines; or
- (9) Other conservation-oriented uses compatible with the purposes of this ordinance.

(c) Prohibited uses of Open Space.

- (1) Golf courses;
- (2) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- (3) Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,
- (4) Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

(d) Ownership and Management of Open Space.

- (1) The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner.

- (2) Applicant shall submit a Plan for Management of Open Space and Common Facilities (“Plan”) that:
    - a. Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
    - b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
    - c. Provides that any changes to the Plan be approved by the Board of Commissioners; and,
    - d. Provides for enforcement of the Plan.
  - (3) In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City of Newnan may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner’s Association, or to the individual property owners that make up the Homeowner’s Association and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.
- (e) Legal Instrument for Permanent Protection.
- (1) The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
    - a. A permanent conservation easement in favor of either a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or a governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
    - b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,
    - c. An equivalent legal tool that provides permanent protection, if approved by City of Newnan.
  - (2) The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this Article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

**Sec. 6-19. - General Development Standards, Incentive Bonuses (CS).**

- (a) Incentive opportunities are provided to further encourage quality development and additional preservation of natural resources.
- (b) Incentive bonuses are considered to be a privilege extended by the City of Newnan and not a use by right. Incentive bonuses may be granted by the Planning Commission if it is determined that they advance the quality of the development, preserve additional natural resources, and are of a benefit to the City of Newnan.
- (c) Incentive bonuses are to be decided by the Planning Commission during the preliminary plat approval process. The potential incentive bonuses are as follows:
  - (1) Bonus for “Quality” Open Space.

Developments that provide at least 50% of the open space in areas classified as Secondary Conservation Areas are eligible to receive a 5% increase in the maximum number of permitted lots.
  - (2) Bonus for “Additional” Open Space.

Developments that provide at minimum 50% of the gross tract area as restricted open space are eligible receive a 3% increase in the maximum number of permitted lots.
  - (3) Bonus for “Quality” Building Materials.

Developments that deed-restrict homes to four-sided brick, stone, or cement board are eligible to receive a 3% increase in the maximum number of permitted lots.

**Sec. 6-20. - General Site Planning Standards and Procedures (CS).**

While the Conservation Subdivision (CS) overlay is a use by right per this Zoning Ordinance, application must be made to the City for a project to be recognized as such. The application consists of five submittals, listed in order below. Each submittal will require Staff approval. The Preliminary Plat requires approval of the Planning Commission.

- (a) Site Analysis Map Required.
  - (1) Prior to submission of the preliminary subdivision plat, the applicant shall prepare and submit a site analysis map.
  - (2) The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this Division.
  - (3) The site analysis map shall be approved following a visual inspection of the site by City Staff.
  - (4) The site analysis map shall include the following features:
    - a. Property boundaries;

- b. All streams, rivers, lakes, wetlands and other hydrologic features;
- c. Topographic contours of no less than 10-foot intervals;
- d. All Primary and Secondary Conservation Areas labeled by type, as described in Sec. 6-18;
- e. General vegetation characteristics;
- f. General soil types;
- g. The planned location of protected Open Space;
- h. Existing roads and structures; and,
- i. Potential connections with existing greenspace and trails.

(b) Housing Density Determination Required.

A preliminary plat showing the highest density achievable in the underlying zoning district, with open space meeting the Sec. 6-17, shall be submitted. This plat will reflect the maximum number of lots allowed in the Conservation Subdivision. This plat shall be prepared by a civil engineer, landscape architect, or land surveyor currently registered in the State of Georgia at the behest of the applicant. The preliminary plat will meet all specifications as detailed in the Subdivision Regulations of the City of Newnan.

(c) Preliminary Plat Required.

A preliminary plat meeting the open space and lot dimension standards of the Conservation Subdivision overlay shall be submitted. This plat shall be prepared by a civil engineer, landscape architect, or land surveyor currently registered in the State of Georgia at the behest of the applicant. The preliminary plat will meet all specifications as detailed in the Subdivision Regulations of the City of Newnan and must be approved by the Planning Commission.

(d) Open Space Management Plan Required.

An open space management plan, as described in Sec. 6-18(d), shall be prepared and submitted prior to the issuance of a land disturbance permit.

(e) Instrument of Permanent Protection Required.

An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described Sec. 6-18(e), shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.

**Sec. 6-21. - OSD-2, Urban Open Space Design District.**

(a) General Purpose and Description.

The Urban Open Space and Conservation district is an overlay zone intended to provide traditional urban residential densities while preserving natural open space or providing a

mix of natural and landscaped open space for the use and enjoyment of the residents in the development and the public at large.

(b) Location of OSD-2 Districts.

No new OSD-2 districts shall be created. OSD-2 is a residual zoning district designation whereby lands already zoned OSD-2 may carry out their approved development plan or modify their project based on the provisions of this Article.

(c) Allowed Uses.

Uses allowed for the RS-15, RU-7, and PDR districts will be allowed in the OSD-2 district with the conditions set forth in this Division and other relevant sections of this Ordinance. Refer to the "Principal Uses Allowed by Zoning District" table in the Use of Land and Structures Article.

(d) Prohibited Uses.

Any use not specifically listed as an allowed, special exception, temporary or seasonal, or in-home occupation use in the underlying zoning district shall not be allowed.

(e) Accessory Buildings, Structures, and Uses.

Accessory buildings, structures, and uses allowed in the RS-15, RU-7, and PDR districts will be allowed in the OSD-2 district with the conditions set forth in this Division, the Restrictions on Particular Uses Article, and other relevant sections and Articles of the Zoning Ordinance. Refer to the "Accessory and Temporary Uses Allowed by Zoning District" table in the Use of Land and Structures Article.

(f) Dimensional Requirements.

Refer to Table 6-C for dimensional requirements for OSD-2 districts.

(g) Signs.

Refer to the Sign Regulations Article.

(h) Infrastructure Requirements.

(1) Public water is required.

(2) Public Sewer is required.

(3) Sidewalks are required based on the provisions of the "Sidewalk Requirements" Ordinance within the City of Newnan Code of Ordinances.

(4) Roads/Streets.

Residential streets may be classified as minor residential streets which require 22 feet gutter to gutter width unless on-street parallel parking is proposed. Collector streets may be 30 feet in width unless on-street parallel parking is proposed.

(5) Parking.

Parking must meet the requirements of the Parking and Loading Requirements Article plus the following:

- a. For residential lots in excess of 40 feet in width, individual driveways leading to rear attached or detached parking may be provided. For lots 40 feet or less in width, parking may be provided via a shared driveway to the rear yard or via an alley serving rear facing garages or pads. On-street parallel parking may be permitted with a street configuration acceptable to the Street Superintendent.
- b. Unless physically impossible, all parking for OSD developments shall be located on the street, to the rear, a mixture of side and rear, or underground.

(6) Utilities.

- a. All utility lines in an OSD project shall be placed underground except that adaptive reuse developments may have this provision waived upon a finding by the Building Official, in conjunction with a representative of Newnan Utilities, that such requirement would require the replacement or relocation of existing lines at a cost prohibitive to the economic rehabilitation of the building or site.
- b. The developer or subdivider shall ensure final and proper completion and installation of utility lines as provided in the subdivision regulations.
- c. Standards for street lighting shall be provided by the developer in accordance with the approved site plan.

**Table 6-C: Open Space Design District-2 Dimensional Requirements**

DIMENSION ↓	OSD-2 DISTRICT
<b>Minimum/Maximum District Size</b> (Square Feet)	3 acres/None
<b>Minimum Lot Size</b> (Square Feet Single Family Detached) (Square Feet Single Family Attached)	3000 2500
<b>Base Density</b> (Units/Acre)	7.0
<b>Front Setback</b> <sup>1</sup>	Major St.=30/60 Minor St.=15/35 Attached = 10/30
<b>Side Setback</b>	Detached = 5 feet Attached = None
<b>Street Side Setback</b> <sup>2</sup>	Major St.=30/60 Minor St.=15/35 Attached = 10/30
<b>Rear Setback</b>	15 feet
<b>Minimum Bldg. Line Width</b>	Detached = 30 feet Attached = 25 feet
<b>Minimum Lot Frontage</b>	Detached = 30 feet Detached cul-de-sac = 20 feet Attached = 20 feet
<b>Minimum Lot Depth</b>	100 feet
<b>Minimum Principal Living Space</b> (Square Feet)	1200
<b>Principal Building Height</b>	35 feet
<b>Accessory Building Height</b>	14 feet
<b>Maximum Building Coverage Lot</b>	50% (Detached) 70% (Attached)
<b>Base/Maximum Floor Area Ratio (FAR)</b>	--
<b>Distance Between Buildings</b>	10 feet
<b>Minimum Open Space</b>	20%
<b>Minimum Landscaped Area</b>	15%

<sup>1</sup> Note that the first number refers to the distance to be set back from the public right-of-way and the second number refers to the distance to be set back from the centerline of the right-of-way. Both numbers shall be considered when calculating setbacks and the larger distance used.

<sup>2</sup> Street side may refer to the side of the residence or the rear of the residence.

**Sec. 6-22. - General Development Standards (OSD-2).**

(a) Determination of Residential Density.

(1) Yield Plan.

Applicants for OSD districts shall determine the standard permitted density according to the underlying zoning district through the use of a Yield Plan. Such Yield Plans consist of conventional lot and street layouts and must conform to the City's regulations governing lot dimensions, land suitable for development (for example, not including wetlands or floodplains), street design, and parking. Although such plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic, and not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional layout.

(2) Mapping of Primary Conservation Areas (PCA).

In order to prepare a realistic Yield Plan, applicants need to first map the Primary Conservation Areas on their site. Typical Yield Plans would include, at minimum, basic topography at 5-foot intervals, location of wetlands, 100-year floodplains, slopes exceeding 20%, watershed buffers and setbacks, and soils unsuitable for development, as indicated on the medium-intensity maps contained in the Coweta County soil survey published by the USDA Soil Conservation Service.

(b) Density Bonuses.

(1) Density Bonus to Endow Maintenance Fund.

- a. The City may allow up to a 10% density bonus to generate additional income to the applicant for the sole purpose of endowing a permanent fund to offset continuing costs of maintaining the undivided open space (mowing meadows or lawns, woodland vine control, insurance premiums, tax payments, etc.), including any active or passive recreation facilities. Spending from this fund should be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund shall be at least 20 times the estimated annual maintenance costs. Such estimate shall be prepared by an agency, firm, or organization with experience in open space management acceptable to the Planning Commission.
- b. Because additional dwellings over and above the maximum that would ordinarily be permitted on the site, may reasonably be considered to be net of development costs and represent true profit, 75% of the net selling price of the endowment lots shall be donated by the applicant to the Open Space Maintenance Endowment Fund for the preserved lands within the subdivision. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities (such as a homeowners' association, a land trust, or the City), at the time this designated entity is created.

- c. When estimating the projected maintenance costs of the undivided open space, it is not necessary to include land that is not accessible by the subdivision residents for their common enjoyment. In such cases, the density bonus shall be adjusted proportionately to reflect the acreage that is accessible to residents for their passive or active recreation, and not being used for other uses by another party.

(2) Density Bonus for Public Access.

- a. Applicants for new residential developments involving 10 or more dwelling units shall be required to set aside 5,000 square feet of land for each proposed new dwelling unit, as undivided recreational land designated for public usage. Such land shall be suitable for active and/or passive recreation, with at least half the land suitable for active sports, where such facilities are required by the City. In lieu of a set-aside for public usage, two alternatives exist for the applicant proposing subdivision involving 10 or more dwellings:
  1. The applicant may offer a set-aside limited to recreational usage by the residents of the proposed subdivision. If land is set aside in this manner for private recreational use, it shall also be permanently protected through a conservation easement enforceable by the City and/or a land trust, prohibiting future non-recreational (or commercial recreational) uses.
  2. The applicant may offer to pay a fee to the City in lieu of any recreational land set aside. Situations in which it would be appropriate for the City to accept such offers include cases where the land would not provide a particular public benefit because of its small size or location. Exceptions to this rule, where public use of relatively small land areas would still be appropriate, include situations in which the land could be used to buffer or extend public parks or public school grounds, or could provide potential linkage in a future City trail network. The decision whether to accept a fee-in-lieu offer by the applicant shall lie with the Planning Commission, which shall also establish the amount of the fee in lieu, based upon the City's estimated cost of acquiring land that is similar in area and attributes, which would better serve public recreational needs. In appraising alternative sites, the City shall be guided by the site selection criteria contained in its Open Space Plan. Such estimates shall be based on discussions with realtors or appraisers familiar with land values in the City. All such fees collected shall be deposited in an interest-bearing account earmarked for recreational land or facility provision by the City, and the applicant shall be informed of the use to which the fee will be put.
- b. In Open Space Developments with fewer than 10 dwelling units, where there would be no particular benefit accruing from a public dedication (as described above), the recreational land that is part of the 50% or 60% requirement for

undivided open space shall be designated for private shared recreational usage among the Subdivision lot owners.

(3) Density Bonus for Meeting Additional Recommended Criteria.

As further developed Sec. 6-22(d), there are six required criteria that must be met for an open space development. In addition, four of eight recommended criteria must be met. For developments that meet more than the required four recommended criteria, an additional 2% density bonus shall be granted for each additional criterion met.

(4) Density Bonus for Open Space Provision.

The core concept of this development type is the density bonus granted for the dedication of open space which shall be applicable to all lands not dedicated as open space. Each open space type has a specific density bonus or allowance. See Sec. 6-22(c) for additional information.

(c) Type and Location of Dedicated Open Space.

Open space shall be comprised of two types of land: primary and secondary conservation areas. All lands within these conservation areas are required to be protected by a permanent conservation easement prohibiting further development and setting other standards safe-guarding the site's special resources from negative or incompatible change. The location of open space conserved through this method of development shall be consistent with the policies contained in the Open Space and Recreation Element of the Comprehensive Plan, and with the recommendations contained in Designing Open Space Subdivisions: A Practical Step-by-Step Approach by Randall Arendt. The type of land that shall be designated as permanent open space, not to be further subdivided, and protected through a conservation easement recorded and held by the City or by a recognized land trust or conservancy, shall be as specified below:

(1) Open Space in Primary Conservation Area.

- a. Open space in the Primary Conservation Area (PCA) is determined by deducting the following kinds of unbuildable land (which are also required to be deducted when calculating net permitted density for conventional subdivisions as well):
  1. Wetlands (as shown on the Official Wetlands Map published by the Georgia Department of Natural Resources).
  2. All floodway and floodway fringe areas within 100-year floodplain, as shown on official FEMA maps.
  3. Land with slopes exceeding 20%, or soils unsuitable for building.
  4. Land under permanent easement prohibiting future development (including easements for drainage, access, and utilities).

5. All lands located within a watershed protective buffer that are within the 100-year floodplain, are classified as wetlands, or have a slope exceeding 20%.
  6. A density credit of 50% shall be awarded for all lands included within this classification.
- b. These environmentally sensitive resources listed above form the core of the open space that is required to be protected. The purpose of assigning the above referenced density to PCA land is for the valid public purpose of protecting environmentally sensitive lands and resources, including watershed buffer and setback areas, from the negative effects of development.
- (2) Open Space in Secondary Conservation Area.
- a. Secondary Conservation Areas (SCA) shall be those otherwise buildable areas that have natural or historic features deemed worthy of protection. Secondary open space typically includes all or part of the following types of resources: mature stands of native hardwoods or pines, mixed woodlands, open fields or pastures, significant views or vistas, historic sites or structures, cultural sites or features, and centrally or strategically located open spaces well-suited for a green or park.
  - b. A one and one-quarter (1¼) credit or 125% density bonus shall be awarded for all lands included within this classification.
  - c. SCA lands are essentially buildable lands that, due to their location in proximity to sensitive water supply sources, require protection through a prohibition of development. The purpose of assigning the above referenced density to SCA land is for the valid public purpose of protecting environmentally sensitive lands and resources from the negative effects of development.
- (3) Restriction on Further Subdivision.
- All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the City and duly recorded in the Office of the Clerk of the Superior Court of Coweta County.
- (4) Distribution of Designated Open Space.
- At least 25% of the minimum required open space shall be suitable for active and passive recreation purposes including golf courses, and no more than 50% shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented by the applicant.
- (5) General Locational Standards.
- a. Subdivisions shall be designed around the primary or secondary conservation areas, which together constitute the total required open space. The design

process should therefore commence with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step. This process, hereinafter defined as the "four-step design process" is further described below.

- b. Primary or Secondary Conservation Areas shall be placed in undivided preserves, which may adjoin housing areas that have been designed more compactly, to create larger areas that may be enjoyed equally by all residents of the development. Undivided open space shall be directly accessible to the largest practicable number of lots within an open space development. To achieve this, the majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated as separate, non-contiguous parcels, no parcel shall consist of less than 20,000 square feet in area nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ballfields, upland buffers to wetlands, waterbodies or watercourses, or designed as trail links.

(6) Interconnected Open Space Network.

As these policies are implemented, the protected open space in each new subdivision is envisioned to eventually adjoin each other, ultimately forming an inter-connected network of primary and secondary conservation areas across the City. To assure that there will be no taking of land without compensation, the only elements of this network that would necessarily be open to the public are those lands that have been required to be dedicated for public use, typically configured in a linear fashion as an element of the City's long-range open space network. As an incentive to applicants to connect open space in a proposed development to similarly designated open space in an adjacent existing or proposed development, a 2-unit density bonus may be awarded for each external linkage provided that the applicant indicates on the Sketch Plan where the linkage will occur.

(d) Open Space Evaluation Criteria.

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning Commission as indicating a design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this Section. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Commission shall evaluate proposals to determine whether the proposed Sketch Plan accomplishes the following:

(1) Required Criteria.

Applicants must meet all six required criteria below:

- a. Protects and preserves all floodplains, wetlands, watershed undisturbed buffers and building setbacks (as applicable), areas of poor or rocky soils, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the City for essential infrastructure or active or passive recreation amenities).
- b. Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds.
- c. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency.
- d. Provides active recreational areas in suitable locations offering convenient access by residents, and adequately screened from nearby house lots (Mandatory for developments larger than 10 acres).
- e. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside sidewalks, footpaths, or multiuse paths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing space on adjoining developed parcels, where applicable).
- f. Provides open space that is reasonably contiguous and whose configuration is in accordance with the guidelines contained in the Design and Management Handbook for Preservation Areas, produced by the Natural Lands Trust. For example, fragmentation of open space shall be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development unless no significant natural features were extant to begin with. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels and shall be designed as part of larger contiguous and integrated greenway systems.

(2) Recommended Criteria.

Applicants must meet at least four of eight recommended criteria below. For each of the recommended criteria met over the four minimum, an additional 2%, per Sec. 6-22(b)(3), will be granted.

- a. Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands which raise an equal or

greater preservation concern. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.

- b. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far or distant edge of a field or foreground meadow, as seen from existing public roads. Homes should face such a field, not back into it, so that the view from a public road is not of the rear of the home. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers.
- c. Designs around existing hedgerows and tree lines between fields or meadows. Minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than 10% should not be disturbed. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. Stands of hardwoods and mature Long-Leaf Pine trees should be preserved while Slash or Loblolly Pines should be considered worthy of preservation only where the site is devoid of other significant tree stands. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
- d. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. (For example, in open agricultural landscapes, a deep 'no-build, no-cut' buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep no-build, no-cut buffer should be respected to preserve existing vegetation.
- e. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- f. Designs around and preserves sites of historic, archaeological or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, historic homes or buildings, historic districts, spring houses, barn foundations, cellar holes, burial grounds, civil war sites, etc.
- g. Protects roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads. Establishes buffer zones along the scenic corridor of roads and streets with historic buildings, stone walls, hedgerows, etc.

- h. Landscaped common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.

(e) Dimensional Requirements.

The dimensional requirements provided in Table 6-C relating to lot area, lot width, required yards, bulk, building height, and minimum standards relating to landscaping and open space shall be met before any permits will be issued. When these requirements conflict with other requirements above, the more restrictive shall apply.

**Sec. 6-23. - Specific Development Standards (OSD-2).**

(1) OSD-2, Urban Open Space Design District.

The Urban Open Space Design option is intended to cluster residences in a small grouping or several small groupings similar to neighborhoods that have historically been a part of Southeastern small town life. Such clustered development is intended to soften dense development by providing significant common open space and parklands. Such clustered development is intended to permit the compact grouping of homes located so as to blend with the existing landscape-such as the rise and fall of the topography, beelines, and wooded areas-and to preserve to a greater extent the agricultural, forest, and visual character of the landscape. Specific standards for this open space development option are as follows:

- a. Sidewalks shall be provided according to the "Sidewalk Requirements" Ordinance within the City of Newnan Code of Ordinances and are required for all OSD-2 developments.
- b. No fewer than 10 nor more than 50 lots may be grouped together in a specific cluster.
- c. Clusters may be no closer than 100 feet from each other measured lot line to lot line except that the maximum distance between building areas of cluster lots facing across a green or square is 350 feet.
- d. A minimum 5-foot wide and maximum 8-foot wide tree lawn is required between the required sidewalk and the curb. The tree lawn shall be planted with shade trees and additionally landscaped in a manner consistent with the landscaping standards as specified in the "Tree Preservation and Landscaping" Ordinance within the City Code of Ordinances.
- e. Dwellings erected in an OSD-2 Development shall have either a full or partial (minimum 33% of facade) front porch. Garages shall be rear entry or rear yard/front entry or may be detached and located in the rear yard. Alleys are permitted and encouraged to serve garages in the rear of the lots.

- f. Dwellings, guest houses, garages and other such structures shall not trespass into minimum side yards. However, detached garages located at the rear of a lot (i.e., behind the rear building line) and attached to a similar garage on a contiguous lot may be located within the side yard setback provided that a fire wall separate the individual garage spaces.
- g. A landscaped green or square is required for any OSD-2 Development of greater than 7 dwellings. This green or square may be included in secondary open space calculations. Greens or squares shall meet the following minimum criteria:
  - 1. The maximum length: width ratio of such a green shall be 4:1.
  - 2. Greens or squares shall have a minimum size of 10,000 square feet and are recommended to be between 7,500 and 40,000 square feet in area.
  - 3. The use of multiple greens and/or squares is encouraged. A standard of one green or square per 25 to 30 residences is recommended.
- h. Advisory Design Standards.

The City of Newnan recognizes that every OSD-2 design will be a custom response to the unique assets and constraints of each tract. As a consequence, the City has only incorporated within the OSD regulations those siting and design rules required to preserve open space, allow the clustering of dwellings, and create a neighborhood atmosphere. However, the City does wish to encourage design consistent with the City of Newnan's past and appends the following general design guidelines for OSD-2 designers.

**Sec. 6-24. - General Site Planning Standards and Procedures (OSD-2).**

- (a) Summary of Procedures.
  - (1) Development of Yield Plan to determine baseline densities.
  - (2) Pre-Application Discussion.
  - (3) Existing Site Features Plan (45-day review period with the submittal of this plan at the on-site field survey or at a regularly scheduled meeting of the Planning Commission).
  - (4) On-Site Field Survey by Planning Commissioners and applicant.
  - (5) Pre-Submittal Conference.
  - (6) Sketch Plan (conceptual illustration of greenway land, potential house sites, street alignments and tentative lot lines, prepared according to the four-step design process described herein).
  - (7) Preliminary Plan submittal, determination of completeness, review of overall planning concepts, and decision.
  - (8) Preliminary plan approval.

- (9) Final plan submittal, determination of completeness, review, and decision.
- (10) Commission signatures.
- (11) Recording with Clerk of Superior Court.

Table 6-D: Determination of Density and Parcel Size	
<p>The Total Parcel Size (TPS) is established and conventional density of underlying zoning is noted:</p> <p>TPS = 100 acres</p> <p>Density: 2.9 units/acre x 100 acres = 290 units                      Conventional Lot Size = 15,000 square feet                      Conventional Yield (CY) = 290 units                      Maintenance Fund Density Bonus = 290 * 0.12 = 35 units                      Public Access Density Bonus = 290 * 0.15 = 44 units                      Recommended Criteria Bonus = 290 * 0.08 = 23 units                      Modified Conventional Yield (MCY) = 290 + 35 + 44 + 23 = 392 units                      Modified Density: 3.92 units/acre</p>	<p>Adjusted Conventional Yield (ACY) is determined by multiplying the PBA by the Modified Density:</p> <p>PBA * 3.92 units/acre = ACY</p> <p>60 * 3.92 = 235</p>
<p>The Primary Conservation Area (PCA) is determined as follows:</p> <p>PCA = 4.0 acres of wetlands + 6.0 acres of steep slopes                      PCA = 10 acres</p>	<p>A 50% density bonus is awarded for PCA set asides:</p> <p>(10 * 0.50) * 3.92 units/acre = 19.6 or 20 unit bonus</p>
<p>Gross Total Buildable Area (GTBA) is derived by subtracting PCA from TPS:</p> <p>TPS – PCA = GTBA                      100 – 10 = 90</p>	<p>A 125% density bonus is awarded for SCA set asides:</p> <p>(21.0 * 1.25) * 3.92 units/acre = 102.9 or 103 unit bonus</p>
<p>The Paved Area (PA) is subtracted from the GTBA figure to account for infrastructure requirements resulting in Net Total Buildable Area (NTBA):</p> <p>GTBA – PA = NTBA                      90 – 9 = 81</p>	<p>Final Permitted Yield (FPY) is determined by adjusting the density for the ACY based on allotted conservation bonuses and dividing by the underlying minimum lot size:</p> <p>ACY + PCA Bonus + SCA Bonus = FPY                      235 + 20 + 103 = 358 units</p>
<p>The Secondary Conservation Area (SCA) is determined as follows:</p> <p>SCA = 21 acre meadow and woodland copse</p>	<p>Permitted Lot Size (PLS) is determined by dividing FPY by PBA:</p> <p>FPY/PBA = 5.68 units/acre                      358/60 = 5.97 units/acre                      43,560/5.97 = 7297 square feet</p>
<p>Permitted Building Area (PBA) is determined by subtracting SCA from NTBA:</p> <p>NTBA – SCA = PBA                      81 – 21 = 60</p>	<p>Total Built Area = 67 acres                      Total Open Space = 33 acres                      Conventional Yield = 290 units                      Adjusted Permitted Yield = 358 units                      Additional units under OSD = 68 units</p>

### Table 6-D: Determination of Density and Parcel Size

**Note:** The sum of PCA and SCA must be at least 50% of PBA.

(b) Elements of the Preliminary Plan Process.

The elements of the preliminary plan process are as described below. It is strongly recommended that applicants retain the services of a licensed landscape architect (ASLA) who is familiar with open space planning concepts. This can significantly reduce the review and revision time often needed for this type of development.

(1) Pre-Application Discussion.

A pre-application discussion is required between the applicant, the site designer(s), and the Development Review Committee (DRC). The purpose of this informal meeting is to introduce the applicant and the site designer(s) to the City's zoning and subdivision regulations and procedures, and to discuss the applicant's objectives in relation to the City's official policies and ordinance requirements. The City may designate a consultant experienced in open space development design and in the protection of natural features and greenway lands to meet with the applicant, and to attend or conduct meetings required under this ordinance. (The cost of these consultant services shall be paid for through subdivision review fees received by the City.)

(2) Existing Site Features Plan.

Existing site features plans analyzing each site's special features are required for all proposed subdivisions, as they form the basis of the design process for greenway lands, house locations, street alignments, and lot lines. The applicant or representative shall bring a copy of the Existing Site Features Plan to the on-site field survey. Existing Site Features Plans shall be provided on a 24" x 36" plat and must include at a minimum:

- a. A contour map based at least upon topographical maps published by the U.S. Geological Survey.
- b. The location of severely constraining elements such as steep slopes (over 20%), wetlands, watercourses, intermittent streams and 100-year floodplains, watershed protective buffers, watershed building setbacks, and all rights-of-way and easements; soil boundaries as shown on USDA Soil Conservation Service medium-intensity maps; and the location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails.

- c. The Existing Site Features Plans shall identify primary conservation areas and secondary conservation areas, as described above. Together, these conservation areas comprise the development's proposed open space, the location of which shall be consistent with the locational design criteria listed in the Comprehensive Plan. The Existing Site Features Plan shall form the basis for the Sketch Plan, which shall show the tentative location of houses, streets, lot lines and greenway lands in new subdivisions, according to the four-step design process described in Sec. 6-24(b)(6).

(3) On-Site Field Survey.

After the Existing Site Features Plan has been prepared, the Development Review Committee (DRC) shall schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize City officials with the property's special features, and to provide them an informal opportunity to offer guidance (or at least a response) to the applicant regarding the tentative location of the secondary conservation areas and potential house locations and street alignments. If this visit is not scheduled before submittal of the sketch or the Sketch Plan, it should occur soon thereafter.

(4) Pre-Submittal Conference.

Prior to the submittal of the Sketch Plan, the applicant shall meet with the Development Review Committee (DRC) to discuss how the four-step approach to designing subdivisions, described in Sec. 6-24(b)(6), could be applied to the subject property. At the discretion of the DRC, this conference may be combined with the On-Site Field Survey.

(5) Sketch Plan, General Requirements.

As used in this Ordinance, the term "Sketch Plan" refers to a preliminarily engineered plan drawn to illustrate initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments. This is the stage where drawings are tentatively illustrated prior to any significant expenditure on engineering costs in the detailed design of streets, stormwater management systems, or the accurate delineation of internal lot boundaries.

- a. After the pre-submittal conference, a Sketch Plan on a 24" x 36" plat shall be submitted by the applicant to the Planning Department who will then submit it to the Development Review Committee (DRC) for review for the purpose of securing early agreement on the overall pattern of streets, house lots, primary and secondary conservation areas, and potential trail linkages (where applicable).
- b. It is highly recommended that the Sketch Plan be prepared by either an ASLA certified landscape architect, a physical or site planner experienced in designing open space subdivisions, or a design team that includes such professionals.

(6) Sketch Plan, Four-Step Process.

Each Sketch Plan shall follow a four-step design process, as described below. When the Sketch Plan is submitted, applicants shall be prepared to demonstrate to the Planning Commission that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and greenway lands. This process shall be accomplished during the 15 days of the designated 45-day review period for Preliminary Plans.

a. Designating the Open Space.

During the first step, all potential conservation areas (primary) are identified, using the Existing Site Features Plan. Guidance on which parts of the remaining land to classify as secondary conservation areas shall be based upon:

1. The procedures described in Designing Open Space Subdivisions, produced by the Natural Lands Trust,
2. On-site visits or field surveys,
3. The open space locational criteria contained above,
4. The evaluation criteria listed in above,
5. Information from published data and reports, and
6. Conversations with existing or recent owners of the property, members of the Planning Commission and the Development Review Committee (DRC).

b. Location of House Sites.

During the second step, potential house sites are tentatively located.

1. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the 14 evaluation criteria contained above, subdivision applicants shall identify tentative house sites on the Sketch Plan and proposed house sites on the detailed Final Plan.
2. House sites should generally be located not closer than 100 feet from Primary Conservation Areas but may be situated within 50 feet of Secondary Conservation Areas, in order to enjoy views of the latter without negatively impacting the former.
3. The building footprint of proposed residences may be changed by more than 50 feet in any direction with majority approval from the members of the Planning Commission. Changes involving less than 50 feet do not require approval.

c. Street and Lot Layout.

The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and efficient manner.

1. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas.
2. To the greatest extent practicable, wetland or stream crossings and streets traversing existing slopes over 15% are strongly discouraged.
3. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the City and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Where cul-de-sacs are necessary, those serving 6 or fewer homes may be designed with "hammerheads" facilitating three-point turns. Cul-de-sacs serving more than 6 homes shall generally be designed with a central island containing indigenous trees and shrubs (either conserved on site or planted). The City generally encourages the creation of single-loaded residential access streets, in order that the maximum number of homes in new developments may enjoy views of open space. Please note that the method of subdivision layout required in this Section differs from conventional subdivision layout in that street position is only considered when open space and home site have been determined.

d. Lot Lines.

The fourth step is simply to draw in the lot lines (where applicable).

(7) Engineering Certification.

Prior to approval of the Sketch Plan, the applicant shall submit to the DRC a Preliminary Engineering Certification that the approximate layout of proposed streets, house-lots, and open space lands complies with the City's zoning and subdivision ordinances, particularly those sections governing the design of subdivision streets and stormwater management facilities. This certification requirement is meant to provide the City with assurance that the proposed plan is able to be accomplished within the current regulations of the City. The certification shall also note any waivers needed to implement the plan as drawn.

(8) Preliminary Plan Submittal.

Should the Sketch Plan be found acceptable to the DRC, a Preliminary Plan submitted on a 24" x 36" plat shall be submitted to the Planning Commission along with the application for consideration of rezoning for OSD-2 designation. The Preliminary Plan shall, in effect, serve as a preliminary subdivision plat submittal and shall meet all requirements for a preliminary subdivision plat as prescribed by the City of Newnan Subdivision Ordinance. Acceptance of the preliminary plan by the Planning Commission shall constitute rezoning to an OSD-2 overlay upon City Council approval.

(c) Final Plan Submittal.

When all of the conditions of the Preliminary Plan have been met and determined complete by the Planning Commission, the applicant is eligible to submit a Final Plan. A Final Plan, which shall be considered a final subdivision plat, shall meet all of the requirements for a final subdivision plat as prescribed by the City of Newnan Subdivision Ordinance. If approved, the Final Plan shall also serve as an approved final subdivision plat.

**Sec. 6-25. - Guidelines for Ownership and Maintenance of Open Space & Other Common Elements (OSD-2).**

(a) General Guidelines.

Different ownership and management options apply to the permanently protected open space created through the development process. The open space shall remain undivided and may be owned and managed by the required Homeowners Association (HOA), the City, or a recognized land trust or conservancy. A public land dedication, not exceeding 10% of the total parcel size, may be required by the City, through this open space, to facilitate trail connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities and open spaces. All common elements apart from the required open space must be owned and managed by the Homeowners Association (HOA).

(b) Ownership Standards.

Common open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, and subject to approval by the City.

(1) Offer of Dedication.

The City shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The City may, but shall not be required, to accept undivided open space provided:

- a. Such land is accessible to the residents of the City;
- b. There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and
- c. The City agrees to and has access to maintain such lands. Where the City accepts dedication of common open space that contains improvements, the City may require the posting of surety to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of surety shall not exceed 15% of the actual cost of installation of said improvements.

(2) Homeowners Association.

The undivided open space and associated facilities may be held in common ownership by a Homeowners Association (HOA), hereinafter referred to as "the association". The association shall be formed and operated under the following provisions:

- a. The developer shall provide a description of the association including its bylaws and methods for maintaining the open space.
- b. The association shall be organized by the developer and be operated with financial subsidization by the developer, before the sale of any lots within the development.
- c. Membership in the association is automatic (required) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
- d. The association shall be responsible for maintenance, insurance, and taxes on undivided open space, enforceable by liens placed by the City.
- e. The members of the association shall share equitably the costs of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.
- f. In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the homeowners association, or of the assumption of maintenance of undivided open space land by the City, notice of such action shall be given to all property owners within the development.
- g. The association shall have or hire adequate staff to administer common facilities and properly and continually maintain the undivided open space.
- h. The HOA may lease open space lands to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease agreement shall provide:
  1. The residents of the development shall at all times have access to the open space lands contained therein.
  2. The undivided open space to be leased shall be maintained for the purposes set forth in this Ordinance.
  3. The operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the City, at the election of the developer and/or homeowners association, as the case may be.
  4. Lease agreements so entered upon shall be recorded with the County Clerk of the Superior Court within 30 days of their execution and a copy of the recorded lease shall be filed with the City.

(3) Condominiums.

The undivided open space and associated facilities may be controlled through the use of condominium agreements, approved by the City. Such agreements shall be in conformance with the state's uniform condominium act. All undivided open space land shall be held as a common element.

(4) Dedication of Easements.

The City may, but shall not be required, to accept easements for public use of any portion or portions of undivided open space land, title of which is to remain in ownership by condominium or HOA, provided:

- a. Such land is accessible to City residents;
- b. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- c. A satisfactory maintenance agreement is reached between the developer, condominium, or HOA and the City.

(5) Transfer of Easements to a Private Conservation Organization.

With the permission of the City, an owner may transfer easements to a private, non-profit organization, among whose purpose it is to conserve open space and/or natural resources, provided that:

- a. The organization is a bona fide conservation organization with perpetual existence;
- b. The conveyance contains appropriate provision for proper re-conveyance or re-transfer in event that organization becomes unwilling or unable to continue carrying out its functions;
- c. A maintenance agreement acceptable to the HOA is entered into by the developer and the organization; and
- d. Maintenance agreements so entered upon shall be recorded with County Clerk of the Superior Court within 30 days of its execution and a copy of the recorded agreement shall be filed with the City.

(c) Maintenance Standards.

- (1) The ultimate owner of the open space (typically a Homeowners Association) shall be responsible for raising all monies required for operations, maintenance or physical improvements to the open space through annual dues, special assessments, etc.
- (2) In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the City through the Planning and Zoning Director may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.

- (3) Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this Ordinance. The Planning and Zoning Director is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within 20 days.
  - (4) Should any bill or bills for maintenance of undivided open space by the City be unpaid by November 1<sup>st</sup> of each year, a late fee of 15% shall be added to such bills and a lien shall be filed against the premises in the same manner as other City claims.
- (d) Other Elements.
- (1) Each OSD district comprising common development elements shall have an incorporated HOA or Business Association (BA) which shall have the right and responsibility to maintain the following areas and improvements:
    - a. Common open space
    - b. Private roads, if any, within or serving the development
    - c. Any stormwater management ponds or areas
    - d. Fire protection pond, dry mains, or other improvements
    - e. Other common facilities or improvements as may be designated in the adopted bylaws
  - (2) The Association's documents shall be submitted as part of the initial record plat application and shall provide for adequate initial funding and assessments to fund the maintenance of common property and improvements.

**Sec. 6-26. - Modification of Regulations (OSD-2).**

- (a) Conflicts.
- Where there are conflicts between the OSD provisions herein and the general zoning, subdivision or other regulations and requirements, the OSD regulations shall apply.
- (b) Modifications.
- (1) The City Council may allow reasonable modifications to other applicable regulations as follows:
    - a. These other regulations serve public purposes to a lesser degree than the OSD.
    - b. The designs or solutions proposed by the applicant, although not literally in accord with these other regulations, satisfy public purposes to a greater degree.
    - c. The strict implementation of these other regulations would prevent well designed OSD development.
  - (2) Such modifications may be granted by the City Council by special exception only. Such modifications may be sought prior to filing the Sketch Plan. The landowner shall

include the Sketch Plan of the proposed OSD development as part of the application for modification and shall demonstrate the reasons for the request.

## **DIVISION IV – PLANNED INDUSTRIAL PARK (PIP) DISTRICT**

### **Sec. 6-27. - Designing a Planned Industrial Park.**

A Planned Industrial Park project consists of four separate design components, as listed and defined below:

- (a) Concept Plan—The initial design ideas and layout to elicit preliminary feedback from staff.
- (b) Master Plan—The overall concept plan for the development locking in land uses, circulation, and other elements.
- (c) Subdivision Plat—A plat for dividing land within the industrial park.
- (d) Site Development Plans— A set of plans for review of any individual lot development or installation of streets within the industrial park, also commonly referred to as “Construction Plans.”

### **Sec. 6-28. - Planned Development Park Standards.**

- (a) Dimensional Standards.

See the Lot and Building Standards Article of this Ordinance.

- (b) Roads/Streets.

All interior streets and roads must meet the requirements for such facilities for the City of Newnan as well as the following:

- (1) The provision and/or design of streets is subject to review by the Planning Commission which may require or allow modifications to the location, layout, or capacity of roads or attach additional requirements such as turn lanes, traffic circles, wider or narrower rights-of-way, pavement widths, medians, traffic calming or other associated features and provided that such modifications meet generally accepted traffic engineering and planning principles that can be justified by the applicant and/or verified by the Planning Commission.
- (2) Public roads, road extensions, or other similar infrastructure shall be provided according to the approved master plan. Deviation from plans shall require approval of a revised plan.

- (c) Utilities.

All utility lines in a Planned Industrial Park shall be placed underground.

- (d) Landscaping and Tree Preservation.

Planned Industrial Parks shall present landscape and tree preservation plans as listed below:

- (1) Master Plans must show a master tree preservation plan prepared in accordance with the City's Landscape and Tree Preservation Ordinance.
- (2) Master Plans must show a detailed landscape plan for all entrances into the Planned Industrial Park.
- (3) Site Development Plans shall comply with the approved master tree preservation plan, unless changes to the master tree preservation plan are approved by the Planning Commission upon recommendation by the City's Landscape Architect.
- (4) Site Development Plans shall present a landscaping plan in accordance with the industrial requirements of the Landscape and Tree Preservation Ordinance.

(e) Grading/Erosion Control.

If so desired, the developer of a Planned Industrial Park may submit a master grading/erosion control plan for approval as part of the master plan. The grading/erosion control plan must comply with the master tree preservation plan and other applicable city standards. The grading/erosion control plan shall be prepared in accordance with the requirements as established in the Procedures and Permits Article of this Ordinance.

(f) Hydrology.

A master hydrology plan is required for the entire Planned Industrial Park. All hydrology plans shall be prepared in accordance with the requirements of City of Newnan Stormwater Detention Regulations.

**Sec. 6-29. - Application Procedures and Requirements.**

Applications for a Planned Industrial Park shall submit an application for rezoning as outlined in the Procedures and Permits Article of this Ordinance and shall follow the procedures outlined in this Section.

(a) Concept Plan.

The concept plan is required to display initial ideas and design for the Planned Industrial Park. The concept plan shall be submitted to staff for review and comment prior to filing of the rezoning application. The concept plan shall show the preliminary location of roads, building pads, and tree preservation areas. Lots are not required to be shown on the concept plan. The concept plan shall be used in analyzing the application for rezoning. The concept plan shall contain the following information:

- (1) Boundary of the project property;
- (2) Delineation of phases (if applicable);
- (3) Project site acreage;
- (4) Preliminary street network including entrances and exits and connections to rail lines if applicable;

- (5) Existing natural features of the site including rivers, lakes, ponds, streams, flood plains, water supply watersheds, and wetlands;
- (6) Potential location of building pads;
- (7) Projected tree save areas and acreage;
- (8) Owner's name, address, and contact information;
- (9) In addition, the applicant shall provide a written narrative describing the proposed project.

(b) Rezoning Application.

After review of the concept plan, a rezoning application must be filed in accordance with the requirements of the Procedures and Permits Article. The concept plan shall be included as part of the rezoning application.

(c) Master Plan.

Upon approval of the rezoning application by City Council, the developer is authorized to submit the master plan of the Planned Industrial Park. The master plan shall establish the guideline for which the development of the Planned Industrial Park shall follow. The master plan shall be approved by the Planning Commission during the next available meeting. The master plan shall be prepared by a Registered Landscape Architect or Civil Engineer, where required, and contain the following information:

- (1) Boundary of the project property;
- (2) Delineation of phases (if applicable);
- (3) Project site acreage and existing contours at 2' intervals;
- (4) Street network including entrances and exits and connections to rail lines if applicable;
- (5) Natural features of the site including rivers, lakes, ponds, streams, flood plains, water supply watersheds, and wetlands;
- (6) Projected location of building pads;
- (7) Master tree preservation plan;
- (8) Landscape plan for entrances;
- (9) Master hydrology;
- (10) Master grading/erosion control plan, if desired;
- (11) Owner's name, address, and contact information;
- (12) Certification block as follows:

Pursuant to the Planned Industrial Park standards of the Zoning Ordinance of the City of Newnan, Georgia, all the requirements for Master Plan approval having been

fulfilled including rezoning of the property to a designation of PIP, this Master Plan was approved by the Planning Commission at its meeting on \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Director

(d) Effect of Approval.

Approval of the master plan authorizes the developer to submit subdivision plats and Site Development Plans. Grading of the industrial park is authorized provided a master grading/erosion control plan was approved as part of the Master Plan and after receipt of the Land Disturbing Activity Permit.

(e) Subdivision Plat.

Any division of land with the Planned Industrial Park is subject to the requirements as established in the City of Newnan Subdivision Regulations. Preliminary Subdivision Plats must be approved by the Planning Commission while final subdivision plats can be administratively approved by staff, but only after streets are accepted by City Council.

(f) Site Development Plan.

Site development plans, otherwise known as construction plans, shall be submitted for each individual building sites or streets as they are proposed within the park. The site development plan shall be prepared in accordance with the Procedures and Permits Article. Site development plans are to be reviewed and approved by staff. The plans must substantially conform to the approved master plan. If any controversy arises as to the compliance with the master plan, the plan shall be presented to the Planning Commission for consideration. The site development plan must also demonstrate compliance with the master tree preservation plan, master hydrology plan, and master grading plan if applicable.

(g) Amendments to Approved Master Plan.

The master plan can only be amended with approval of the Planning Commission.

**Sec. 6-30. - Variances.**

Any variances requested in the Planned Industrial Park District shall be granted or denied by the Planning Commission. In granting such variances, the Planning Commission shall adhere to the procedures set forth in the Appeals Article in this Ordinance.