

## Chapter 27—Mixed Use Development Districts

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### **§27.010 General Purpose and Description**

The overall purpose of the MXD, Mixed Use Overlay District, is to allow and encourage flexibility and creativity in the design and development of comprehensively planned, mixed-use centers that would not be possible under conventional zoning districts. It is intended that this zone provide a more adaptable approach to the comprehensive design and development of mixed-use centers than the procedures and regulations applicable under the various conventional zoning categories and other planned development zones. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent City policies in a manner and to a degree more closely compatible with said City plans and policies than may be possible under other zoning categories. The specific purposes of this zone are:

1. To encourage residential uses in conjunction with commercial and other compatible activities in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic.
2. Residential, commercial, and other non-residential uses shall be provided in such a manner as to be co-dependant, functionally integrated, and complementary of each other rather than random, non-integrated, and non-associative elements.
3. To encourage orderly, staged development of large-scale, comprehensively planned mixed-use developments by providing procedures for the submission of a concept plan for an entire site and subsequent development plans for each stage of development, as identified on the concept plan.
4. To provide, where appropriate, higher density residential uses integrated into the overall mixed-use development.
5. To assure compatibility of the proposed land uses with surrounding uses by incorporating higher standards of project and site planning than could be accomplished under conventional zoning categories.
6. To strengthen the City's economic base and to provide proximate linkages between employment opportunities and housing.
7. To encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial and/or industrial concentration so as to function for the general benefit of the community and public at large as places for relaxation,

recreation, and social activity. It is also intended that open space and amenities be located so as to achieve the physical and aesthetic integration of the uses and activities within each development. In addition, structured parking within mixed-use planned developments is encouraged to help achieve the open space and amenities objectives of the zone. Where surface parking is necessary, the purposes of this zone may be achieved by the provision of additional landscaping.

8. To encourage and provide for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and industrial areas and public facilities.
9. To promote development that is compatible and complementary in design to the traditional style of building in the City of Newnan and that establishes a pedestrian oriented development.
10. To encourage and provide for efficient use of energy resources.
11. To promote the adaptive reuse of older structures for the purpose of stabilizing and improving property values, to encourage neighborhood conservation, to foster civic pride in the beauty and accomplishments of the past; to protect and enhance the City's attractions to tourists and visitors, to strengthen and help diversify the economy of the City, and to promote the use of historical-cultural landmarks for education, pleasure and welfare of the community.

This overlay zone may be approved upon findings that the application is proper for the comprehensive and systematic development of the City, is capable of accomplishing the purposes of this zone, and is compatible with the comprehensive plan and the applicable specific plan. In order to enable the City Council to evaluate the accomplishment of the purposes set forth herein, a specific set of plans, submitted in accordance with applicable site plan review and approval procedures, is required for each MXD district application, and the City Council is empowered to approve such plans if they find them to be capable of accomplishing the above purposes and in compliance with the requirements of this zone. The MXD district overlay regulations supplement the regulations of the underlying zoning district classification. The Zoning Map shall reflect the designation of a Mixed Use Overlay District by the letters "MXD" as a suffix to the underlying zoning district classification.

#### **§27.020 Types of MXD Districts**

The following types of mixed-use development districts are authorized by this Ordinance:

1. MXD-1 Urban Mixed-Use Development District
2. MXD-2 Planned Mixed-Use Development District

#### **§27.030 Location and Siting of MXD Districts**

1. Land with existing structures located within the CBD and ILT zoning districts meeting all the purpose requirements set forth in §27.010 is eligible for MXD-1 overlay.
2. Land with existing structures located within the RU-7, CGN, CUN, PDR or PDC districts meeting all the requirements set forth in §27.010 is eligible for MXD-2 overlay.
3. MXD districts are most appropriately located in developed urban areas or in areas of transition between less and more intense land uses where they can serve as a buffer between such land uses.

**§27.040 Designing an MXD District**

The design of an MXD district is a creative exercise that requires the designer to select from an array of components available to assemble the district. Essentially, the underlying zoning forms the basic building block of the district. For each underlying zoning category, there are a number of land use components which the designer may add to the underlying use to form a mixed use development. Mixed use districts differ from conventional zoning districts in that they are designed to be located in unique, unusual, or already developed areas or encompass development schemes that differ markedly from conventional development. As such, the Planning Commission shall be provided greater discretion in influencing the project in terms of bulk, permitted uses, layout, and other aspects of the development.

**§27.050 Permitted and Prohibited Uses**

The permitted uses in the MXD district shall be determined by the underlying zoning district plus a specific amount of the uses specified below. All uses permitted in the underlying zone are also permitted when that zone designation is overlain with a MXD designation unless specifically prohibited below.

1. MXD-1 Districts
  - a. CBD (Central Business District) Base Zone

<b>Table 27.01 CBD Base Zone Use Groups</b>	
<b>Permitted Uses</b>	<b>Minimum/Maximum Component</b>
All CBD permitted uses (except additional residential uses)	Twenty (20) percent minimum; Seventy-five (75) percent maximum
Neighborhood Commercial Uses (See Chapter 3, Number 4 for a definition and §33.090, subsection 49 for additional requirements)	Five (5) percent minimum
Multi-Family Residential--multi-family residential may be permitted on any floor, provided that the requirements of §27.110 subsection 2. are met, but no commercial use may be permitted above a residential use. All other CBD residential requirements shall be met.	Seventy (70) percent maximum
Arts and cultural facility uses listed under §33.080, 4.305 including but not limited to museums, galleries, art studios, performing arts centers, live stage theatre, art school, music school, and culinary school.	Seventy (70) percent maximum
Public facilities such as a post office, government offices, police precincts, health departments, etc.	Ten (10) percent maximum
Convention, meeting, and banquet facilities	Ten (10) percent maximum
Colleges, universities, and professional schools	Fifty (50) percent maximum
Elementary and secondary schools	Thirty (30) percent maximum
Public parks, playgrounds, gardens, greenspaces	Five (5) percent minimum
<b>Prohibited Uses</b>	<b>Minimum/Maximum Component</b>
Ambulance service	n/a
All industrial or heavy commercial uses	n/a
Gas stations	n/a
Funeral homes and crematoriums	n/a
Laboratories	n/a
Automobile repair and maintenance	n/a
Wholesaling, warehousing, and storage	n/a
Outside storage	n/a
Any use not specifically listed as a permitted use above	n/a

b. ILT (Light Industrial District) Base Zone

<b>Table 27.02 ILT Base Zone Use Groups</b>	
<b>Permitted Uses</b>	<b>Minimum/Maximum Component</b>
ILT or CBD permitted uses (except additional residential uses)	Twenty-five (25) percent minimum; Seventy (70) percent maximum
Neighborhood commercial uses (See Chapter 3, Number 4 for a definition and §33.090, subsection 49 for additional requirements)	Five (5) percent minimum
Multi-family Residential in loft configurations, above storefronts, or in separate structures on the same lot. Storefront residences must meet all of the provisions of the CBD residential requirements and §27.110, subsection 2.	Sixty-five (65) percent maximum
Arts and cultural facility uses listed under §33.080, 4.305 including but not limited to museums, galleries, art studios, performing arts centers, live stage theatre, art school, music school, and culinary school.	Twenty-five (25) percent maximum
Public facilities such as a post office, government offices, police precincts, health departments	Ten (10) percent maximum
Convention, meeting, and banquet facilities	Ten (10) percent maximum
Colleges, universities, and professional schools	Fifty (50) percent maximum
Elementary and secondary schools	Thirty (30) percent maximum
Churches and other houses of worship	Ten (10) percent maximum
Public parks, playgrounds, gardens, greenspaces	Five (5) percent minimum
<b>Prohibited Uses</b>	<b>Minimum/Maximum Component</b>
All heavy or very heavy industrial uses	n/a
Ambulance service	n/a
Outside storage	n/a
Any use not specifically listed as a permitted or conditional use above shall not be permitted	n/a

2. MXD-2 Zoning District

a. PDR/RU-7 (Planned Development—Residential) Base Zone

<b>Table 27.03 PDR/RU-7 Base Zone Use Groups</b>	
<b>Permitted Use</b>	<b>Minimum/Maximum Component</b>
PDR or RU-7 Permitted Uses (see below for exceptions and modifications)	Fifty (50) percent minimum; Seventy (70) percent maximum
Neighborhood Commercial Uses (See Chapter 3, Number 4 for a definition and §33.090, subsection 49 for additional requirements) including those uses permitted in CSN or CUN districts.	Five (5) percent minimum Twenty-five (25) percent maximum
Multi-Family Residential--multi-family residential may be permitted on any floor, provided that the requirements of §27.110 subsection 2. are met, but no commercial use may be permitted above a residential use. All other CBD residential requirements shall be met.	Ten (10) percent maximum
Townhouses	Twenty-five (25) percent maximum
Two-family homes provided that there is a single main entrance and that the units are stacked rather than side by side to emulate a single-family residence.	Ten (10) percent maximum
Arts and cultural facility uses listed under §33.080, 4.305 including but not limited to museums, galleries, art studios, performing arts centers, live stage theatre, art school, music school, and culinary school.	Seventy (70) percent maximum
Public facilities such as a post office, government offices, police precincts, health departments	Ten (10) percent maximum
Convention, meeting, and banquet facilities	Ten (10) percent maximum
Colleges, universities, and professional schools	Fifty (50) percent maximum
Elementary and secondary schools	Thirty (30) percent maximum
Churches and other houses of worship	Ten (10) percent maximum

Public parks, playgrounds, gardens, greenspaces	Five (5) percent minimum
<b>Prohibited Uses</b>	<b>Minimum/Maximum Component</b>
Funeral homes and crematoriums	n/a
All industrial or heavy commercial uses	n/a
Wholesaling, warehousing, and storage	n/a
Ambulance service	n/a
Automobile repair and maintenance	n/a
Outside storage	n/a
Any use not specifically listed as a permitted or conditional use above shall not be permitted	n/a

b. PDC/CUN/CGN (Urban Neighborhood Commercial) Base Zone

<b>Table 27.04 PDC/CUN/CGN Base Zone Use Groups</b>	
<b>Permitted Use</b>	<b>Minimum/Maximum Component</b>
All PDC, CUN, CGN and CBD permitted uses (except additional residential uses)	Twenty (20) percent minimum
Additional neighborhood commercial uses (See Chapter 3, Number 4 for a definition and §33.090, subsection 49 for additional requirements)	Five (5) percent minimum
Multi-family residential which may be permitted on any floor, provided that the requirements of §27.110, subsection 2 are met and that no commercial use may be permitted above a residential use. All other CBD residential requirements shall be met.	Seventy (70) percent maximum
Arts and cultural facility uses listed under §33.080, 4.305 including but not limited to museums, galleries, art studios, performing arts centers, live stage theatre, art school, music school, and culinary school.	Seventy (70) percent maximum
Public facilities such as a post office, government offices, police precincts, health departments	Ten (10) percent maximum
Convention, meeting, and banquet facilities	Ten (10) percent maximum
Colleges, universities, and professional schools	Fifty (50) percent maximum
Elementary and secondary schools	Thirty (30) percent maximum
Churches and other houses of worship	
Public parks, playgrounds, gardens, greenspaces	Five (5) percent minimum
<b>Prohibited Uses</b>	<b>Minimum/Maximum Component</b>
Filling stations	n/a
Funeral homes and crematoriums	n/a
Laboratories	n/a
Wholesaling, warehousing, and storage	n/a
Ambulance service	n/a
Automobile repair and maintenance	n/a
Outside storage	n/a
Any use not specifically listed as a permitted or conditional use above shall not be permitted	n/a

**§27.060 Accessory Buildings and Structures**

The accessory buildings and structures permitted in the underlying zoning district shall also be those permitted in a MXD development.

**§27.070 Signs**

The sign regulations in the underlying zoning district shall also apply to a MXD development in that zone.

**§27.080 Dimensional Requirements**

Dimensional regulations in a MXD District are set forth in Table 27.05 below:

<b>Table 27.05 Dimensional Requirements for MXD Districts</b>		
<b>Project Dimensional Requirements</b>		
<b>Dimension</b>	<b>MXD-1 Districts</b>	<b>MXD-2 Districts</b>
<b>Minimum total tract size:</b>	One (1) Acre	No land shall be classified as an MXD-2 zone unless it contains a minimum of five (5) acres. Expansion of existing MXD zones may be made in no less than one (1) acre increments.
<b>District perimeter:</b>	Minimum yard (and buffer requirements, if applicable) of the zoning district wherein the MXD-1 development is located shall be applied along all perimeter property lines of the entire property containing the development. All other district regulations which relate to yard areas, to areas between buildings and streets, or to lot lines shall be applied only to the above yards, perimeter streets, and perimeter property lines of the entire project area.	Minimum yard (and buffer requirements, if applicable) of the zoning district wherein the MXD-2 development is located shall be applied along all perimeter property lines of the entire property containing the development. All other district regulations which relate to yard areas, to areas between buildings and streets, or to lot lines shall be applied only to the above yards, perimeter streets, and perimeter property lines of the entire project area.
<b>Permitted underlying zoning:</b>	MXD-1 districts may be established as overlay zones in conjunction with CBD and ILT zoning districts.	MXD-2 districts may be established as overlay zones in conjunction with PDR, RU-7, PDC, and CUN zoning districts.
<b>Minimum open space:</b>	Fifteen (15) Percent	Fifteen (15) Percent
<b>Maximum density:</b>	For mixed residential/non-residential: Base-0.75/Maximum-3.00  For projects with an industrial component: Base 0.60/Maximum 2.00	For mixed residential/non-residential:  Base-0.75/Maximum-2.00
<b>Maximum impervious surface:</b>	Ninety (90) percent	Ninety (90) percent
<b>Individual Lot Dimensional Requirements</b>		
<b>Minimum lot size:</b>	Residential  The minimum lot sizes and individual lot lines for townhouses and multi-family housing in the zoning district in which the MXD-1 development is located may be waived, as well as the requirements that each structure be placed on a separate lot provided either common ownership of the development or sale of units are based on condominium or cooperative ownership.  Non-Residential  Variable and based on underlying zoning.	Residential  The minimum lot sizes and individual lot lines for townhouses and multi-family housing in the zoning district in which the MXD-2 development is located may be waived, as well as the requirements that each structure be placed on a separate lot provided either common ownership of the development or sale of units are based on condominium or cooperative ownership.  Non-Residential  Variable and based on underlying zoning.
<b>Maximum lot size:</b>	No Maximum	No Maximum
<b>Setback requirements:</b>	Variable and based on underlying zoning. The yard setback requirements of the zoning district in which the MXD-1 is located may be modified (except along the exterior boundaries of the development) based on modifications to required lot size. A 1:1 reduction in yard setback requirements may be permitted based on a reduction in lot size, but in no case shall a given setback be less than provided for as follows:  Front Yard            15 Feet	Variable and based on underlying zoning. The yard setback requirements of the zoning district in which the MXD-2 is located may be modified (except along the exterior boundaries of the development) based on modifications to required lot size. A 1:1 reduction in yard setback requirements may be permitted based on a reduction in lot size, but in no case shall a given setback be less than provided for as follows:  Front Yard            15 Feet

	Side Yard            10 Feet Between Buildings Street Side            20 Feet Rear Yard            20 Feet  One exception is where the MXD is proposed for existing structures that are part of a historical downtown or street grid pattern of development or new or infill development of the same. Such setbacks shall be evaluated on a case by case basis.	Side Yard            10 Feet Between Buildings Street Side            20 Feet Rear Yard            20 Feet  One exception is where the MXD is proposed for existing structures that are part of a historical downtown or street grid pattern of development or new or infill development of the same. Such setbacks shall be evaluated on a case by case basis.
<b>Minimum building line width</b>	Variable and based on underlying zoning. The building line width requirements of the zoning district in which the MXD-1 development is located may be modified (except along the exterior boundaries of the development) based on modifications to required lot size. A 1:1 reduction in building line width requirements may be permitted based on a reduction in lot size, but in no case shall a given width be less than 30 feet.	Variable and based on underlying zoning. The building line width requirements of the zoning district in which the MXD-2 development is located may be modified (except along the exterior boundaries of the development) based on modifications to required lot size. A 1:1 reduction in building line width requirements may be permitted based on a reduction in lot size, but in no case shall a given width be less than 30 feet.
<b>Minimum lot depth</b>	100 Feet	100 Feet
<b>Maximum length/ width ratio:</b>	Maximum 4:1	Maximum 4:1
<b>Minimum principal living space:</b>	Based on the requirements of Chapter 22, §22.040, subsection 6(h) of this Ordinance.	Based on the requirements of Chapter 22, §22.040, subsection 6(h) of this Ordinance.
<b>Principal building height:</b>	Forty-five (45) feet—one exception is where the MXD is proposed for existing structures that are part of a historical downtown or street grid pattern of development or infill development of the same. Such heights shall be evaluated on a case by case basis.	Thirty-five (35) feet
<b>Accessory building height:</b>	Fourteen (14) feet	Fourteen (14) feet
<b>Maximum floor area ratio:</b>	For mixed residential/non-residential: Base-0.70/Maximum-1.25  For projects with an industrial component:  Base 0.60/Maximum 1.10	For mixed residential/non-residential:  Base-0.50/Maximum-1.00
<b>Minimum landscaped area:</b>	Five (5) percent	Five (5) percent
<b>Maximum paved area:</b>	Fifteen (15) percent	Fifteen (15) percent
<b>Maximum building coverage:</b>	Seventy-five (75) percent	Seventy-five (75) percent

## §27.090      **Infrastructure Requirements**

All lots in MXD districts must meet the following infrastructure requirements:

1.      Water—Public water is required
2.      Wastewater—Public sewer is required
3.      Roads/Streets—All interior streets and roads must meet the requirements for such facilities for the City of Newnan. The city may require interior streets and sidewalks through the development that connect to existing street and sidewalk infrastructure. Approved development plans containing new 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.      Sidewalks—Sidewalks are required on all perimeter roads and streets. An internal sidewalk or path system must be provided. If the residential density of the project is greater than four (4) units per acre, sidewalks must be provided along the sides of all

streets except residential cul-de-sacs of two hundred (200) feet length or less. Sidewalks along exclusively residential frontages must be a minimum of four (4) feet in width and separated from the curb by a minimum three (3) foot tree lawn Except that a sidewalk of seven (7) feet in width may be provided in lieu of a tree lawn provided that street trees are planted in planter beds spaced at no greater than thirty (30) feet on center. Sidewalks in non-residential areas and in mixed residential/non-residential areas shall be a minimum of six (6) feet in width with a three (3) foot tree lawn. No tree lawn is required if a minimum eight (8) foot sidewalk is provided. If the residential density is less than four (4) units per acre, a walking path may be provided that shall link all land uses in the development. Such a path must be a minimum of four (4) feet in width and may be constructed out of Portland cement, bituminous asphalt, or pea gravel provided that the path be framed with boxboards to a depth of ten (10) inches.

5. Parking—The parking requirements shall be derived from the proposed uses making up the concept plan. Each use shall determine its share of required parking. Moreover, spaces calculated for residential units, office condominiums, and other permanent spaces shall be physically separated and dedicated exclusively for that use. Parking decks are recommended but not required. A shared parking plan prepared by a certified traffic or transportation planning consultant may be submitted which indicates a shared parking formula and supporting information. Up to twenty percent (20%) of total combined required parking may be waived with an approved plan.

#### **§27.100 Requirements for Public Facilities and Utilities**

1. Public Facilities—A mixed use planned development should conform to the facilities recommended for the site by the approved and adopted comprehensive or specific plan, including and granting such easements or making such dedications to the public as may be shown thereon or as shall be deemed necessary to ensure the compatibility of the development with the surrounding area and to assure the ability of the area to accommodate the uses proposed by the application.
2. Utilities—All utility lines in a MXD development 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. 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.

#### **§27.110 Additional Development Requirements**

1. General Requirements
  - a. Single Ownership and Design—MXD 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 overseeing the entire site.
  - b. Mixed Uses in Same Structure—Within the district, there shall be no restriction on combining different categories of use within the same building other than those imposed by the building code or other federal, state, or local regulations.



- c. Location of Parking—Unless physically impossible, all parking for MXD developments shall be located to the rear, a mixture of side and rear, or underground.
- d. 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 MXD development nor to uses adjacent or nearby the MXD development.
- e. Fences and Walls--MXD developments are expected to become part of the fabric of the city rather than be isolated and fenced in. However, fences and walls may be established with the following provisions:
  - 1) All non-residential uses must be accessible to the public via public sidewalks and/or streets during operational hours.
  - 2) Fencing adjacent to public right-of way or property shall consist of wrought iron or decorative steel or aluminum fencing. Chain link or wood fencing may be used along side or rear property lines adjacent to private property. Razor wire or barbed wire is not permitted.
  - 3) Walls may be erected out of brick, stone, stucco, or tile. Cinder block or unfinished concrete walls are not permitted.
  - 4) Fences or walls may be erected up to six (6) feet high along public right-of-way or property except that only four (4) feet shall be wall and opaque with the remainder decorative iron or aluminum fencing allowing visual exchange between the two sides of the wall. Fences or walls may be erected up to ten (10) feet high along private property.

2. Non-Residential Performance Development Requirements

- a. Location of Commercial 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. Commercial uses shall be located as to be uninterrupted by residential, office, or other non-commercial uses. 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 prohibited.
- b. Common Walls—Common walls between residential and non-residential uses should be constructed so as to minimize the transmission of noise and vibration. Such common walls shall meet minimum standards for fire walls as required by the City of Newnan.
- c. Nuisances—No commercial use shall be designed or operated so as to expose residents to offensive odors, dust, electrical interference, and or vibration.
- d. 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.

- e. 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.
- f. Storage of Refuse-Commercial units shall maintain a separate refuse storage container from that used by residential uses. It shall be clearly marked for commercial use only and use by residential tenants is prohibited. Refuse storage containers shall be screened on all sides with a latchable gate. Screening material shall be of the same finishing material predominantly used on the principal building. Commercial refuse containers shall be screened by an attractive fence or wall at least six (6) feet in height.

3. Relation to Residentially Developed Property Lying Outside of MXD-2 District

The sides, rear or front of a lot developed for retail sales and services or multi-family dwellings shall not abut property lying outside the MXD-2 district that has been developed with single-family dwellings.

4. Compatibility Standards

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

- a. No buildings other than single-family detached dwellings shall be constructed within fifty (50) 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 thirty-five (35) feet.
- b. 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.

5. Minimum Landscaping Requirements

Minimum standards for landscaping in MXD 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 "Tree Preservation and Landscaping" Ordinance within the City of Newnan Code of Ordinances must be submitted as part of the preliminary development plan. This can be a separate plan or may be integrated with the improvements plan required as part of the preliminary plan submittal. If the project is phased, only the first 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’s Plant Palate. Such trees shall be planted no more than twenty (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 of five percent (5%) of the project site shall be landscaped.

6. Open Space 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 MXD 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, and at times to the general public. 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 shall include parks, commons, plazas, community green or lawn, landscaped areas, decorative plantings, formal or informal garden, pedestrian walkways or paths, active and passive recreation areas including playgrounds and swimming pools. MXD zones must, at a minimum, provide fifteen percent (15%) of the site in open space distributed according to the following:

<b>Table 27.06 MXD Minimum Open Space Requirements</b>	
<b>Use Group</b>	<b>Required Open Space (number of sq. ft. of open space required for each 100 sq. ft. of gross floor area in the use group)</b>
Residential Uses	20
Office Uses	12
Retail and Commercial Service Uses	10
Other Uses	8

- a. Open space may 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.
- b. No more than fifty percent (50%) of required open space may be landscaped area.
- c. Not more than fifty percent (50%) of required open space may lie in a floodplain, groundwater recharge area, wetland, area of steep slopes (greater than fifteen percent [15%], or other undevelopable or sensitive area.
- d. Landscaped open space shall be provided by the developer in accordance with an approved landscape plan which meets the minimum requirements of this and other applicable Ordinances.

- e. Either a minimum of one-third (1/3) of required common open space shall be dedicated to the City as public parkland provided that:
  - 1) Such lands identified for dedication are found acceptable to the City related to size, shape, topography, maintenance requirements, or other factor affecting the suitability of the land as public parkland or open space.
  - 2) Dedication may be in one (1) or more parcels conveniently located to the residents of the development; or

One-third of required open space shall be public open space accessible to the general public for a minimum of fifty (50) hours per week between the hours of 6 a.m. and 10 p.m.

- f. Open space may 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.
- g. Open space shall be set aside and improved no later than the date on which certificates of occupancy are issued for the first two-thirds (2/3) of the total number of residential units to be constructed as part of the project. If residential uses will not be a part of the project, such open space shall be set aside no later than the date on which certificates of occupancy are issued for the first seventy-five percent (75%) of commercial space to be leased or sold as part of the project.
- h. All common open space required under this Section shall either be conveyed to the City of Newnan as a city park if the City agrees to accept such space, or it shall be conveyed to a homeowners association, merchants association, or other association so created for the purpose of maintaining common area within the project area.

## 7. Reduction of Required Open Space

### a. Adjacent Open Space

The minimum amount of open space required for an MXD development may be reduced by a maximum of fifty percent (50%) if the MXD site bounds, along at least one property line for a minimum of one hundred (100) feet, public open space including a park, playground, plaza, garden, or other open space available for and accessible to public use for recreation, relaxation, walking, etc.

### b. Open Space Substitutions

Pedestrian and bicycle amenities may substitute for required open space in the following manner:

- 1) Dedicated bike path connected to existing or planned bike route
- 2) Open pedestrian bridge

- 3) Raised pedestrian deck
- 4) Enclosed pedestrian bridge
- 5) Elevated pedestrian bridge
- 6) Shopping or through block arcade

Each amenity may be substituted in a 1:1 ratio related to square feet up to fifty (50) percent of required open space.

8. Compatibility With Surrounding Public Infrastructure

MXD developments must provide public infrastructure 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 a clear improvement over the existing adjacent infrastructure or public elements.

9. General Private Deed Covenants

The entire MXD 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.

10. Street Frontage Requirement

In an MXD development, the street frontage requirements for townhouses or mixed-family dwellings may be waived.

Compliance with these requirements shall not, in and of itself, be deemed to create a presumption of compatibility.

**§27.120 Application Procedures and Requirements**

1. Sketch Plan

Applicants are encouraged but not required to submit a sketch plan which provides a general concept of the project expected to be submitted. There are no specific requirements for a sketch plan because this step is provided solely for the benefit of the applicant to get an initial review and response to the project by staff and the Planning Commission. The level of detail is low because the applicant is seeking a general reaction to the concept and does not need to spend large amounts of money on detailed engineering drawings. However, it would be useful for the sketch plan to indicate land use distribution, open space, circulation systems, a summary of residential and non-residential density, and other major elements. A sketch plan may be submitted at any time and a meeting with staff may be arranged as needed.

2. Concept Plan

The applicants shall submit a concept plan for the proposed development which shall consist of a professionally designed schematic plan indicating the layout of the development. Two (2) complete sets of the concept plan shall be submitted to the Planning and Zoning Department on an 18" x 24" plat plus one (1) copy of each graphic in 8½" x 11" format. This plan shall contain the following elements:

- a. Identify the boundary of the property;
- b. provide a delineation of phases (if applicable);
- c. indicate proposed land uses including square footage or acreage and percentage of each component;
- d. 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 as well as the overall density of the project for each land use component. This initial density report shall contain those elements on which density is based including:
  - 1) Overall site area (all figures in acres and square feet)
  - 2) Overall buildable area (excluding wetlands, floodplain, steep slopes, etc.)
  - 3) Overall unbuildable area (the area of land excluded in b.)
  - 4) Density exclusions (open space, pedestrian walkways)
  - 5) Proposed project density by land use type
  - 6) Proposed phase density by land use type
  - 7) Phasing schedule;
- e. show a proposed vehicular and pedestrian circulation plan including entrances and exits;
- f. show existing natural features of the site including rivers, lakes, ponds, streams, wetlands, steep slopes, mature trees and tree stands, and other natural features;
- g. 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;
- h. indicate location of landscaping and buffers; and
- i. show the location of existing and proposed buildings as well as adjacent buildings and land uses.

In addition, the applicant shall provide a cover letter requesting review of the concept plan that shall include a written narrative describing how the proposed project meets the purposes of the MXD zone as provided in Chapter 27, §27.010 within this Ordinance. The concept plan shall be reviewed by staff within five (5) business days of submittal. At this time, staff will contact the applicant to arrange for an informal meeting with the applicant to discuss potential issues including areas of non-conformity. Staff, upon review of the plan and subsequent to the meeting with the applicant, will officially determine whether the concept meets the intent of the zone as provided in Chapter 27, §27.010 within this Ordinance and provides the required elements. If the concept does not meet with the intent of this Section or lacks required elements, staff may reject the concept plan. However, should the plan meet the intent of this Section and contain the required elements, staff will accept the concept plan and provide the applicant with suggestions for changes and modifications, if any, that will prepare the applicant for the submittal of the rezoning application and development plan. While the applicant may request more than one concept plan review, at least one review is mandatory.

3. Review of Concept Plan by Planning Commission

After staff officially accepts the concept plan, 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 next meeting after the following month. The Planning Commission shall review the concept plan for the following elements: how the proposed project meets the purpose of an MXD zone as provided in Chapter 27, §27.010 within this Ordinance; the project density; use mixing and percentages; proposed phasing; functional integrity of uses; general building layout; internal and external circulation; and open space location. Other site and project design criteria shall be reviewed at the development plan stage. The Planning Commission shall find the concept plan either acceptable or not acceptable. Any changes in a project proposal that result in a development plan differing in a substantive way from an acceptable concept plan will require that a new concept plan be filed and found acceptable prior to hearing a development plan.

4. Submittal of Rezoning Request and Development Plan

After the concept plan has been formally reviewed and accepted by staff and also found acceptable by the Planning Commission, the applicant shall submit a rezoning application and development plan for formal review by the Planning Commission. The development plan shall constitute a preliminary subdivision plat submittal if land subdivision is required. A completed rezoning application plus two (2) complete sets of the development plan submitted on 18" x 24" format shall be filed in the Planning Department. In addition, one (1) copy of each graphic must be provided in an 8½" x 11" format. Any application filed on or before the 15<sup>th</sup> day of any month shall be referred to the Planning Commission for its regular meeting of the following month, but the City Council shall first be notified of the filing of such application at its next regular meeting following said filing. All MXD rezoning requests shall require that the Planning Commission hold a public hearing thereon, at least fifteen (15) but not more than forty-five (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. The development plan shall meet all requirements for a preliminary plat and shall be submitted in the following format:

a. Existing Conditions Plan—This plan shall include:

- 1) Existing boundary streets and access streets to the project;
- 2) the boundaries of the site;
- 3) the topography of the site at two (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 eight (8) inches caliper and indicate any to be removed;

- 9) existing circulation pattern of the site including entrances and exits;
- 10) existing storm water control and detention (if any); and
- 11) adjacent property ownership, land use, and zoning including buildings on adjacent properties.

b. Site Development Plan—This plan shall include:

- 1) Existing boundary streets and access streets to the project;
- 2) the boundaries of the site and boundaries of proposed phases;
- 3) the delineation of parcel lines, if subdivision will be a part of the development;
- 4) the topography of the site at two (2) foot contour intervals;
- 5) tabulation of site acreage and the acreage of each proposed phase;
- 6) 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 MXD preliminary development plan;
- 7) delineation of all internal and peripheral vehicular and pedestrian circulation facilities including public or private streets, sidewalks, paths, etc. showing dimensions, design elements, and connections to external circulation systems. Projects must show at least two (2) points of ingress/egress to the site;
- 8) common facilities, such as recreation amenities, service buildings, garages, and trash collection stations;
- 9) site amenities such as benches, fountains, outdoor art, waste containers, kiosks, etc.;
- 10) the location of each proposed new building or structure, together with a plan or statement showing the number of stories, height, and gross square footage of each building; the total number of dwelling or commercial units (including details regarding the square footage and/or number of bedrooms, as applicable) and units or square footage by use for each building, the proposed uses, and the ground coverage or footprint of each building;
- 11) proposed changes of contour intervals at a detail of two (2) feet intervals;
- 12) any adjacent property owned by the applicant and the uses planned for that property;



- 13) 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, if applicable;
- c. Engineering Plan—This plan shall include:
- 1) Existing boundary streets and access streets to the project;
  - 2) the boundaries of the site;
  - 3) the topography of the site at two (2) foot contour intervals;
  - 4) tabulation of site acreage;
  - 5) 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.;
  - 6) the system of stormwater control both during and after construction; and
  - 7) the location of all existing and proposed utilities including natural gas, water, sewer, electricity, cable television, telephone, etc.
- d. Project Data Report—This report, to be submitted on 8½" x 11" paper shall include:
- 1) 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;
  - 2) The 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;
  - 3) 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;
  - 4) A narrative including tables delineating the percentages of land uses to be a part of the development and explaining how the proposed uses are functionally integrated; and
  - 5) A density report which shall provide the following:
    - a) Overall phase area (all figures in acres and square feet)
    - b) Overall phase buildable area (excluding wetlands, floodplain, steep slopes, etc.)

- c) Overall phase unbuildable area (the area of land excluded in b.)
- d) Density exclusions (open space, pedestrian walkways)
- e) Proposed phase density by land use type
- f) Cumulative project density by proposed land use type
- g) Density for remainder of project by proposed land use type

The development plan shall be prepared by a Georgia registered land surveyor, Georgia licensed architect, Georgia licensed landscape architect, or Georgia licensed engineer.

The Planning Commission will make a recommendation regarding the rezoning request to City Council. The Planning Commission shall also approve, approve with conditions, or deny the development plan. 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 fifteen (15) but not more than forty-five (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.

5. Effect of Approval

If the development plan and rezoning are approved, the MXD 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 or the zoning is revoked. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. If land subdivision was a part of the application, the effect of approval will also result in an approved preliminary plat. 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 year from the date of approval of a development 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 MXD district zoning for the property.

6. Final Plat Approval

If land subdivision was requested, the applicant shall submit an application for final plat approval using the criteria and procedures generally required in the "Subdivision Regulations" Ordinance within the City of Newnan Code of Ordinances. In addition, the plan requirements of Chapter 27, §27.040, subsections 3(b) and 3(c) of this Ordinance shall also be followed.

7. Submittal of Subsequent Phases

If the project is phased, each phase subsequent to the initial submittal shall be submitted according to the same requirements as the development plan. Phases completed shall be shown with as-built site renderings indicating what is already developed. Each separate phase shall require separate preliminary and final plat approval.

First and all subsequent phases of MXD developments shall provide proportionate amounts of the proposed land uses and site design requirements including open space. For each phase, development shall be permitted to proceed on a building or structure targeted for a singular use according to the following guidelines:

- a. For residential structures or space in a project that contains mixed residential/non-residential uses, a certificate of occupancy may be issued for the building common area, maintenance area, and management and leasing offices and individual certificates of occupancy may be issued for up to one-third (1/3) of residential units. An additional one-third (1/3) of residential units may be provided with individual certificates of occupancy upon commencement of construction of a minimum of fifty (50) percent of the floor area for approved non-residential uses. The final one-third of residential unit individual certificates of occupancy may be released upon receiving certificates of occupancy for fifty (50) percent of all approved non-residential space and that building permits have been issued and construction begun on the remaining approved non-residential space.
- b. For non-residential structures or space in a project that contains mixed residential/non-residential uses, a building certificate of occupancy for common area, maintenance area, and management and leasing offices may be issued and individual certificates of occupancy may be issued for up to one-third (1/3) of non-residential tenant space. An additional one-third (1/3) of tenant space may be provided with individual certificates of occupancy upon commencement of construction of a minimum of fifty (50) percent of the units for approved residential uses. The final one-third of tenant space individual certificates of occupancy may be released upon receiving certificates of occupancy for fifty (50) percent of all approved residential units and that building permits have been issued and construction begun on the remaining approved residential units.
- c. For non-residential structures or space in a project that contains different non-residential uses, a building certificate of occupancy for common area, maintenance area, and management and leasing offices, may be issued and individual certificates of occupancy may be issued for up to one-third (1/3) of non-residential tenant space. An additional one-third (1/3) of tenant space may be provided with individual certificates of occupancy upon commencement of construction of a minimum of fifty (50) percent of the floor area for approved non-residential uses differing from the use seeking the certificate of occupancy. The final one-third of tenant space individual certificates of occupancy may be released upon receiving certificates of occupancy for fifty (50) percent of all approved non-residential floor area for uses differing from the use seeking the certificate of occupancy and that building permits have been issued and construction begun on the remaining approved non-residential floor area for uses differing from the use seeking the certificate of occupancy.

8. Amendments to Approved Development Plan

The Planning Department is authorized to approve amendments to the Development Plan provided that:

- a. The applicant submit 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 five (5) percent increase in residential density.
  - 2) Involve no more than a five (5) percent increase in non-residential floor area.

- 3) Involve no more than a ten (10) percent decrease in parking allocated.
  - 4) Involve no more than a five (5) percent modification to a dimension including setbacks, height, or lot width.
  - 5) Involve no more than a five (5) percent modification to any other measurable project criteria.
- c. That the proposed change 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.

Any proposed amendments not conforming with these provisions shall be resubmitted as a revised preliminary development plan. Any proposed amendments which do not meet the minimum dimensional standards or other provisions of this Section may request a variance from the Planning Commission. Any requests for a variance shall utilize the standard variance application and must be submitted with the application for rezoning. A variance request may not be requested during a public hearing subsequent to a formal application for rezoning.

9. Final Master Plan Required

a. Plan Submittal

After all approvals have been obtained and construction of the MXD development has been completed, one copy of an as-built final development plan shall be submitted to the Planning Department.

b. Plan Approval

The as-built final development plan shall be reviewed by the Planning Director for compliance with the plan. If the plan is found to be in full compliance, the Planning Director shall have the Authority to approve the final development plan. If the plan is not in compliance, the plan will be presented to the Planning Commission at their next regularly scheduled meeting for their recommendation.