

Chapter 33—Additional Requirements Governing Structures and Uses

§33.010	Purpose and Intent
§33.020	Definitions Referenced
§33.030	Applicability
§33.040	General Provisions
§33.050	Fences and Walls
§33.060	Accessory Uses and Structures
§33.070	In-Home Occupations
§33.080	Special Exception and Other Specific Uses Regulated
§33.090	Temporary or Seasonal Uses
§33.100	Non-Conforming Uses, Structures, Signs, or Buildings
§33.110	Unique Uses
§33.120	Unspecified Uses

§33.010 Purpose and Intent

The purpose and intent of this chapter is as follows:

1. To provide specific and detailed regulations for uses that require additional explanation.
2. To offer a comprehensive listing of uses that are listed generally in zoning district regulations.
3. To offer a comprehensive listing of temporary land use permit uses, conditional uses, special exception uses, temporary or seasonal uses, and home occupation uses and the rules and regulations that govern such uses.

§33.020 Definitions Referenced

The definitions of certain terms referenced in these sections are set forth in Chapter 3, "Definitions" of this Ordinance, as amended.

§33.030 Applicability

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

§33.040 General Provisions

Minimum Performance Standards for Structures and Uses

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

- a. Will not create a nuisance upon the premises;
- b. Will avoid detrimental or blighting influences upon the neighborhood and surrounding properties;

- c. Will not, by means of noise, toxic gasses, fumes, vapors, odors, radiation, light, heat, fire exposure, hazard, vibration, or electrical interference, or by other means, interfere with or impair the use or enjoyment of neighboring premises, including fluctuation of line voltage;
- d. No lighting shall shine directly on or be a nuisance to occupants of adjacent property, nor impair safe movement of vehicles on any street or highway;
- e. Will not be hazardous to the community due to such things as the danger of fire or explosion even when conducted under adequate safeguards; and
- f. Will not create unsightly, unsafe, and/or unmaintained areas of land that are either not built upon, landscaped, or left in a natural state.
- g. Zoning district and use requirements are set forth in Chapter 21 of this ordinance, Table 21.04

§33.050 Fences and Walls

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

1. Accessory Structure

A fence shall be interpreted as an accessory structure and subject to the standards and procedures of an accessory structure for staff administrative approval.

2. Maintenance

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

3. Orientation

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

4. Permit

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

5. Nonconforming Fences

All fences legally existing on the effective date of this Ordinance that do not conform to the regulations of this Section may remain and be repaired or replaced in kind as a permitted legal nonconforming use pursuant to the provisions of Chapter 33, §33.100, "Non-Conforming Uses, Structures, Signs, or Buildings", of this Ordinance.

6. Permitted Material for Non-Industrial Districts

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

- a. Wood
- b. Wrought iron or decorative aluminum
- c. Masonry or stucco wall
- d. Chain link (permitted in rear and interior side yards only)
- e. Vinyl

7. Permitted Material for Industrial Districts

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

- a. Wood
- b. Masonry or stucco wall
- c. Chain link
- d. Barbed or razor wire (permitted only in rear and interior side yards where used above the height of six [6] feet)
- e. Finished concrete or cinder block walls
- f. Wrought iron

8. Height

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

- a. Fences not exceeding eight (8) feet may be erected in a required side or rear yard when located along a lot line or alley which provides a boundary between residential use on one side and business, commercial, industrial, or manufacturing use on the other.
- b. Temporary Construction Fences not exceeding eight (8) feet may be erected in any district provided the requirements of Chapter 33, §33.090, subsection 4(e)1 are met.
- c. There shall be no height restrictions on the erection of open mesh type fences enclosing parks, recreational areas and school sites.
- d. No such fence located in a front yard shall exceed a height of thirty-six (36) inches on a non-industrial zoned parcel.
- e. Industrial uses which shall be limited to ten (10) feet in height.

9. Location

Please refer to the requirements of individual zoning districts for specific wall or fence criteria. Provisions for designating streets for front and street side yard fences include:

- a. The City Council, at its own discretion may designate certain new streets or portions thereof as suitable for locating fences in front and/or side yards abutting a street provided the following conditions are met:
 - 1) All streets designated shall be identified as thoroughfare plan roadways in the Comprehensive Plan.
 - 2) Each street segment designation shall be a minimum of one (1) mile in length.

§33.060 Accessory Uses and Structures

1. Purpose

Accessory uses or structures are permitted in connection with and incidental to a permitted principal use or structure and in compliance with the restrictions of this section.

The purpose of establishing guidelines for specific accessory uses and structures is to provide clear direction for determining compatibility between adjacent uses and to provide a mechanism for recommending bodies and decision makers to evaluate zoning and rezoning applications.

2. Permitted Accessory Structures

Permitted accessory uses or structures shall be limited to the following and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size and impact and which are otherwise in compliance with this Ordinance:

3. Permitted Structure Limitations

The following limitations apply to accessory uses listed below:

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

4. Residential Accessory Structures

- a. Recycling Areas—Defined as enclosed areas devoted to collection of recyclables generated by the principal use.

- b. Gazebo—See Table 33.02 for guidelines. Size shall not exceed 500 square feet.
- c. Arbor or Trellis—Such structures shall be located no closer than five (5) feet from the property line.
- d. Awnings or Canopies—Projecting no more than five (5) feet from an exterior wall.
- e. Balconies—Projecting no more than six (6) feet from an exterior wall.
- f. Clothesline—Such structures shall be located in rear yards only, and shall be located no closer than five (5) feet from the property line.
- g. Dog Houses and Pens—See Table 33.02 for guidelines.
- h. Fences and Walls—Fences and walls may be erected subject to the provisions of §33.050 above.
- i. Fire Escape (if required)—Such structures shall be located in side or rear yards only and may encroach into the required yard to a width consistent with the requirements of NFPA Standard 101 of the "Life Safety Code," as amended.
- j. Flag Poles—Such structures must meet the height and building setback requirements of the underlying zoning district and erected in compliance with Chapter 31, Sec. 31-160 (C).
- k. Freestanding Air Conditioning Equipment—Such structures shall be located in side or rear yards only and may encroach into the required yard up to four (4) feet.
- l. Patios, Paved Terraces, and Decks, At or Above Ground—No patio, paved terrace, or deck shall be located within five (5) feet of any property line or within the required building setback line and the street line or public right-of-way.
- m. Play Equipment and Playhouses
 - 1) Play equipment and playhouses are permitted provided that they are no closer than five (5) feet from any property line.
 - 2) No play equipment, including basketball poles shall be located in or adjacent to public right-of-ways so that play would take place within right-of-way.
- n. Greenhouse, Private
 - 1) Private greenhouses of up to one thousand (1000) square feet may be erected on any lot of one (1) acre or more.
 - 2) Private greenhouses of up to two hundred fifty (250) square feet may be erected on any lot of less than one (1) acre.
- o. Garage, Carport, or Carriagehouse (Private)

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

- 1) Structure must meet setback requirements for accessory structures in the district in which it is located.
- 2) Structure must be permanent and attached to a foundation.
- 3) Structure shall be limited to one thousand (1,000) square feet of gross floor area unless otherwise specified.
- 4) A Garage may include a second story accessory apartment in districts where such units are permitted and subject to the conditions therefore specified in Section 34.050.
- 5) No structure shall be located within five (5) feet of the rear or side property line (unless otherwise noted, see Table 33.02) and must be set back a minimum of three (3) feet behind the front door of the primary structure.
- 5) Elevations and floor plans must be approved by the Zoning Administrator and submitted to the building department for permitting.

p. Radio or Satellite/TV Antennas

- 1) Such structures may be on the roof facing the rear or side yards or may be freestanding. All such units shall be set back a minimum of fifteen (15) feet from all lot lines.
- 2) The diameter of ground mounted antennas shall not exceed twelve (12) feet.
- 3) Ground mounted antennas, including supports, shall not exceed fifteen (15) feet in height.
- 4) Ground mounted antennas shall be located in rear yards only.
- 5) Roof mounted antennas shall not project more than five (5) feet above the roof line.

q. Residential Outbuildings, Except Detached Private Garage, Carport, or Carriagehouse

- 1) General Requirements
 - a) Maximum height shall be limited to ten (10) feet.
 - b) No structure shall be located within five (5) feet of the rear or side property line.
 - c) The limit on the number of residential outbuildings shall be limited by maximum building coverage and the following table:

Table 33.01 Limitation on the Number of Residential Outbuildings		
Lot Size	Number of Outbuildings	Maximum Square Feet Per Site
Single-Family Larger Than One-Half (½) Acre	Up to Five (5)	500
Between 8712 and 21,780 Square Feet	Up to Three (3)	400
Smaller than 8712 Square Feet	Up to Two (2)	300
Multi-Family	120 Square Feet Per Dwelling Unit	

2) Specific Residential Outbuildings Requirements

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

a) Storage Shed for Personal, Non-Commercial Use

Storage sheds of more than two hundred (200) square feet are permitted except that such structures for the propagation or keeping of birds, poultry, or livestock are prohibited.

b) Studios and Workshops Without Outdoor Display for Personal Use

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

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

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

s. Swimming Pools, Hot Tubs, and Hydros spas (private)

- 1) Swimming pools, whether in- or above-ground, shall be installed no closer than ten (10) feet to any property line measured from the nearest water surface, exclusive of decking, which shall be located no closer than five (5) feet from any property line.
- 2) Swimming pools shall be located in the rear or non-street side yard of the property unless otherwise provided by this Ordinance.
- 3) All pools having a depth of eighteen (18) inches or greater at the deepest point shall be enclosed by a fence or wall of not less than four (4) feet in height with locks forty-eight (48) inches from the ground on any gates on the fence. The fence or wall shall be designed so that a four (4.0) inch diameter sphere cannot pass through any opening. A permanent principal or accessory building may be used as part of such enclosure.

- 4) All gates or doors opening through such fence or wall shall have self-closing and self latching devices which keep the gate or door closed at all times when not in actual use; however, the door of any dwelling which furnishes part of the enclosure is excluded from this provision.
 - 5) An approved temporary construction fence shall be erected around the excavation site during the construction of the pool and shall remain in place until the permanent fence is erected.
 - 6) The approval of the Building Official shall be required prior to the construction of a swimming pool or other water unit covered by this section. The Building Official shall approve the swimming pool permit upon finding that it meets all of the above criteria.
- t. Tennis, Handball, Squash, or Badminton Courts (private)
- 1) Private tennis, handball, squash, or badminton courts are permitted as an accessory use provided that they are no closer than ten (10) feet from any property line.
 - 2) Such facilities shall be located in the rear or non-street side of the property. A facility may be fronted on a street if set back at least sixty (60) feet from the street right-of-way.
 - 3) Such facilities shall be screened by an opaque fence of a minimum six (6) feet in height adjacent to all property lines or shall provide a vegetative screen meeting the requirements of the "Tree Preservation and Landscaping" Ordinance contained in the City of Newnan Code of Ordinances.
- u. Utility Substation, Dedicated
- 1) These uses shall be essential for service to the area in which they are located.
 - 2) Any building or structure, except an enclosed fence, shall be set back not less than forty (40) feet from any property line and shall meet all applicable yard requirements.
 - 3) These uses shall be enclosed by a fence not less than eight (8) feet in height.
 - 4) The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped, and maintained in an appropriate manner.
 - 5) The storage of vehicles and equipment on the premises shall be prohibited.
 - 6) Site development plans shall be approved by the Building Official or his designee to insure compatibility of the facilities with the neighborhood in which they are to be located.
 - 7) For locations where such a facility is proposed to abut a residential district, a Type "C" Buffer along the entire length of the common boundary between the district where the proposed drive-in or drive-through facility

would be located and the abutting residential district shall be required pursuant to the "Tree Preservation and Landscaping" Ordinance contained in the City of Newnan Code of Ordinances.

v. Fallout or Emergency Shelter

A fallout or emergency shelter is permitted as a principal or accessory use and structure in any zone, subject to the dimensional requirements of the underlying zoning district. Such shelter may be located in other structures or may be constructed separately.

In addition to shelter use, a fallout shelter may be used for any principal or accessory use permitted in the zone, subject to the zoning regulations for such zone. A fallout shelter shall not be used for a residence or dwelling, except in time of emergency.

The shelter may also be used for other purposes permissible as a special exception in the district in which the shelter is located, subject to findings by the Board of Zoning Appeals that all of the general requirements of Chapter 43, "Special Exceptions" of this Ordinance are satisfied and, in addition, that the following is established:

- 1) That the use other than as a shelter is compatible with the shelter proposed.
- 2) That the function as a shelter would not be materially impaired by the proposed use.
- 3) That the special exception as to use would have been granted regardless of whether the shelter was involved.
- 4) That such a shelter extend to not more than three (3) feet above grade.

A joint shelter or community shelter may be permitted by the Board of Zoning Appeals as a special exception even if the shelter is proposed to cross property lines. In granting a special exception for such joint shelter, the Board may waive the side and rear yard requirements on the property or properties directly involved in the construction of the joint shelter to the extent necessary to permit practical and efficient location and construction; provided, that side and rear yard requirements shall be met where property involved in the joint proposal abuts or joins property not included in the proposal.

Table 33.02 Permitted Residential Accessory Building, Structure, or Use	Yard(s) Permitted R=Rear; S=Side SS=Street Side F=Front; A=All	Minimum Distance (In Feet) From:*											
		Side Setback			Street Side or Front Setback			Rear Setback			Principal Building		
		A	B	C	A	B	C	A	B	C	A	B	C
Arbor or Trellis	R, S	5	5	5	15	10	10	5	5	5	0	0	0
Awnings or Canopies	A	5	5	5	5	5	5	5	5	5	0	0	0
Balconies	A	5	5	5	5	5	5	5	5	5	0	0	0
Clothesline	R	---	---	---	---	---	---	5	5	5	0	0	0
Communications Tower for Public Agencies	R	See Chapter 37, Requirements for Telecommunications Towers & Equipment"											
Dog Houses and Pens	R	---	---	---	---	---	---	5	5	5	0	0	0
Fallout or Emergency Shelter	R	---	---	---	---	---	---	10	5	5	0	0	0
Fences and Walls	See Table 21.04	0	0	0	5	0	0	0	0	0	0	0	0
Fire Escape	R, S	5	5	5	---	---	---	0	0	0	0	0	0
Flag Poles	A	5	5	5	15	10	10	5	5	5	0	0	0
Freestanding Air-Conditioning Equipment	R, S	6	1	1	---	---	---	10	5	5	0	0	0
Garage, Carport, or Carriagehouse, Detached **	R	5	5	5	---	---	---	10	5	5	5	5	5
Gazebo	R	5	5	5	15	10	10	5	5	5	5	5	5
Greenhouse, Private	R	---	---	---	---	---	---	10	5	5	5	5	5
Patios, Paved Terraces, and Decks—at or above ground	A	10	5	5	15	10	10	10	5	5	0	0	0
Play Equipment and Playhouses	R	---	---	---	---	---	---	10	5	5	5	5	5
Radio or Satellite/TV Antennas	R,S or Roof	15	15	15	---	---	---	15	15	15	0	0	0
Recycling Areas	R, S	10	5	5	15	10	10	10	5	5	0	0	0
Residential Outbuildings, Except Detached Private Garage, Carport, or Carriagehouse	R	---	---	---	---	---	---	10	5	5	5	5	5
Solar Panels or Other Passive or Silent Energy Conserving Facilities	R, S, or Roof	10	5	5	---	---	---	10	5	5	0	0	0
Swimming Pool Decks or Outbuildings	R,S	10	5	5	---	---	---	10	5	5	5	5	5
Swimming Pools, Hot Tubs, and Hydros spas	R, S	10	10	10	---	---	---	10	10	10	10	10	10
Tennis, Handball, Squash, or Badminton Courts	R, S	10	10	10	---	---	---	10	10	10	10	10	10
Utility Substation, Dedicated	R	---	---	---	---	---	---	40	40	40	40	40	40

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

** See additional information in Section 33.060(4)(o).

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

5. Non-Residential Accessory Structures

B. Accessory Living Quarters for Watchman, Guard or Custodian

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

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

C. Bus Shelter or Bus Stand

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

D. Emergency Power Generators

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

E. Freestanding Air Conditioning Machinery

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

F. Outdoor Art

Outdoor art or sculpture may be permitted in any required yard, courtyard, landscaped area, or other space not dedicated to any other required use subject to the following requirements:

- 1) May not be located in any right-of-way or be located as to obstruct the view of any motor vehicle in any roadway or traffic aisle.

- 2) May not obstruct any pedestrian path or sidewalk.
- 3) May not be attached to any building or structure such that it overhangs any pedestrian path or vehicle parking or travel area.
- 4) Works of art and their placement may require approval by the Newnan City Council.

G. Parking Lots and Structures

- 1) Parking Deck
 - a) The structure shall be a conditional accessory use to an commercial, multi-family, institutional or office use.
 - b) The structure shall be located a minimum of fifty (50) feet from any property located within a residential zoning district or used for residential purposes.
 - c. The structures shall meet the applicable standards and requirements of Chapter 30, "Parking and Loading" of this Ordinance.

H. Public Utility or Communication Tower

All such structures shall meet the requirements of Chapter 37, "Requirements for Telecommunications Antennas and Towers" of this Ordinance.

I. Recycling Facilities

All such structures shall meet the requirements of Chapter 33, §33.080, subsection 39.

J. Refuse Disposal Containers and Pads

Unless otherwise specified in this Ordinance, refuse disposal containers and pads shall be subject to the following requirements:

- 1) Such structures shall be located in rear or non-street side yards only.
- 2) Such structures shall be located at least five (5) feet from any adjacent non-residentially zoned property and at least thirty (30) feet from any adjacent residentially zoned property.
- 3) All containers must be placed on a pad and enclosed by a six (6) foot high wooden fence or masonry wall with a latched gate and landscaped to visually obstruct such structure from adjacent properties.
- 4) All gates and lids must be kept closed at all times and containers and pads must be well maintained and in good repair.

K. Storage Sheds

- 1) Such structures shall be located in rear or non-street side yards only.

- 2) Such structures shall not exceed two hundred (200) square feet.
- 3) Such structures shall be located at least five (5) feet from any adjacent non-residentially zoned property and at least thirty (30) feet from any residentially zoned property.

L. Stormwater Management/Best Management Practice (BMP) Facilities

[Contact Engineering Department]

M. Utility Substation, Dedicated

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

N. Vending Machines, Phone Booths, and Similar Public Use Accessory Uses—
Outdoor

In all non-residential zoning districts, vending machines, phone booths and similar accessory structures may be visible from the right-of-way adjacent to the property upon which they are located.

O. Water Features and Fountains

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

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

P. Clock Tower or Other Monument

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

- 1) May not be located in any right-of-way or be located as to obstruct the view of any motor vehicle in any roadway or traffic aisle.
- 2) May not obstruct any pedestrian path or sidewalk.
- 3) May exceed the height limitation of the underlying zoning district with an administrative approval.
- 4) If freestanding, such structures may be used as accessory storage structures upon meeting the requirements of same.

- 5) No signs except identification signs may be attached to such a structure. The square footage of such a sign shall be included in overall calculations for identification signs upon the lot.

6. Other Accessory Structures

Gazebo Associated with a Park or Open Space Area

Such structure must be located at least sixty (60) feet from any public street right-of-way and at least fifteen (15) feet from any body of water.

7. Accessory Uses

a. Residential Uses

In Home Occupations

Such uses shall meet the requirements of Chapter 33, §33.070, "In-Home Occupations" of this Ordinance.

b. Non-Residential Uses

1) Service Uses, Accessory

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

a) Location

The accessory service use shall be located inside the building occupied by the principal use. Access may be from either the interior or exterior of the building which is occupied by the accessory service use.

b) Maximum Floor Area

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

c) Specific Accessory Service Uses

i. Automobile Rental Agencies

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

ii. Banks/Savings Institutions

Banks and savings institutions are generally a principal use and may be permitted as an accessory service use.

A drive-in area may be included for such use, subject to the provisions of §33.080, "Drive In or Drive-Through Facilities"

iii. Drive-In Facilities

Drive-in facilities shall not be permitted in connection with any accessory service use, except that a bank may have one (1) drive-in window.

iv) Plasmapheresis Facilities

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

d) Outdoor Display or Storage

Outdoor display or storage of merchandise shall not be permitted as a part of any accessory service use.

e) Variance Prohibited

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

8. Area and Setback Requirements

Accessory structures shall meet the following minimum dimensional requirements except as otherwise provided herein:

a. Structures Less Than or Equal to One Hundred (100) Square Feet

Accessory structures up to one hundred (100) square feet shall be set back from rear property line a minimum of five (5) feet and not within utility easements.

b. Structures Greater Than One Hundred (100) Square Feet

- 1) Accessory structures greater than one hundred (100) square feet shall be set back from property lines a minimum of five (5) feet or beyond a minimum buffer area, whichever is greater.
- 2) Such structures shall not occupy more than twenty-five (25%) percent of the area between the rear property line and the principal structure.
- 3) Such structure must meet the setback requirements of the underlying zoning district unless otherwise specified in this Chapter.
- 4) All accessory structures over four hundred (400) square feet shall conform to the setback requirements for principal buildings.

Table 33.03 Permitted Non-Residential Accessory Building, Structure, or Use	Yard(s) Permitted R=Rear; S=Side SS=Street Side F=Front; A=All	Minimum Distance (In Feet) From:*											
		Side Setback			Street Side or Front Setback			Rear Setback			Principal Building		
		A	B	C	A	B	C	A	B	C	A	B	C
Accessory Living Quarters for Watchman, Guard or Custodian, Detached	R or Integrated	---	---	---	---	---	---	25	25	---	0	0	0
Bus Shelter or Bus Stand	SS, F	---	---	---	0	0	0	---	---	---	5	5	5
Drive-In or Drive-Thru Facilities	S,R	See accessory structures section: Drive-In or Drive-Thru Facilities											
Emergency Power Generators	R, S	25	25	10	---	---	---	25	25	10	0	0	0
Fence or Wall	See Table 21.04	0	0	0	0	0	0	0	0	0	0	0	0
Freestanding Air-Conditioning Machinery	R or S	25	25	10	---	---	---	25	25	10	0	0	0
Outdoor Art	A	0	0	0	0	0	0	5	5	5	0	0	0
Outdoor Dining	B, C	See Non-Residential Uses: Outdoor Dining Section 33.080											
Public Utility or Communications Tower	R	See Chapter 37, Requirements for Telecommunications Towers & Equipment"											
Parking Deck	Varies	10	10	0	---	---	---	10	10	0	0	0	0
Recycling Facilities	R, S	10	10	5	---	---	---	10	10	5	0	0	0
Refuse Disposal Containers and Pads	R, S	10	10	5	---	---	---	10	10	5	0	0	0
Storage Sheds	R	10	10	5	---	---	---	10	10	5	0	0	0
Stormwater Management Facilities	R, S, SS	10	10	5	---	---	---	10	10	5	0	0	0
Utility Substation, Dedicated	R	---	---	---	---	---	---	25	25	10	5	5	5
Vending Machines, Phone Booths, and Similar Public Use Accessory Uses	Varies	10	10	10	10	10	10	10	10	10	0	0	0
Water Features and Fountains	A	10	10	5	10	10	5	10	10	5	5	5	5
Clock Tower or Other Monument	A	10	10	5	10	10	5	10	10	5	0	0	0

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

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

§33.070 In-Home Occupations

1. Purpose

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

2. Establishment

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

- a. Not more than twenty-five percent (25%) of the dwelling unit may be used for the conduct of an in-home occupation.
- b. There shall be no exterior evidence of the home occupation, including identification signage.

- c. No such use shall create or cause noise, vibration, odor, smoke, glare, electrical interference or any other nuisance that would be detectable beyond the property line.
- d. Only persons living in the dwelling unit shall be employed at the location of the home occupation.
- e. The home occupation shall be conducted entirely within the dwelling unit except that a home occupation may be conducted in an accessory building provided that the following standards are maintained:
 - 1) In-home occupations shall not exceed twenty-five (25%) percent of the total floor area of an accessory structure.
 - 2) Except in the case of home occupations conducted within a tenant house, an accessory use or structure shall be operated and maintained under the same ownership as the principal use.
 - 3) The accessory building or portion of accessory building used for the home occupation shall be located no less than fifteen (15) feet from the side, rear or non-street side lot line.
- f. There shall be no display or any other indication from the exterior that the building is being utilized for any non-residential purpose, and the external appearance of the structure in which the use is conducted shall be compatible with the dwelling unit and neighboring residential structures.
- g. There shall be no merchandise manufactured or processed for sale, bought, exchanged, or traded in or on the premises. An in-home occupation involving individual works of art and involving some machine process as part of the creation of individual works of art or craft is permitted, provided it meets all other criteria of this Section, and involves no direct sales of such works of art to consumers on a regular basis from the premises.
- h. No home occupation shall be permitted in any accessory building, or portion thereof, where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity, or other reasons constituting a nuisance.
- i. No home occupation shall be permitted in that portion of a garage that is required by this Ordinance to provide parking spaces for a dwelling or dwellings.
- j. No article, product or service shall be sold on the premises, other than by telephone or other communications technology.
- k. No materials, equipment or business vehicles shall be stored or parked on the premises of the home occupation unless they are confined entirely within the residence or an accessory building, except that one (1) business vehicle (the carrying capacity of which shall not exceed one and one-half (1.5) tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard.
- l. No more than one (1) vehicle of any business customer or client may park at the location of the home occupation at any time. In addition, there shall be no

storage of mechanical earth-moving or construction equipment at the location of the home occupation.

- m. "Home occupation day care service" is defined as a private residence operated by any person who receives therein pay for the supervision and care for fewer than twenty-four (24) hours per day, without transfer of legal custody, of not more than six (6) children simultaneously who are under eighteen (18) years of age who are not related to such person and whose parents or guardians are not residents in the same private residence. More than twenty-five percent (25%) of a residence may be used for a customary home occupation day care service and an outdoor play area may be provided. The day care service must be registered with the day care licensing division of the Georgia Department of Human Resources and proof of such registration must be submitted to the Planning Department before a business license can be issued.

3. In-Home Occupations

In-home occupations are permitted administratively and shall be limited to the following:

- a. Artists, craftsmen, and sculptors, piecework
- b. Authors and composers
- c. Home offices not including professional offices
- d. Individual tutoring
- e. Catering, limited
- f. Individual musical instrument instruction, provided that no instrument may be amplified
- g. Telephone solicitation and telemarketing
- h. Telephone answering services
- i. Home occupation day care service
- j. Sewing, needlework, and piece goods, including upholstery
- k. Photo studios and photo development
- l. Minor repair services
- m. Woodworking or cabinet making, craft and not industrial scale

§33.080 Special Exception, Conditional, and Other Specific Use Requirements

Special exceptions and conditional uses, both defined in Chapter 3, "Definitions", of this Ordinance frequently have special conditions or requirements attached to their approval. The purpose of this section is to identify those uses eligible for a special exception or conditional use and to provide the specific conditions required for their approval. A number of special exception and conditional uses have additional requirements attached to their approval. The purpose of establishing specific uses that shall be permitted with a special exception or on a conditional basis is to provide clear guidelines for determining compatibility between adjacent uses and to provide a mechanism for recommending bodies and decision makers to evaluate zoning and rezoning applications.

1. Adult Entertainment Uses

A special exception may be granted for adult entertainment uses (as defined in Chapter 3, "Definitions" of this Ordinance) provided that such use meets the provisions of Article II, Chapter 6 of the Code of Ordinances of the City of Newnan, Georgia

2. Animal Hospitals

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

3. Arboretum, Botanical Gardens, and Other Outdoor Gardens

- a. A site plan conforming to all requirements of Chapter 45, "Site Plan Review" of this Ordinance.
- b. A Type "A" Buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, shall be maintained along the side and rear property lines abutting residentially zoned land.
- c. Written verification of ownership and administration for the use shall be submitted along with the site plan.

4. Asphalt Plant

- a. Compliance with all applicable State and Federal laws regulating these uses.
- b. All necessary State and Federal permits shall be obtained prior to filing application for such a use.
- c. Spill containment plan to be approved by appropriate City staff and comply with O.C.G.A. §12-8-60 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to §5391-3-4-.11, and 391-3-4-.15;
- d. No use shall be located closer than one thousand (1000) feet from any residentially zoned land or school property line.
- e. Noise abatement and air pollution abatement plans to be approved by City staff.
- f. Fire prevention, evacuation, and safety plan to be approved by the Fire Marshall.
- g. Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties and should comply with the requirements and restrictions contained in City Ordinance 17-85(e) regarding Concrete washout.
- h. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a State or Federal highway or a major or minor County thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the City Engineer.
- i. Minimum site shall be five (5) acres.

5. Auction Facility

- a. Merchandise to be auctioned must be limited to farm equipment, antiques, collectibles, furniture, dishes, clothing books, real estate, and similar items that will not have an adverse impact on the surrounding area.
- b. Evening and weekend operations may be permitted.
- c. If any adjoining property is in residential use, the noise level at the common property line must not exceed that considered a nuisance.
- d. The minimum area of the lot must be five (5) acres.
- e. The minimum setback of the auction area, whether or not enclosed within a building, and the parking area must be a minimum of fifty (50) feet from any property line if the adjoining property is in residential use. This shall be increased to 200 feet if a PA system is to be used.
- f. On-site parking must be provided in accordance with the requirements of Chapter 30, "Parking and Loading Requirements" of this Ordinance.

6. Automobile Gas Stations/Convenience stores, with fuel pumps

- a. An automobile gas station and any other facility that dispenses fuel to the public on a retail basis, may be permitted in districts which allow such uses, upon a finding that:
 - 1) The use will not constitute a nuisance because of noise, fumes, odors, or physical activity in the location proposed.
 - 2) The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic pattern from such buildings, or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital, or other public use or place of public assembly.
 - 3) The use at the proposed location will not adversely affect nor retard the logical development of the general neighborhood or of the industrial or commercial zone in which the station is proposed, considering Service required, population, character, density and number of similar uses.
- b. In addition, the following requirements shall be complied with:
 - 1) When such use abuts a residential zone or institutional premises not recommended for reclassification to commercial or industrial zone on an adopted Future Land Use Map and is not effectively screened by a natural terrain feature, the use shall be screened by a solid wall or a substantial, attractive, solid fence, not less than five (5) feet in height, together with a three (3) foot planting strip on the outside of such wall or fence, planted in shrubs and

evergreens. Location, maintenance, vehicle sight distance provisions and advertising pertaining to screening shall be as provided for in the "Tree Preservation and Landscaping Ordinance" included in the Code of Ordinances of the City of Newnan. Screening shall not be required on street frontage except as otherwise provided by this Ordinance.

- 2) Building design requirements shall be of masonry materials as required by the Quality Development Corridor Overlay District (QDC) in Chapter 28, §28.070 3(b)(2).
- 3) Signs, product displays, parked vehicles and other obstructions which adversely affect visibility at intersections or to station driveways shall be prohibited.
- 4) Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare into any residential zone.
- 5) When such use occupies a corner lot, the ingress or egress driveways shall be located at least twenty (20) feet from the intersection of the front and side street lines of the lot as defined in the "Sidewalk Ordinance" included in the Code of Ordinances of the City of Newnan, and such driveways shall not exceed thirty (30) feet in width; provided, that in areas where no master plan of highways has been adopted, the street line shall be considered to be at least forty (40) feet from the center line of any abutting street or highway.
- 6) Gasoline pumps or other service appliances shall be located on the lot at least ten (10) feet behind the building line; and all service storage or similar activities in connection with such use shall be conducted entirely within the building. There shall be at least twenty (20) feet between driveways on each street, and all driveways shall be perpendicular to the curb or street line.
- 7) Light automobile repair work may be done at an automobile filling station in those districts in which it is permitted; provided, that no major repairs, spray paint operation or body or fender repair is permitted.
- 8) Vehicles shall not be parked so as to overhang the public right-of-way.
- 9) In addition, a car wash with up to two (2) bays may be allowed as an accessory use as part of the conditional use approval in those districts in which it is permitted.

7. Automotive Repair

a. Purpose

These uses shall include repair of automobiles, motorcycles, and pickup trucks not exceeding a three-quarter ($\frac{3}{4}$) ton capacity. Such service is infrequently used by a consumer and does not require as high level of access as general commercial uses. Because noise unusual for even commercial districts may be generated by these uses, it may not be suitable near less intense commercial or office uses. Automobile repair may be suitable for commercial areas where

consumer shopping goods and services are of significantly lesser importance than in other commercial areas and where the provision of such goods and services will not be disrupted or displaced by the establishment of an automobile repair use. Automobile repair may also be suitable as a use for existing buildings poorly suited for conversion to other commercial uses.

b. Types of Automobile Repair Uses

- 1) Automobile Repair, Light—such uses include the repair and replacement of parts commonly regarded as relatively frequent maintenance items such as spark plugs, belts, hoses, filters, fluids, windshield wiper blades, light bulbs or headlights, fuses, emission control devices, shock absorbers, tires, and the installation of small accessory items such as radios, mirrors, antennas, and trailer hitches.
- 2) Automobile Repair, Heavy—such uses include the repair or replacement of parts requiring disassembly or removal of any item not covered under Automobile Repair, Light including repair or replacement of mufflers and brake system components, auto painting or body repair (such as painting, repair, or replacement of body panels or frame parts; glass; bumpers; interior or exterior trim; seats; carpeting; upholstery; or convertible tops.

c. Locational Requirements

- 1) No automobile repair use may be located where noise would have an adverse impact on commercial uses within 200 feet or located within 500 feet of a residential, office, planned development, or open space district.
- 2) Automobile Repair, Light may be permitted as an accessory use in certain zoning districts with the following conditions:
 - a) The floor area of the auto repair center does not exceed 10,000 square feet.
 - b) The auto repair center is an accessory use to a primary retail business of at least 100,000 square feet.
 - c) The auto repair center shall not be located on the front façade or any other street façade of the primary retail business.

d. Operating Conditions

- 1) Automobile repair uses shall be conducted within completely enclosed buildings.
- 2) All vehicles which are inoperable or undergoing repair or maintenance shall be parked within the building housing the repair use or in a parking area separated from parking areas for other uses. Any vehicle not undergoing repair within seven (7) days of arrival shall be placed inside the building or removed from the property. A document shall be kept at the location detailing the date the vehicle arrived on site for repair.

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

e. Site Conditions

Given the conditions existing at the specific site and the nature of the operation, requested for the site, the Board of Zoning Appeals may impose such conditions as are necessary to minimize adverse impacts on surrounding land uses, including those on the same property, as applicable. Such conditions may include but are not limited to:

- 1) Buffers
- 2) Landscaping
- 3) Noise reducing construction measures
- 4) Additional setbacks from property lines
- 5) Architectural compatibility with other commercial buildings in the district; or, for existing commercial buildings, façade improvements to minimize incompatibilities with other commercial buildings in the district and to correct deficiencies and deterioration
- 6) Placing the automobile repair use in the same building with other permitted uses rather than in a separate building
- 7) Visual limitations such as placing the automobile repair use so as to limit its visibility from the street
- 8) Limitations on the exact nature of the automobile repair uses permitted.

The applicant shall provide such plans and drawings as are necessary to establish a clear record of conditions to be imposed and maintained.

8. Auto Salvage and Storage Yards, Wrecking Yards, and Junk Yards

- a. Such use shall be located no closer than one thousand (1,000) feet to any state or federally funded street or highway right-of-way, no closer than one thousand (1000) feet from any free-flowing creek, stream, or river and not located within the one-hundred year floodplain and that any such use shall have no direct discharge or spillover into any free-flowing creek, stream, or river.
- b. Such use shall be surrounded by a solid masonry wall or wooden fence at least eight (8) feet tall.
- c. Shall Comply fully with all state regulations relating to these facilities.
- d. Such use shall be located at least one-hundred (100) feet from any residential district or use. A Type "E" buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, shall be required adjacent to residential uses; a Type "C" buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, shall be required when adjacent to other uses. No

junk vehicles shall be allowed within ten (10) feet of the designated buffer area.

- e. No dismantling, repair, sale of parts, or any other such activity shall be conducted.
- f. Such automobiles shall not be held longer than provided by the state or one hundred twenty (120) days, whichever is more stringent.
- g. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a state or federal highway or a major or minor city thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the City Engineer.

9. Bed and Breakfast Facilities

A bed and breakfast establishment is an owner-occupied single-family primary residence which offers lodging for paying guests and serves breakfast only, subject to the following requirements:

a. Structure

The Bed and Breakfast facility shall be operated within the principal structure and not in any accessory structure. The structure to be used shall be a privately owned single-family dwelling used by the owner as his or her primary residence. No more than one-fourth of the heated floor space of said dwelling shall be used for the bed and breakfast.

b. Conditional Approval Required

- 1) Staff Review--A Bed and Breakfast shall be permitted as a conditional use and the conditions as outlined in this section shall be adhered to, reviewed, and approved by staff.
- 2) Application Required--An application for conditional use approval shall be filed with the City of Newnan Planning Department along with a schematic floor plan of the dwelling to be used for the facility. Said plan shall depict the portion of the dwelling to be used for the Bed and Breakfast operation and further depict the number of spaces set aside for guest parking as required in this section. Both the application and schematic drawing shall be filed under oath as to the true facts set out by the applicant. The Planning Department shall, by rules and regulations, set out specific requirements as to the form and content of the application, schematic drawings, and affidavits required herein.
- 3) Compatibility Determination--Issuance of conditional approval is conditioned on whether the proposed Bed and Breakfast facility will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, and buildings or structures.
- 4) New Ownership--Conditional use approval shall cease to be valid and shall expire once the owner of the facility ceases to occupy the premises as a primary residence. Any subsequent owner must apply for and be granted a new conditional use approval prior to continuation of use of the premises as a Bed and Breakfast facility.

- c. Size--No more than two thousand five hundred (2,500) square feet of the heated floor space of the residence shall in any way be used for the bed and breakfast use.
- d. Location--The bed and breakfast establishments shall be located in an owner-occupied single-family residential structure. Said building must meet any additional building requirements of those districts.
- e. Number of Guest Rooms--A maximum number of five (5) guest rooms are allowed. All rooming units together shall occupy no more than one-fourth of the heated floor space of the facility.
- f. Management--The facility shall be owner-occupied and managed with the resident manager having at least fifty (50) percent ownership interest.
- g. Length of Stay--Maximum length of stay of guests is limited to fourteen (14) consecutive days in any thirty (30) day period of time. The resident owner shall maintain a current guest register including names, addresses, and dates of occupancy of all guests.
- h. Meals--Only the breakfast meal shall be served to guests and only between the hours of 6:00 a.m. and 11:00 a.m.
- i. Signage-- Signs shall be permitted upon approval by the Building Official and in accordance with the City of Newnan sign requirements. In residential districts, a single nameplate sign, not to exceed one (1) square foot in size and consisting of the name of the establishment only, shall be permitted. The nameplate shall be made of a durable material such as bronze, aluminum, or iron and compatible with the style and detailing of the house. The sign shall be non-illuminated and attached to the facility.
- j. Parking-- One (1) parking space per guest room with a maximum of five (5) is required plus two (2) spaces for the owner-occupant. Guest parking may be provided either on-site, in the rear off a public alley, along the curb abutting the lot on a street that permits curbside parking, via a shared parking arrangement with an adjacent commercial business, or in a remote parking facility. At no time shall guest parking be permitted in any front or side yard. All off-street parking shall be screened from the street and from adjacent residentially zoned or used lots as per the screening requirements of Chapter 30, §30.110, subsection 5 of this Ordinance.
- k. Additions and Alterations-- No exterior additions or alterations shall be made for the express purpose of maintaining or adding to a bed and breakfast facility, other than those required to meet health, safety, and/or sanitation requirements. Minimal outward modification of the structure or grounds may be made if such changes are deemed compatible with the character of the surrounding area or neighborhood. Such addition or alteration must meet all of the requirements of this ordinance and the building code requirements for the City of Newnan.
- l. Other Uses-- A bed and breakfast facility shall be used only as set out herein and shall not be used for any other commercial or other purpose not specifically set forth herein.
- m. Other Regulations--All Bed and Breakfast facilities shall meet and comply with all applicable local, state, and federal laws, rules and regulations.

10. Bulk Petroleum and Chemical Plants or Storage Facilities

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

11. Camp, Day and Boarding

- a. A site plan conforming to all requirements of Chapter 45, "Site Plan Review" of this Ordinance.
- b. A Type "C" Buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, shall be maintained along the side and rear property lines abutting residentially zoned land.
- c. Written verification of ownership, management, and administration for the use shall be submitted along with the site plan and application.
- d. There shall be a minimum of one (1) full-time staff person present for supervision of participants at all times that participants are in attendance at the camp.

- e. A play area of a minimum 150 square feet per concurrent participants shall be provided in the yard of the facility.

12. Campgrounds and Recreational Vehicle (RV) Parks, Commercial

General Requirements

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

1) Locational Requirements

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

2) Site Design Requirements

a) Access

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

b) Parking Pads

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

c) Sanitary Facilities

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

d) Garbage and Trash

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

e) Site Conditions

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

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

3) Street Design

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

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

4) Use Restrictions

a) Permanent Occupancy Prohibited

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

b) Removal of Vehicle Equipment Prohibited

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

c) Attachments to Recreational Vehicles Prohibited

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

5) Certification of Sites

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

6) Specific Standards

a) Minimum Development Site Standards

- i) Development site area: 20 acres
- ii) Open space (exclusive of perimeter setback): 10%
- iii) Perimeter setback: 25 feet
- iv) Thoroughfare: 50 feet ROW width and 22 foot pavement width

- b) Minimum Building Site Standards
 - i) Area: 1,400 Square Feet
 - ii) Mean Width: 25 Feet
- c) Principal Building Setbacks
 - i) Front Yard: 10 Feet
 - ii) Side Yard: 5 Feet
 - iii) Street Side Yard: 10 Feet
 - iv) Rear Yard: 5 Feet

13. Car Wash

a. Self-Operated

- 1) A site plan conforming with all requirements of Chapter 45, "Site Plans" of this Ordinance.
- 2) A Type "C" Buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, shall be maintained along the side and rear property lines abutting residentially zoned land.
- 3) The self-operated car wash facility and all associated tank, pump motors, hoses, and equipment shall be located within a completely enclosed garage type structure.
- 4) The self-operated car wash facility shall be located on property consistent with the design concepts of the underlying zoning district, unless otherwise specified, and if located in an accessory structure, must comply with the requirements of §33.060, "Accessory Uses and Structures" of this Chapter.
- 5) No outdoor, free-standing units or installation in carports shall be permitted.
- 6) The self-operated car wash facility shall require conditional use approval of the Planning Department prior to issuance of any permits.
- 7) A verification of the peak noise levels during the different stages of the operation of the unit shall be conducted during the final inspection of the building enclosing the car wash facility.
- 8) The City Engineer shall conduct a final inspection of the water drainage system and the hook-up for the required sand trap.
- 9) Any discharge into the City's sanitary sewer system shall be subject to the rules and regulations of the Newnan Water, Sewerage, and Light Commission. Approval of the discharge plan by the Commission shall be obtained prior to application and submitted as part of said application.

b. Full-Service

- 1) A site plan conforming to all requirements of Chapter 45, "Site Plans" of this Ordinance.
- 2) A Type "C" Buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, shall be maintained along the side and rear property lines abutting residentially zoned land.
- 3) The full service car wash facility and all associated tank, pump motors, hoses, and equipment shall be located within a completely enclosed garage-type structure.
- 4) The full service car wash facility shall be located on property consistent with the design concepts of the underlying zoning district, unless otherwise specified, and if in an accessory structure, must comply with the requirements of §33.060, "Accessory Uses and Structures" of this Chapter.
- 5) No outdoor, free-standing units or installation in carports shall be permitted.
- 6) The full service car wash facility shall require conditional use approval of the Planning Department prior to issuance of any permits.
- 7) A verification of the peak noise levels during the different stages of the operation of the unit shall be conducted during the final inspection of the building enclosing the car wash facility. The operation of the unit shall meet the requirements specified in Section 10-36 of the City of Newnan Code of Ordinances.
- 8) The City Engineer shall conduct a final inspection of the water drainage system and the hook-up for the required sand trap.
- 9) Any discharge into the City's sanitary sewer system shall be subject to the rules and regulations of the Newnan Water, Sewerage, and Light Commission. Approval of the discharge plan by the Commission shall be obtained prior to application and submitted as part of said application.

c. Accessory to a Gas Station

- 1) A site plan conforming with all requirements of Chapter 45, "Site Plans" of this Ordinance.
- 2) A Type "C" Buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, shall be maintained along the side and rear property lines abutting residentially zoned land.
- 3) The accessory car wash facility and all associated tank, pump motors, hoses, and equipment shall be located within a completely enclosed garage-type structure.

- 4) The accessory car wash facility shall be located on property consistent with the design concepts of the underlying zoning district, unless otherwise specified, and if in an accessory structure, must comply with the requirements of §33.060, "Accessory Uses and Structures" of this Chapter.
- 5) No outdoor, free-standing units or installation in carports shall be permitted.
- 6) The installation of the accessory car wash facility shall not be in the required parking spaces.
- 7) The accessory car wash facility shall require conditional use approval of the Planning Department prior to issuance of any permits.
- 8) A verification of the peak noise levels during the different stages of the operation of the unit shall be conducted during the final inspection of the building enclosing the car wash facility.
- 9) The City Engineer shall conduct a final inspection of the water drainage system and the hook-up for the required sand trap.
- 10) Any discharge into the City's sanitary sewer system shall be subject to the rules and regulations of the Newnan Water, Sewerage, and Light Commission. Approval of the discharge plan by the Commission shall be obtained prior to application and submitted as part of said application.

14. Cemeteries and Mausoleums

a. Minimum Lot Area

- | | | |
|----|------------------------------|-------------------|
| 1) | As a Principal Use | Twenty (20) acres |
| 2) | If Accessory to Funeral Home | Five (5) acres |
| 3) | If Accessory to a Church | Five (5) acres |

b. Setbacks

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

c. Buffer Requirements

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

15. Churches and Other Religious Institutions

a. Church Use Only

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

b. Church With Accessory Uses

- 1) These uses shall comply with all provisions of subsection a above.
- 2) Uses accessory to religious institutions and the minimum land area required in addition to that required in subsection a. above include the following (The acreage on each individual use on a lot will be cumulatively required):

a)	Cemeteries and mausoleums:	5 acres
b)	Religious classrooms:	0.5 acre
c)	Church schools and related facilities:	2 acres
d)	Meeting and conference facilities:	0.5 acre
e)	Offices and rectories:	No additional acreage required
f)	Gymnasium:	1 acre
- 3) Any site of three (3) acres or larger must have frontage of at least two-hundred (200) feet on a public street.
- 4) Any facility having more than one hundred thousand (100,000) square feet of floor area must establish a Class "B" buffer, as specified in the

"Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances.

- 5) All accessory uses shall require additional parking spaces based on the requirements for that use in Chapter 30, "Parking and Loading Requirements" of this Ordinance. A modified parking scheme may be utilized showing timing of individual events if a reduced number of spaces is requested.

16. College, University, or Other Post-Secondary Educational Institution

- a. Under 50,000 square feet of Floor Area

Colleges, junior college, universities, and public technical or trade schools having less than fifty thousand (50,000) square feet of finished floor area may be permitted by special exception in zoning districts where such a use is specified when located on a site of at least three (3) acres which has at least two hundred (200) feet of frontage on a major or minor thoroughfare or on a collector street, and provided that no building or structure be located nearer than fifty (50) feet to any lot line and provided that no parking area or driveway be located nearer than twenty (20) feet to another lot in a residential zoning district. A future development plan including a detailed site plan must be provided with the special exception application.

- b. Over 50,000 square feet of Floor Area

Colleges, junior college, universities, and public technical or trade schools having more than fifty thousand (50,000) square feet of finished floor area may be permitted by special exception in zoning districts where such a use is listed when located on a site of at least ten (10) acres which has at least four hundred (400) feet of frontage on a major or minor thoroughfare or on a collector street, and provided that no building or structure be located nearer than seventy five (75) feet to any lot line and provided that no parking area or driveway be located nearer than twenty (20) feet to another lot in a residential zoning district. One exception is the establishment of classrooms in rented office space which still must provide required parking. A future development plan including a detailed site plan must be provided with the special exception application.

17. Coliseums, stadiums, amphitheaters, arenas and any other facility specifically designed to be for mass public or private assembly are subject to the following requirements:

Mass assembly shall be defined here to mean any gathering of more than 500 people for the purpose of any event or demonstration. Such uses must meet the following requirements:

- a. A Type "D" Buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, shall be preserved and/or established and maintained adjacent to all abutting residentially zoned property lines.
- b. This use shall be located on minor or major arterials only.
- c. A traffic impact report prepared by a certified traffic engineer must be submitted.

18. Community Centers

- a. Provide a site plan conforming to all requirements of Chapter 45, "Site Plan Review" of this Ordinance.
- b. A Type "A" Buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, shall be maintained along the side and rear property lines abutting residentially zoned land.
- c. Access to the site must be off a thoroughfare plan designated road; traffic to community centers should not impact local roads or residential areas.

19. Concrete Products Manufacturing, Mixing Plants, Sawing or Planing Mills

- a. A site plan conforming with all requirements of Chapter 45, "Site Plans" of this Ordinance.
- b. A minimum site of five (5) acres is required.
- c. Compliance with all applicable State and Federal laws regulating these uses.
- d. All necessary State and Federal permits must be obtained and a copy provided at application submittal.
- e. Spill containment plan to be approved by appropriate City staff and comply with O.C.G.A. §12-8-60 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to §§391-34-.11 and 391-34-.15.
- f. No use shall be located closer than one thousand (1,000) feet from any residentially zoned land or school property line.
- g. Noise abatement and air pollution abatement plans are to be approved by City staff.
- h. Fire prevention, evacuation, and safety plans are to be approved by the Fire Marshall.
- i. Cleaning of vehicles and containers shall be performed so that run-off shall not enter the sanitary sewer system nor shall there be run-off into adjoining properties.
- j. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a State or Federal highway or a major or minor County thoroughfare roadway as shown on the Land Use and Thoroughfare Plan, and truck traffic routes and entrances shall be approved by the City Engineer.

20. Conference or Training Center

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

21. Crematories, Human or Domestic Animal

- a. A site plan conforming to all requirements of Chapter 45, "Site Plans" of this Ordinance.
- b. A Type "C" Buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, shall be maintained along the side and rear property lines that abut a residentially zoned property.
- c. A minimum of five (5) acres shall be required if the use is accessory to a church or place of worship.

22. Dormitories, Fraternity Houses, and Sorority Houses

The following shall apply for such uses:

- a. The land upon which such use or combination of uses is proposed to be located shall be owned by or under the permanent or continuing control of a recognized, established and operating educational institution which conducts a full-time program of educational instruction.
- b. The proposed use shall be for the purpose of furnishing housing or other permitted use facilities for students, faculty or permanent administrative personnel of such educational institution.
- c. Sleeping and living facilities shall be designed and arranged for such purposes only, and no student dormitory or other separate arrangement of dormitory rooms for such purposes shall contain any permanent cooking facilities in those rooms used for sleeping and living facilities.

- d. The land upon which it is proposed to establish such use shall be within one-half (0.5) mile of the educational facilities of the institution proposing to establish such use.
- e. The parcel upon which such use is to be established shall contain not less than four hundred (400) square feet of land area for each person proposed to be housed in any building to be constructed in connection with such use and have direct access to a duly dedicated public street or highway. Ingress and egress therefrom shall be provided by means of roads or drives of such number, location and character as shall be sufficient to supply necessary public or private services to the property and the residents therein.
- f. Off-street parking shall be supplied in accordance with Chapter 30, "Parking and Loading Requirements" of this Ordinance. However, in determining off-street parking requirements, the Board of Zoning Appeals shall take into consideration and allow credit for any existing or proposed off-street parking facilities either owned or controlled by the educational institution the use of which is available to such educational institution in a manner other than as merely a member of the general public. In addition, credit may be provided to reduce parking requirements at the discretion of the Planning Director by the provision of permanent bicycle and/or pedestrian facilities connecting the residence with the existing path system.
- g. The size, type, location and arrangement of all sleeping or living rooms in any building shall be such as will provide adequate light and air or other means of ventilation for the occupants thereof. However, no provision of any City code or ordinance establishing standards for area of rooms for multiple-family dwellings shall be deemed to apply to a building or use approved under this subsection, and in any combination of rooms designed for occupancy by more than one person, there shall be contained not less than one hundred fifty (150) square feet of floor area for the first occupant thereof, and not less than one hundred (100) additional square feet of floor area for each additional occupant thereof.

23. Drive-In or Drive-Through Facilities

Such facilities shall be regulated according to the following:

- a. Such facility should be located so as to be the least disruptive to pedestrian or through vehicular traffic.
- b. The location of access drives shall be evaluated according to Chapter 30, "Parking and Loading Requirements" of this Ordinance.
- c. For locations where such a facility is proposed to abut a residential district, a minimum Type "C" Buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, along the entire length of the common boundary between the district where the proposed drive-in or drive-through facility would be located and the abutting residential district shall be required pursuant to the "Tree Preservation and Landscaping Ordinance" located in the City of Newnan Code of Ordinances.
- d. The City Council, upon recommendation from the Planning Director, may deem it necessary or prudent to impose restrictions on the hours of operation of the drive-through facility.

- e. All drive-in or drive-through facilities shall provide on-site waiting areas for vehicles waiting on service in accordance with the following standards:
 - 1) The waiting areas shall provide convenient or continuous access to the facility. The waiting area shall be located at or before any ticket booth, speaker box or similar device, if included in the facility.
 - 2) A by-pass aisle shall be required.
 - 3) Minimum number of waiting spaces shall be provided as follows:

a)	Bank or Other Financial:	6 per teller
b)	Car Wash:	5 per service bay
c)	Church or Funeral Home:	5 spaces
d)	Restaurant:	6 spaces minimum
e)	Drive-In Theater:	20 spaces
f)	Other Uses:	Determined by Zoning Administrator

- f. Unified Access and Circulation

Any such facility shall be subject to the City of Newnan Sidewalk Regulations.

- g. Speaker Boxes

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

- h. Traffic Hazards

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

24. Flea Markets

- a. Flea markets must have a centralized public entrance/exit.
- b. All interior walkways must remain free and clear of vendor displays and merchandise.
- c. Wire caging or chain-link fencing is not permitted as a wall or barrier.
- d. All interior structures for vendor booths/stalls must be permitted and approved by the City's Building Department.
- e. Flea markets must be in an approved, permanent, fully enclosed space.
- f. No merchandise or products may be stored outdoors after or before business operating hours.
- g. No animals or pets may be sold.
- h. Any agricultural products vendors must have a valid license from the Georgia Department of Agriculture.
- i. Each vendor must adhere to the City's Occupational Tax Certificate

requirements.

- j. Flea Market vendors are only permitted to sell merchandise and services. Any used merchandise for sale must be items brought in from another location. Flea market vendors shall not be permitted to buy or barter for merchandise from the public while on the property of the flea market.

25. Golf Courses and Country Clubs

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

- a. Each golf course shall be a full nine-hole (Par 3) or eighteen-hole (Regulation) course or larger.
- b. Any building or structure established in connection with this use shall be set back no less than one hundred (100) feet from any adjoining or adjacent property line and shall conform to all other setback requirements and shall conform to all other dimensional requirements for the district in which it is located.
- c. Automobile parking areas shall be provided that meet the requirements of Chapter 30, "Parking and Loading Requirements" of this Ordinance. All automobile drives and parking area shall be paved.
- d. The provision of food, refreshments, and entertainment for club or organization members and their guests may be allowed in connection with such use, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.
- e. Lighting shall not adversely affect adjacent properties or roadways. No direct light shall be cast upon adjacent or nearby properties.
- f. Accessory facilities to golf courses shall meet any applicable requirements of such facility but a special exception for golf course shall be the only one required.

26. Golf Driving Range

Criteria for golf driving ranges:

1) Non-Range Areas

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

2) Tree Protection

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

3) Exterior Lighting

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

4) Zoning Districts Prohibited

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

5) Boundary Setbacks

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

6) Access to the Site

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

7) Buffer Requirements

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

27. Hazardous or Toxic Waste Incinerators and Biomedical Waste Disposal Facilities

Not permitted in the City.

28. Heavy Equipment, Trucks and Machinery Sales, Storage and Ancillary Service

- a. The establishment shall be located on a major or minor arterial road.
- b. The structures, storage, and parking areas and/or the perimeter of the property shall have a Type "C" Buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the City of Newnan Code of Ordinances, yard to screen such areas from any property presently used or zoned for residential use.
- c. Buildings shall have a minimum seventy-five (75) foot setback from all property lines, except that the minimum setback from the street may be reduced to fifty (50) feet if the board finds that:

- 1) The site is in an agricultural rather than a residential area; and
 - 2) The smaller setback would be compatible with surrounding uses.
- d. Adequate parking must be provided on site in accordance with the requirements for heavy equipment and machinery, as provided in Chapter 30, "Parking and Loading" of this Ordinance.
 - e. Parking, driveways (other than entrance or exit), and storage yards shall be set back a minimum of seventy-five (75) feet from the property line along any road frontage, and a minimum of fifty (50) feet from all other property lines.
 - f. Sites for such establishments shall not be less than three (3) acres nor more than ten (10) acres.
 - g. Establishments may be located in CHV, ILT, and IHV zoning districts only.
 - h. Accessory retail sales shall be limited to equipment parts and related tools and accessories. In no case shall the floor area devoted to the display and sale of such related tools and accessories be more than fifteen percent (15%) of the floor area of the principal building.
 - i. No structure shall be located within five hundred (500) feet of an existing residential structure not accessory to the site.
 - j. The City may regulate hours of operation, numbers of vehicles and personnel employed and other on-site operations so as to prevent adverse impact on adjoining uses.

29. Very Heavy Industrial Uses or Industries Using Hazardous Substances.

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

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

30. Heliports, Helistops, and Vertiports

a. Information Requirements

- 1) A site plan showing the location of all take-off and landing areas, approach zones, all zoning designations within one thousand (1000) feet of the proposed site, and the location of any storage and service areas.
- 2) The number and specifications of all aircraft to be using the facility.
- 3) All land uses within the approach zones shall be identified.
- 4) FAA Form No 3840, "Notice of Landing Area Proposal," or subsequent updated form shall be completed and approved for all heliports, helistops and vertiports.
- 5) Certification that all applicable Federal Aviation Administration (FAA) and State standards and requirements have been satisfied shall be provided.

b. Criteria for Heliports and Helistops

- 1) All heliports and helistops shall be designed in conformance with the standards set forth in FAA advisory circular 150/5390-18 or subsequently updated standards.
- 2) All heliport and helistop landing and take-off areas shall be so located as to provide clearance from all obstructions above rotor height for a distance of twenty-five (25) feet in each direction from the heliport or helistop pad and landing and take-off areas.

c. Criteria for Vertiports

The classifications of vertiports are contained in the Federal Aviation Administration (FAA) booklet entitled "Heliport Design Guide," AC 150/53901 A, dated November 5, 1969. All recommendations set forth therein relating to the location, design, construction, visual markings, and fire protection for such vertiports shall be the requirements of this Chapter; provided, however, that a variance therefrom may be granted in accordance with Chapter 44, "Variances and Appeals" of this Ordinance, if the FAA advises the City that such variance will not render such vertiports unsafe.

No permit for any vertiport shall be approved unless the reviewing authority finds that the following standards have been met:

- 1) Feasibility

That the proposed vertiport is operationally feasible; and

2) Safety

That the FAA considers the proposed vertiport to be safe for the conduct of the type and volume of aeronautical activity proposed to be conducted thereon.

31. Hospitals

a. Location Criteria

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

b. Site Development Criteria

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

32. Hotels, Motels, other similar traveler's accommodations excluding travel trailer or RV parks

a. Location Criteria

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

b. Site Development Criteria

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

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

33. Kennels, Boarding and/or Breeding, Animal Shelters –excluding Non-Domestic or Wild and Exotic Animals

- a. Kennel shall mean any place in or at which dogs, cats, or other household pets are kept, trained, boarded, or handled for a fee, except for the primary purpose of grooming, in numbers greater than the following as provided for in this Ordinance:
 - 1) Three (3) animals or more upon any lot which is equal to or less than two (2) acres, or
 - 2) Five (5) animals or more upon any lot which is greater than two (2) acres.
- b. No such use shall be permitted on a lot of less than ten (10) acres except that if all animals are kept in a soundproof building from 8:00 p.m. to 8:00 a.m. the minimum lot size shall be two (2) acres or the minimum required lot size for the zone in which the lot is located, whichever is greater.
- c. Any structure housing animals and any animal runs or pens shall be at least two hundred (200) feet from any adjacent property line and at least two hundred (200) feet from any street right-of-way line.
- d. All animals shall be maintained at least one hundred fifty (150) feet from any residence in existence when the permit is approved.
- e. The word "kept" as used in this Section shall mean any enclosure or structure used to house, shelter, restrain, or exercise dogs and other pets but shall not mean a dwelling or a fence constructed to demarcate a property line.
- f. This Section shall not apply to any veterinary hospital, animal hospital, or any other establishment or premise wherein or whereon the practice of veterinary medicine, surgery, or dentistry, or any part thereof, is conducted.

34. Meeting Houses, Clubs, or Halls, Public or Private
- a. A site plan conforming to all requirements of Chapter 45, "Site Plans" of this Ordinance.
 - b. A Type "B" Buffer, as specified in the "Tree Preservation and Landscaping Ordinance" included in the Code of Ordinances of the City of Newnan, shall be maintained along the side and rear property lines that abut a residentially zoned property.
 - c. Parking must conform to the requirements specified in Chapter 30, "Parking and Loading" of this Ordinance.
35. Nurseries and Greenhouses, Commercial and Wholesale
- a. Plant production may be certified by the County Extension Agent if requested by the Zoning Administrator.
 - b. Accessory products include those related to the culture and care of plants sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. Lawn and garden tractors, or machine or other equipment sales are not permitted.
 - c. The sales area for accessory products shall be limited to twenty-five (25%) percent of gross sales area.
 - d. Nurseries shall only be located on any major or minor arterial road.
36. Outdoor Dining
- a. The facility is used in conjunction with, and is under the same management and exclusive control of, a restaurant located on the same or contiguous property.
 - b. The outdoor seating capacity shall not exceed twenty-five (25%) percent of the restaurant seating capacity.
 - c. The use does not interfere with the public right-of-way. This includes requests to utilize sidewalks in the CBD.
 - d. Unobstructed walkway of a width specified in the conditional use approval is reserved for public passage.
 - e. That the minimum parking required as per Chapter 30, "Parking and Loading Requirements" of this Ordinance be increased by a corresponding percentage to the number of additional seats proposed for the outdoor seating area.
37. Parking Lots and Garages – Private and Commuter
- a. Commuter Parking Lot (50 spaces or less)
 - 1). Such structure shall be located along a major transportation corridor as described in City of Newnan Sidewalk Ordinance.

- 2). Such structures shall have access within one-half (0.5) mile of such major transportation corridor.
 - b. Commuter Parking Lot (more than 50 spaces)
 - 1). Such structure shall be located along a major transportation corridor as described in City of Newnan Sidewalk Ordinance.
 - 2). Such structures shall have access within one-half (0.5) mile of such major transportation corridor.
38. Race Tracks and Drag Strips (including tracks for motor vehicle racing and dog or horse racing)
- a. Requires a minimum of ten (10) acres
 - b. A CHV zoning category
 - c. A Type "F" Buffer, as specified in the "Tree Preservation and Landscaping" Ordinance included in the Code of Ordinances of the City of Newnan, adjacent to all residential zones.
 - d. A noise barrier, such as a berm or a wall, shall be constructed in conjunction with the landscaping buffer to reduce noise generated from these uses.
 - e. Any use of toxic or flammable materials will require that an impact analysis be prepared which shall include the following:
 - 1) Listing of all toxic or flammable materials uses including quantities and type of use.
 - 2) Methods of storage and disposal.
39. Radio and Television Recording Studios and/or Stations
- No antennae or satellite dish shall be located closer than one-hundred (100) feet from all property lines.
40. Recycling Facilities, Commercial
- Commercial recycling is defined as the reuse of materials obtained from others that would otherwise be discarded. This provision covers all commercial recycling facilities where sorting or separation by machine or by employees of the facility, composting or other processing to accomplish recycling, takes place. Such facilities do not include recycling bins or storage areas in church, school or shopping center parking lots or the like where bins are periodically emptied or hauled off by a commercial recycler for their contents to be recycled. Commercial recycling facilities shall comply with, as applicable, the rules of the Georgia Department of Natural Resources, Environmental Protection Division; all applicable provisions of O.C.G.A. §12-8-230; and all regulations of the Federal government. In addition, they shall comply with the following requirements:
- a. Small Facility

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

1) Separation Distance from Residential Uses

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

2) Traffic on Local Streets Prohibited

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

3) Buffer Requirements

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

4) Facility Operator Required

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

5) Vehicular Access Limited

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

6) Fencing Requirements

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

7) Maintenance of Stormwater Management

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

8) Permits Required

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

9) Pollution Prohibited

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

10) Disposal Standards

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

11) Equipment and Facility Maintenance

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

12) Burning Prohibited

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

13) Minimum Tract Size

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

14) Facility must comply with the City of Newnan Solid Waste Plan.

15) Inspection Requirements

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

16) The applicant shall hold harmless the City in any litigation resulting from any application or from recycling or other operations.

17) Cleaning of Vehicles

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

18) Environmental Impact Analysis Required

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

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

b. Large Facility

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

1) Buffer Requirements

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

2) Minimum Tract Size

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

41. Restaurants in Office and Institutional Districts

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

42. Sanitary or Inert Landfills and Incinerators

Not permitted.

43. Schools, Private, Parochial, or Other Elementary or Secondary Schools Not Part of the Public School System of The State of Georgia.

- a. A site plan conforming to all requirements of Chapter 45, "Site Plans" of this Ordinance.
- b. A Type "B" Buffer, as specified by the "Tree Preservation and Landscaping" Ordinance included in the Code of Ordinances of the City of Newnan, shall be maintained along the side and rear property lines that abut a residentially zoned property.
- c. A sidewalk along all public rights-of-way and to all structures shall be maintained pursuant to the requirements specified by the "Tree Preservation and Landscaping" Ordinance included in the Code of Ordinances of the City of Newnan.

44. Self-Storage Facilities

a. Dead Storage Only

Self-storage facilities shall be limited to dead storage use only. No other commercial or industrial use shall be permitted and no occupational license shall be issued for such use.

- b. All storage on the property shall be located within an enclosed building, except that boats, automobiles, campers and other vehicular items may be stored outside, provided that such storage shall be enclosed by a six (6) foot fence, shall be located no closer than fifty (50) feet from adjacent residential uses shall be located outside of the required parking area.
- c. Plumbing shall not be extended to individual storage spaces and plumbing fixtures such as sinks, toilets and the like shall not be installed.
- d. Minimum building site shall be two (2) acres.

45. Shooting Ranges, Indoor

a. Location and Distance

- 1) Indoor shooting ranges shall be located more than five hundred (500) feet from any adjoining residential district boundary or another indoor or outdoor shooting range.
- 2) The location and distance requirements shall not apply to government owned and operated shooting ranges restricted to use by law enforcement officers.
- 3) The applicant shall demonstrate that the location and operation of the shooting range will not pose a threat to the health and safety of the citizens of the surrounding area.

b. Site Plan

- 1) The site plan and structure shall incorporate, at a minimum, the standards for shooting range construction in accordance with the provisions of the Southern Building Code, as amended.
- 2) Shooting ranges shall not be allowed as accessory uses to an establishment selling guns unless shooting ranges are allowed by that district.
- 3) Parking for shooting range customers shall be provided on-site. The parking standards for shooting ranges shall be one (1) parking space per shooting lane plus the requirements for retail use applied to the portions of the operation not dedicated to shooting lanes.

c. Nuisance

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

46. Shooting Ranges, Outdoor

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

47. Storefront Developments

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

- a. Pedestrian Orientation—storefront buildings shall meet the requirements for pedestrian orientation in Chapter 21, §21.040, subsection 21, of this Ordinance.
- b. Ground Floor Windows—storefront buildings shall meet the requirements for ground floor window standards in Chapter 21, §21.040, subsection 22, of this Ordinance.
- c. Marquee—storefront buildings shall provide a distinct marquee area, located no less than twelve (12) feet above the sidewalk which may provide one (1) sign parallel to each storefront business which meets the requirements for signs in storefront developments in Chapter 31, "Signs", of this Ordinance.
- d. Exterior Finish—exterior finish shall be limited to brick, natural or cast stone, terra cotta, architectural ironwork, stucco, or clear or lightly tinted glass. Walls not intended for exposure may include painted concrete block.
- e. Architectural Variety—arcades, porches and balconies, bays, and other rich architectural elements are encouraged.
- f. Entrances—primary ground floor commercial building entrances may be oriented to the street, to plazas, or parks, not to interior blocks or parking lots. Secondary entrances may be from parking lots or the block interior. Residential entrances may be along the front façade or other façade.

- g. Garages—garage doors are not permitted along a primary street frontage and must, for corner lots, be recessed and located along the secondary frontage a minimum of fifty (50) feet from the street corner.
- h. Exterior Storage and Display—No exterior storage or display of items is permitted; provided, however, that the exterior display of produce and plants for sale shall be permitted during the hours of operation.
- i. Residential Uses—Residential uses in storefront buildings must meet the requirements of Chapter 34, §34.060 of this Ordinance.

48. **Timbering and Tree Removal**

Timbering and tree removal is permitted as-of-right provided that the applicant complies with the provisions of the "Tree Preservation and Landscaping" Ordinance included in the Code of Ordinances of the City of Newnan and obtains a permit from the Building Official.

49. **Tire Sales and Installation**

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

50. **Unattended/Attended Collection Centers – Charity or Commercial**

The maximum area for an unattended collection center shall not exceed 50 square feet. The maximum size for an attended collection center shall not exceed 200 square feet. Unattended/Attended Collection Centers' structure shall be no more than eight (8) feet in height.

- a. Shall be established in conjunction with a commercial use or community service facility which is compliance with the zoning and ordinances of the City of Newnan.
- b. Shall not occupy parking spaces required by the primary use, nor reduce available parking spaces below the minimum number required for the primary host use.
- c. Shall be constructed of durable waterproof and rust-proof material, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected.
- d. Shall be clearly marked to identify the type of material to be deposited, operating instructions, the collection schedule and the identity and phone number of the operator or responsible party. A notice must also be displayed stating that no material shall be left outside of the collection center. Attended Collection Centers located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m..

- e. Shall be set back at least ten (10) feet from the public right-of-way and at least 30 feet from any property zoned or occupied for residential use. Shall not obstruct or block any pedestrian or vehicular circulation.
- f. Shall not impair the landscaping required by local ordinance.
- g. Unattended/attended collection centers shall not require any additional parking spaces at the established parking lot of a host use. In addition, Attended Collection Centers can provide one space for the attendant, if needed.
- h. Signs must comply with terms and conditions of Chapter 31 – “Sign Regulations”, of this ordinance.

51. Vehicles for Hire

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

52. Waste Transfer Stations

1. Site Conditions

- a. The following areas are excluded as sites for waste transfer stations: Wetlands and floodplains; endangered and protected flora and fauna habitats; protected sites of historical, archeological, or cultural significance; prime agricultural land and parks and preserves.
- b. The operating portions of these facilities hereafter established shall not be permitted within two hundred (200) feet of any property zoned or occupied for residential use, office or institutional use and/or any special overlay districts.
- c. A type “E” Buffer, as specified in the “Tree Preservation and Landscaping” ordinance of the City of Newnan shall be preserved and/or established and maintained to all exterior property lines.

- d. The facility shall not be closer than two hundred (200) feet to any stream. All drainage and stormwater measures must be approved by the City Engineer.
 - e. The minimum size, including land buffers and related uses for a waste transfer station is five (5) acres.
 - f. A State permit, as applicable, special exception approval by the City and written plan review approval by the City shall be required before operations begin.
 - g. The completion of the facility shall result in the improvement of the property on which it is located.
2. Waste Transfer Station Design and Operations
- a. Waste transfer stations shall be accessible without excessive travel over local residential streets. The entrance or entrances shall be directly off a State or Federal highway
 - b. Noise Control
 - (1). All waste-handling operations must be totally enclosed.
 - (2). Concrete walls and structures are required to absorb sound.
 - (3). Shielding or barriers, such as trees, berms or walls must be installed around the facility to block and absorb noise. Walls can be made from concrete, stone, brick, wood, metal, or earth subject to approval by the City Engineer. Vegetate berms with grasses, shrubs or trees can also be added to mitigate noise and increase aesthetics. Barriers should be continuous, with not breaks and of sufficient length to protect the intended receptors.
 - (4). Wing walls, constructed of concrete, on transfer buildings must be installed to block noise from trucks entering and exiting the facility and noise from interior operations.
 - (5). Insulate the facility's walls with sound-absorbing material.
 - (6). Administrative buildings should be located between the sources of noise and community.
 - (7). Doors to the facility shall be kept closed during operating hours, except when vehicles are entering or exiting.
 - (8). Establish non-peak operating hours that avoid early morning or late-night operations.
 - c. Odors
 - (1) All waste must be removed at the end of each operating day. No waste shall be allowed to remain on site overnight.
 - (2) The facility's tipping floor or surge pit must be cleaned and/or washed down with sufficient frequency. The frequency of cleaning

the facility's floor or surge pit can be determined by the Board of Zoning Appeals.

- (3) Misting systems shall be installed with deodorants to mask or neutralize odors. Facility operators must make seasonal adjustments as needed to control odors.
- (4) Ventilation systems with air filters or scrubbers shall be installed.
- (5) The facility should employ odor vestibules on truck entrances and exits. Odor vestibules are 2-door systems in which the outer door closes before inner door to prevent odors from escaping.
- (6) Plastic curtains on entrances and exits should be installed when doors are opened to allow vehicles to enter or exit.

d. Dust

- (1) All roads, parking areas and access surfaces on the facility's site must be paved.
- (2) The paved areas must be cleaned frequently with street-sweeping equipment.
- (3) Waste collection vehicles must be washed before they leave the facility to remove dust-generating dirt or debris.
- (4) Misting systems should be installed over tipping areas to keep dust particles down.

e. Vectors – rats, mice, cockroaches and other insects.

- (1) The facility shall hire a professional licensed pest control company to treat and maintain the facility.
- (2) Openings that allow rodents or insects to enter the building must be screened or sealed.
- (3) The facility shall be responsible for exterminating and/or pest control to neighboring properties if it can be proven that the facility is the source of the problem.

f. Traffic

- (1) All facilities hereafter established or operated shall be constructed to prevent road vehicle access except when facility is in use.
- (2) The facility shall submit plans to be approved by the City Engineer concerning traffic patterns and designs. Such considerations should include, but are not limited to, creating acceleration, deceleration, or turning lanes at site entrances and exits; funding road improvements and upgrades around facility to reduce congestion and prevent damage from additional truck traffic; designating inbound and outbound truck traffic routes; prohibiting incoming trucks to queue on public streets and scheduling incoming traffic so that it does not coincide with local rush hours.

g. Litter

- (1) All incoming and outgoing loads must be covered.
- (2) The facility must ensure that all incoming and outgoing trucks are leak-proof to avoid leachate spills on public streets.
- (3) The facility shall implement daily litter inspections and pickup at the facility and on surrounding streets.
- (4) All facilities hereafter established or operated shall be enclosed with a security fence at least eight (8) feet high and no greater than ten (10) feet high meeting the requirements for fences found elsewhere in this ordinance. The fence shall have blinders installed or some other similar fencing material or device. In addition, litter control fencing shall be installed around the perimeter of the facility adequate to prevent paper and similar or related refuse from leaving the facility onto neighboring properties.

- h. The facility must comply with the City of Newnan's Solid Waste Plan
- i. The cleaning of containers and vehicles shall be performed so that runoff shall not enter the sanitary sewer system, nor shall it runoff onto adjoining properties or into any stream, rivers, creeks, ponds, etc.
- j. No burning of any kind shall be allowed whatsoever.

3. Facility Oversight

- h. All facilities shall have an operator in attendance at all times when the facility is in use. The entrance to the facility must be barricaded when closed to the public.
- i. The facility shall be open to inspection of the premises at any time during business hours by officials of the City of Newnan and/or their designees.
- j. The facility applicant and/or operator shall hold harmless the City in any litigation resulting from any application or from operation of the facility.

§33.090 Temporary or Seasonal Uses and Structures

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

1. Temporary or Seasonal Uses

a. Garage, Carport, Rummage, or Yard Sales

A Temporary Sale Permit shall be required from the City Clerk. Such sales shall be limited in number to no more than three (3) during any twelve (12) month period. Each permit shall be issued for no more than three (3) consecutive days and no permit may be issued for 30 days after the expiration of the preceding sale.

b. Temporary or Seasonal Outdoor Sales Including Christmas Trees, Special Event Souvenirs, or Other Seasonal Agricultural Products Such As Pumpkins.

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

c. Carnival, Fair, Side Show, Circus, Religious Services or Revivals, or Other Special Entertainment Event

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

d. Auction or Estate Sales

These events, open to the general public, shall be limited in number to one (1) during any twelve (12) month period. A Temporary Sale Permit shall be required from the City Clerk for each sale.

e. Sidewalk Sale, Commercial Outdoor Festival, Arts and Crafts Shows, and Plant Shows

A Temporary Sale Permit shall be required from the City Clerk. Such events shall be limited to three (3) consecutive days in length and to six (6) such sales events per year. Displays for such events shall not encroach into required parking areas or yards.

f. Athletic Events Including Those Which Utilize Public Property, Public Streets, or Public Right-of-Way.

Such events, open to the general public, shall be limited to three (3) consecutive days in length. A Temporary Event Permit shall be required from the City Clerk for each event, and coordination with the appropriate law enforcement office must be maintained for events utilizing public streets or public rights-of-way.

g. In-Home Seminars or Commercial Parties

In-home seminars or parties held for the sale of goods or services shall be allowed provided that no more than three (3) such events be held within any twelve (12) month period. No permit is required but the event shall be registered with the City Clerk.

h. Outdoor Community Festivals

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

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

2. Applications for Temporary or Seasonal Use Permits

In addition to the requirements specified in Chapter 33, §33.090, all applications for temporary or seasonal use permits shall be filed at least two (2) weeks prior to the date the use will commence. If public safety support is requested from the City, such application must be filed at least four (4) weeks before the commencement of the temporary use. All applications for uses described above shall include the following information:

- a. The location of the property on which the proposed activity (hereafter "event") will take place, the event's starting date and time, the event's ending date and time, the date and time preparatory activities will commence on the property, and the date and time of completed cleanup of the property.
- b. A description of the proposed event, including:
 - 1) The type of event, and general nature of the program to be presented, if applicable;
 - 2) The number of persons expected to attend, and, where applicable, the number of tickets to be placed on sale or the number of invitations distributed; and
 - 3) The planned use of sound amplification equipment.

- c. A security plan, including information regarding each of the following:
 - 1) The number of security guards to be provided, their duties and responsibilities.
 - 2) The agency providing security guards, its address and telephone number.
 - 3) The site supervisor designated by the security agency and contact telephone number.
 - 4) Public safety support requested from the City of Newnan Police Department.
 - 5) Proposed means of contact between safety and security guards, the City and other local emergency services during the course of the event, including cleanup.
 - 6) Location and description of any command center or supervisory office, and of any public safety, security, or first aid stations.
 - 7) A parking plan, including information shown on the sketch plan regarding each of the following:
 - a) Locations of pedestrian, vehicular, and emergency ingress and egress over the entire property, including pedestrian access to streets, driveways, and parking areas, and obstructions of vehicular rights of way;
 - b) Locations and numbers of available off street parking spaces within five hundred (500) yards of the property available to individuals in attendance;
 - c) Locations and numbers of available on street parking spaces within five hundred (500) yards of the property available to individuals in attendance;
 - d) Locations, numbers, and proposed pedestrian access plan for parking spaces located beyond five hundred (500) yards of the property available to individuals in attendance; and
 - e) Locations of restricted parking zones within five hundred (500) yards of the property.
 - 8) The applicant shall provide evidence that all reasonable attempts will be made by applicant to notify the public that animals will not be permitted within the boundaries of the event. Public notification shall include notice in all advertisements and the posting of notices on the property immediately before and during the event.
- d. The City Clerk shall issue a Temporary or Seasonal Use Permit only upon finding that the proposed temporary use satisfies the following requirements:
 - 1) If the property is undeveloped, it contains sufficient open space to support the temporary use;

- 2) If the property is developed, it contains an area that is not actively used which would support the proposed temporary use without encroaching into or creating a negative impact on existing buffers. open space, landscaping, traffic movements. or parking space availability;
- 3) Tents and other temporary structures will be located so as to not interfere with the normal operations of any permanent use located on the property;
- 4) The proposed temporary use will be located no closer than two hundred (200) feet to a dwelling;
- 5) Off-street parking is adequate to accommodate the proposed temporary use;
- 6) Where the temporary use will occupy an existing parking area, the number of parking spaces left available will be no less than the minimum required under Chapter 30, "Parking and Loading" of this Ordinance, for the principal, permanent use of the property;
- 7) Adequate restroom facilities, if needed, are provided;
- 8) For uses described in Chapter 33, §33.090, subsections 1(d - g), an adequate plan for security and safety will be implemented on and around the site of the event, including sufficient staffing, provision for pedestrian safety and traffic routing;
- 9) For uses described in Chapter 33, §33.090, subsections 1(d - g), an adequate plan for public health, safety, and welfare on and around the site of the event will be implemented;
- 10) For uses described in Chapter 33, §33.090, subsections 1(d - g), an adequate plan for public health, safety, and welfare outside the site of the event will be implemented, including a showing that the event will not likely cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the City and will not likely cause unreasonable or unwarranted disruption to vehicular or pedestrian traffic.
- 11) All inspections and permits required by applicable construction codes have been made and approved by the Building Official; and
- 12) The temporary use meets all other applicable requirements of this Ordinance.

3. Other Provisions

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

4. Temporary Structures

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

1) Purpose and Scope

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

- a) Expansion space for existing churches, health care facilities, and government offices, provided that plans for the permanent expansion of the existing facilities have been submitted to and approved by the City;
- b) Temporary offices for construction and security personnel during the construction of a development for which the City has issued an environmental permit or building permit pursuant to Chapter 42, "Permits and Licenses" of this Ordinance;
- c) Temporary quarters for recreational facilities which are being provided in conjunction with a new residential development, provided that the City has approved a site plan, planned unit development phase plan, or subdivision plat for the residential development; and
- d) Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within ninety (90) days after approval of the modular building. The Planning Director may approve a written request for an extension of an additional ninety (90) days for good cause shown. Failure to obtain a building permit within the time frame allowed will revoke approval for the modular building.

2) Standards and Requirements for Approval

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

- a) The factory-fabricated, transportable building shall not be located between the principal building and the front lot line or in any required yard or setback that applies to the principal building;
- b) Underskirting shall be installed around the entire factory-fabricated, transportable building;
- c) Where used to accommodate the expansion of an existing facility, the design of the factory-fabricated, transportable building shall be compatible with the existing buildings on the site in terms of scale and exterior color;

- d) In addition to any other off-street parking required on the site, off-street parking shall be provided for the factory-fabricated, transportable building in accordance with the requirements set forth in Chapter 30, "Parking and Loading" of this Ordinance, as determined by the use and size of the fabricated, transportable building;
- e) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the Building Official prior to installation of the factory fabricated, transportable building; and
- f) A sketch plan, containing sufficient information to show compliance with the above standards, shall be submitted to and approved by the Building Official prior to installation of the factory fabricated, transportable building.

3) Duration

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

b. Temporary Expansion of School Facilities

1) Purpose and Scope

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

2) Standards and Requirements for Approval

In addition to the above limitations, all such factory-fabricated, transportable buildings shall meet the standards and requirements in §33.090, subsection 4(a)(2), "Standards and Requirements for Approval," of this Chapter, except that at least three hundred (300) square feet of landscape screening material shall be provided in the immediate vicinity of each factory-fabricated, transportable building in order to screen it from the view of other properties and public streets.

3) Duration

Such factory-fabricated, transportable buildings may remain on the site for no more than twelve (12) months. This period may be renewed for additional twelve (12) month periods, for good cause shown, upon approval of a written request for such an extension by the Building

Official submitted to the Building Official thirty (30) days prior to the expiration of the permit.

c. Model Sales Homes

- 1) Model sales homes shall be allowed within a new residential development subject to approval by the Building Official as a temporary use provided that:
 - a) The model sales home is located on a lot that was approved by the City as part of the subdivision or development, or a model sales home may be permitted prior to subdivision under the following conditions:
 - i. No more than one (1) unit per proposed phase shall be allowed
 - ii. A sales unit agreement providing for a limitation on the amount of time such a unit may be located on un-subdivided property and that the unit may not be sold until the unit is located on a platted lot shall be executed.
 - b) The home will be converted to residential use after it is used as a sales office; and
 - c) Only one informational ground sign is erected on the property, with a height no greater than forty-two (42) inches and a surface area no greater than fifteen (15) square feet.
- 2) Model sales homes may be approved for a period of up to three (3) years. This period may be renewed for additional six (6) month periods, for good cause shown, upon approval of a written request for such an extension by the Building Official. Imposing other requirements as he or she deems necessary should be done to avoid adverse impacts that the use as a model sales home may have on adjacent properties or the community as a whole. If at any time the model sales home fails to comply with the provisions of this section, the Planning Director may revoke approval of the model sales home.

d. Temporary Real Estate Sales Offices

- 1) Temporary real estate sales offices shall be allowed within a new residential development, subject to approval by the Planning Department as a temporary use, provided that:
 - a) The temporary real estate sales office is located on a lot that was approved by the City as part of the subdivision or development, or a model sales home may be permitted prior to subdivision under the following conditions:
 - i. No more than one (1) unit per proposed phase shall be allowed
 - ii. A sales unit agreement providing for a limitation on the amount of time such a unit may be located on un-subdivided property and that the unit may not be sold

until the unit is located on a platted lot shall be executed.

- b) The building will be converted to residential use after it is used as a sales office; provided, however, that if the temporary building is a factory-fabricated, transportable building, it shall meet the requirement of Chapter 33, Section 33.090 (4)b "Temporary Expansion of School Facilities" of this Ordinance;
 - c) Only one informational ground sign is erected on the property, with a height no greater than forty-two (42) inches and a surface area no greater than fifteen (15) square feet;
 - d) The temporary real estate sales office is aesthetically compatible with the character of the community and the surrounding development;
 - e) The temporary office complies with the minimum yard and setback requirements of the zoning district in which it is located;
 - f) There is no more than one temporary real estate sales office in the development;
 - g) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices in Chapter 30, "Parking and Loading" of this Ordinance;
 - h) Landscaping shall be provided in accordance to the requirements set forth for office development in the "Tree Preservation and Landscaping" Ordinance contained in the City of Newnan Code of Ordinances; and
 - i) A site plan, consistent with Chapter 45, "Site Plan Review" of this Ordinance, shall be provided, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Building Official prior to installation of the sales office;
- 2) Temporary real estate sales offices may be approved for a period of up to one (1) year. This period may be renewed for two additional twelve (12) month periods, but not exceeding a total of three (3) years, for good cause shown, upon approval of a written request for such an extension by the Building Official filed at least thirty (30) days prior to the expiration date of the existing approval. In approving or renewing approval of a real estate sales office, the Building Official may impose other requirements as he or she deems necessary to avoid adverse impacts that the use as a sales office may have on adjacent properties or the community as a whole.
- 3) The use as a sales office shall be terminated upon expiration of the site plan for the development.
- e. Other
- 1) Temporary Construction Fences

Temporary construction fences are permitted on properties where projects are required to construct such structures in order to minimize the impact of development on adjacent properties. Such structures shall be approved with the site plan and shall be removed from the site prior to receipt of a Certificate of Occupancy by the Building Official.

- 2) Any other temporary structure may require information to allow a decision to be made.

§33.100 Nonconforming Uses, Structures, Signs, or Buildings

1. Purpose and Scope

- a. The purpose of this Section is to regulate and limit the development and continued existence of uses, structures, signs, and lots established prior to the effective date of this Ordinance which do not conform to the requirements of this Ordinance. Many non-conformities may continue, but the provisions of this Section are designed to curtail substantial investment in non-conformities and to bring about their eventual improvement to a conforming status or elimination in order to preserve the integrity of this Ordinance and the character of the City. Any non-conforming use, structure, building, lot, or sign which lawfully existed as of the effective date of this Ordinance and which remains non-conforming, and any use, structure, building, lot, or sign which has become non-conforming as a result of the adoption of this Ordinance or any subsequent rezoning or amendment to the text of this Ordinance, may be continued or maintained only in accordance with the terms of this chapter.
- b. This Section shall not apply, however, to any feature which is the subject of a variance or modification from particular regulations that has been granted by the Board of Zoning Appeals, Planning Commission, or City Council. Where a variance or modification has been granted for a feature which does not otherwise conform to the requirements of this Ordinance, that feature shall be deemed conforming.

2. Nonconforming Uses

a. Definition of Non-Conforming Use

See Chapter 3, "Definitions", §3.140, subsection 9 of this Ordinance.

b. Expansion of Non-Conforming Use

Except in those cases approved pursuant to Chapter 33, §33.100, subsection 6 of this Ordinance, a non-conforming use shall not be expanded or extended beyond the floor area or lot area that it occupied on the effective date of this Ordinance.

c. Continuation, Maintenance, and Minor Repair

The continuation of a non-conforming use and the maintenance or minor repair of a structure containing a non-conforming use are permitted, provided that the continuation, maintenance, or minor repair does not extend or expand the non-conforming use. For the purposes of this section, "maintenance or minor repair" shall mean:

- 1) Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a

building or structure without expanding or altering the building or structure;

- 2) Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses;
- 3) Repairs which are required to remedy unsafe conditions which cause a threat to public safety; and
- 4) Maintenance or repair of a sign in a way which does not change the exterior message.

d. Damage or Destruction

If a non-conforming use or a structure containing a non-conforming use is destroyed by any means to an extent greater than fifty (50%) percent of its replacement cost at the time of destruction, then such structure shall not be rebuilt or such use shall not be re-established in any way which does not conform to the requirements of this Ordinance.

e. Change of Use

- 1) Any non-conforming use may be changed to a conforming use by securing all approvals and permits which this Ordinance requires for the intended or resulting use, structure, building, lot, or sign. No non-conforming use may be changed to another non-conforming use, except as provided.
- 2) When any non-conforming use is superseded by a permitted use, the use shall thereafter conform to the regulations for the district, and no nonconforming use shall thereafter be resumed.

f. Cessation, Abandonment or Discontinuance of Use

If a non-conforming use is discontinued for six (6) consecutive months or more, regardless of any reservation of an intent not to abandon or to resume such use, then the property shall thereafter be occupied and used only for a conforming use. This restriction shall not apply, however, to non-conforming single-family dwellings located in any established historic preservation district. If a non-conforming use of property is discontinued, but re-established within six (6) months, then the non-conforming use may continue, provided that the nature and degree of the non-conformity will not be changed or increased from that which existed before the non-conforming use was discontinued.

g. Signs for Non-Conforming Uses

Non-conforming uses located in residential districts may erect non-illuminated wall signs only. Such signs shall conform in all other ways with the size, placement, and other standards set forth for such signs in Chapter 31, "Sign Regulations" of this Ordinance.

h. Accessory Uses

No use which is accessory to a principal non-conforming use shall continue after such principal use shall cease or terminate.

3. Non-Conforming Structures

a. Expansion or Enlargement

A non-conforming structure shall not be enlarged, increased in size, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except as provided in Chapter 33, §3.100, subsection 6 of this Ordinance.

b. Maintenance or Minor Repair

The maintenance or minor repair of a non-conforming structure is permitted, provided that it does not extend or expand the non-conforming structure. For the purposes of this Section, "maintenance or minor repair" shall mean:

- 1) Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;
- 2) Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses;
- 3) Repairs which are required to remedy unsafe conditions which cause a threat to public safety or bring the structure up to the standards of the Americans With Disabilities Act (ADA); and
- 4) Maintenance or repair of a sign in a way which does not change the exterior message.

c. Damage or Destruction

If a non-conforming structure is destroyed by any means and to an extent greater than fifty (50%) percent of its replacement cost at the time of destruction, then such structure shall not be restored, nor any use of the structure be re-established, in any way which does not conform to the requirements of this Ordinance.

d. Moving of Non-Conforming Structure

A non-conforming structure shall not be moved in whole or in part to any other location unless every portion of such structure and the use thereof is made to conform with all requirements of this Ordinance and other applicable City ordinances.

e. Pre-Existing Structures in Subsequently Created Setback Areas

Any structure which existed on the date of adoption of this Ordinance which is non-conforming solely due to a setback or yard requirements imposed by this Ordinance and not existing as a part of previous ordinances, or as a part of any other lawfully adopted ordinance, may be enlarged, increased, extended, repaired or replaced so long as any such improvements do not result in an increase in the degree of non-conformity.

f. Section Not Applicable to Non-Conforming Signs

This section shall not apply to non-conforming signs, the continuation, replacement, removal, expansion, maintenance, and repair of which are governed by Chapter 33, §3.100, subsection 4 of this Ordinance.

4. Non-Conforming Signs

a. Continuation

Non-conforming signs may be continued subject to the limitations set forth in this section.

b. Enlargement or Alteration

A non-conforming sign, including its permanent message or its structure, shall not be extended, enlarged, moved, or otherwise altered to increase its degree of nonconformity unless the sign is made to conform to the applicable requirements of this Ordinance.

c. Damage or Destruction

When a non-conforming sign is demolished or damaged to the extent that more than fifty (50%) percent of its surface area requires replacement, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.

d. Cost of Repair or Maintenance

When the repair, maintenance, or replacement cost of a non-conforming sign exceeds fifty percent (50%) of the value of such sign, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.

e. Reduction or Alteration

A non-conforming sign, including its permanent message and structure, may be altered to reduce its degree of nonconformity to another type of non-conforming sign where the owner of an existing non-conforming sign seeks to upgrade the sign to utilize newer technology and/or new materials in the sign structure as subject to the following standards:

- 1) Any nonconformity concerning height is decreased by at least fifty percent (50%) by the proposed improvement.
- 2) Any nonconformity concerning size of sign face is decreased by fifty percent (50%) of the proposed improvement.
- 3) Any change-out of materials or technology conforms to the applicable requirements of this Ordinance.
- 4) To the extent that the owner of the non-conforming sign owns more than one non-conforming sign on the parcel or lot, improvement of one non-conforming sign will be contingent upon the removal of any additional non-conforming signs on the parcel or lot.

5. Non-Conforming Lots of Record

a. Development Prohibited

No use or structure shall be established on a lot of record which does not conform to the lot area and lot width requirements established in this Ordinance for the zoning district in which it is located, except as otherwise set forth in Chapter 21, Section 21.040, subsection 12, of this Ordinance.

b. Adjacent Lots in Single Ownership

See also section 21.040 (14) (15)

If two or more adjacent and vacant non-conforming lots are in single ownership at any time, and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located, then such lots shall be considered and treated as a single lot or several lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

c. Establishment of Non-Conforming Lot Prohibited

A lot may only be established after the effective date of this Ordinance if such lot conforms to all applicable requirements of this Ordinance.

d. Boundary Line Adjustments

Notwithstanding the provisions of Subsection c above, boundary line adjustments may be permitted between non-conforming lots provided the Zoning Administrator finds that the degree of non-conformity is not increased due to such adjustment.

e. Highway Realignment or Condemnation

Any lot, which by reason of realignment of a Federal or State highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, shall be considered a non-conforming lot of record subject to the provisions set forth in this section; and any lawful use or structure existing at the time of such highway realignment or condemnation proceedings which would thereafter no longer be permitted under the terms of this Ordinance shall be considered a non-conforming use or structure as that term is used in this Ordinance.

6. Expansion, Alteration, or Major Repair of Non-Conformities.

a. Intent

The intent of this subsection is to allow the continuation of any non-conformity and the normal maintenance and repair thereof, but to require any expansion, alteration, or major repair of a non-conformity to obtain a special exception to determine whether it will substantially injure the value, use, and enjoyment of neighboring properties.

b. Special Exception Procedure

1) Unless this Section expressly provides otherwise, the expansion, alteration, or major repair of any non-conformity shall require a variance and shall occur only as approved by the Board of Zoning

Appeals (BZA) in accordance with the procedures and standards set forth in Chapter 44, "Variances and Appeals" of this Ordinance.

- 2) After holding a hearing on the variance request, the BZA shall determine whether to approve the proposed expansion, alteration, or major repair. The BZA shall not approve the proposed expansion, alteration, or major repair unless and until it finds, based on the evidence and testimony received at the hearing or otherwise appearing in the record of the case, that the proposed expansion, alteration, or major repair meets the standards set forth in this section, as well as the following:
 - a) That all access roads and entrance or exit drives to the non-conformity will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, and control and access in the case of fire or other emergency;
 - b) That all off-street parking, loading, refuse collection, and other service areas will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, and noise, glare, odor, and other impacts on adjoining properties;
 - c) That all water, wastewater treatment, schools, fire and police protection, and other necessary public and private utilities and services will be adequate with respect to their location, availability, and compatibility with adjoining properties;
 - d) That all landscaping, screening, and fencing shall meet the requirements of the Tree Preservation and Landscaping Ordinance to the extent possible and will be adequate, with respect to the effectiveness of their type, dimensions, and character, will be adequate with respect to minimizing the noise, glare, odor, and other impacts of the non-conformity on adjoining properties and other properties in the neighborhood;
 - e) That the type, size, and intensity of the proposed special exception, including such considerations as storage of items and arrangement, the size of the site and the location of the use upon it, and the hours of operation and numbers of people who are likely to utilize or be attached to the use, will be adequate with respect to minimizing the impact of the non-conformity upon adjoining properties, other properties in the neighborhood, and the purposes of the use district in which the property is located; and
 - f) Surface drainage will be adequate with respect to on-site and off-site erosion, siltation, pollution, flooding, or other detrimental effects of the non-conformity.
- 3) In determining whether the proposed extension, alteration, or major repair will substantially injure the value, use, and enjoyment of other properties, the BZA shall also consider and balance:
 - a) The possible detriment or benefit to the owner of the non-conformity resulting from denying the approval, from approving the request but requiring that the nonconformity be brought

wholly or partially into compliance, or from approving the request;

- b) The possible detriment or benefit to the owners of nearby properties resulting from denying the approval, from approving the request but requiring that the non-conformity be brought wholly or partially into compliance, or from approving the request; and
 - c) The possible detriment or benefit to the general public resulting from denying the approval, from approving the request but requiring that the non-conformity be brought wholly or partially into compliance, or from approving the request.
- 4) The Board of Zoning Appeals may impose any conditions on approval of the request as it deems necessary to mitigate any potential hazards or problems, or to bring the non-conformity into compliance to the extent necessary to protect the rights and interests of nearby property owners and the general public.
 - 5) A non-conforming use shall not be changed to another non-conforming use, except as provided above.
 - 6) If the Board of Zoning Appeals permits a non-conforming use to expand, then the area of such expansion shall not exceed twenty-five (25%) percent of the area of the existing non-conforming use.
 - 7) In acting upon applications for such variances, the Board of Zoning Appeals shall not order the discontinuation or termination of a non-conformity. If an application is denied, then the continuation, maintenance, and minor repair of the non-conformity shall still be allowed in accordance with the terms of this chapter.

§33.110 Unique Uses

1. Purpose

The purpose of a unique use permit is to allow a use which is determined by the City Council, upon recommendation of the Planning Commission, to be an unusual one-of-a-kind use that is not listed as an authorized use, but would be of substantial land use or economic benefit to the City, and whose authorization would not be appropriate through a zoning amendment.

2. Authority

The City Council may, in accordance with the procedures and standards set forth in this section and other regulations applicable to the district in which the subject property is located, approve unique uses by ordinance.

3. Initiation

An application for a unique use permit may be filed with the Zoning Administrator by the owner or lessee of the subject property or other person having a legal or equitable interest in the subject property.

4. Submission Requirements

Application for unique use approval shall be filed with the Zoning Administrator in order to obtain the review and written comments from the appropriate departments, boards, and commissions, including but not limited to the Development Review Committee, (DRC).

5. Staff Review Procedure

Upon determining that the unique use application is complete, the Zoning Administrator shall transmit the application to the DRC and schedule a DRC review conference. Following the staff review conference, the Zoning Administrator shall forward staff's and DRC's written report to the Planning Commission.

6. Opposition to Unique Use

If prior to the close of a Planning Commission hearing pursuant to subsection 7 below, a written protest against any proposed unique use, signed and acknowledged by thirty percent (30%) of the owners of property whose lot lines are located within two hundred fifty (250) feet in each direction of the boundary of the area of the unique use, exclusive of public rights of way, is filed with the City Clerk, approval of the unique use shall require a favorable vote of at least five (5) members of City Council.

7. Planning Commission Action

After receipt of the staff's written report with respect to the proposed unique use, the Planning Commission shall hold a public hearing in accordance with the adopted Rules and Procedures of the Commission. The staff's written report shall be considered at the public hearing. After the public hearing, the Commission shall recommend to the City Council based on written findings of fact, that the Board:

- a. Recommend approval of the unique use,
- b. Recommend approval of the unique use subject to specific conditions in applicable zoning requirements, or
- c. Recommend denial of the unique use.

8. Council Decision

Upon receipt of the recommendation of the Planning Commission, the City Council shall either approve the unique use, approve the unique use subject to conditions, or deny the unique use.

9. Notification of Decision

Following the decision of the City Council, the Zoning Administrator shall notify the applicant in writing of the Council's decision.

10. Standards for Unique Uses

The Planning Commission may only recommend approval, approval with conditions, or disapproval of a unique use permit based upon written findings of fact with regard to each of the following standards:

- a. Evidence of special and extraordinary need for the unique use which shall include evidence of unique characteristics of the subject property, proposed use, and/or the neighborhood surrounding the subject property.

- b. Evidence that the unique use will be of some affirmative benefit, from a land use or economic standpoint, to the City and its residents.
- c. Evidence that authorization of the use would not be appropriate through a zoning amendment.
- d. Evidence that the project is designed to be reasonably compatible with surrounding properties and neighborhood.
- e. Evidence that the proposed use and the development are consistent with and implement the planning goals and objectives of the City, as contained in the Comprehensive Plan and other pertinent policy resolutions, particularly in terms of:
 - 1) Land use intensity
 - 2) Housing goals.
 - 3) Preservation goals and policies.
 - 4) Population policies.
 - 5) Traffic impact and parking.
 - 6) Environmental goals and policies.

11. Conditions on Unique Uses

The Planning Commission may recommend and the City Council may impose, such conditions and limitations concerning use, construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by a unique use as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. However, such conditions shall not be used as a device to authorize as a unique use that which is intended to be temporary in nature. Such conditions shall be expressly set forth in the unique use approval. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the unique use permit.

12. Effect of Approval of Unique Use

The approval of a proposed unique use by the City Council shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the City, including but not limited to a unique use permit, a building permit, a certificate of occupancy and subdivision approval.

13. Limitations on Unique Uses

- a. Subject to an extension of time granted by the City Council, no unique use approval shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.
- c. The approval of a proposed unique use by the City Council shall be deemed to authorize only that particular use for which it was issued.

- d. Except when otherwise provided in the ordinance for approving a unique use, a unique use shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot.

14. Coordinated Review and Approval of a Unique Use and Variance

Whenever in conjunction with applications for a unique use an applicant files an application for a variance, the Planning Commission and the Board of Zoning Appeals shall combine and review the applications simultaneously. A joint meeting of the Planning Commission and the Board of Zoning Appeals shall be held to hear the combined application. At conclusion of the public hearing each reviewing body shall forward its recommendation to the City Council within a maximum of thirty (30) calendar days. The City Council may combine the applications and review them simultaneously; however, before any action is taken on the variation, the Council shall first act to approve, approve with conditions or disapprove the application for the unique use.

15. Fees

An applicant for a unique use shall pay fees in connection with the submittal of the application in accordance with fee schedules adopted, from time to time, by the City Council upon recommendation of the Zoning Administrator.

§33.120 Unspecified Uses

1. Determinations for Unspecified Uses

In the event of uncertainty or where there is not a particular use of land use category listed anywhere in this chapter that corresponds with a use in question, then the use in the chapter having the most similar characteristics, as determined by the Zoning Administrator, to the use in question shall apply. In making such determinations, the North American Industrial Classification System (NAICS) shall be used as the primary reference. Where a use in question has characteristics similar to more than one particular use or land use category listed in this Ordinance, then the most similar listing shall govern. Where a development consists of uses in more than one land use category, all such uses must be allowable in the zoning district. Where there is doubt concerning the interpretation of the uses classified by this Ordinance, the decision of the Zoning Administrator shall prevail, subject to appeal before the Planning Commission. See Chapter 1, "General Provisions" of this Ordinance, for a full description of the interpretation of this Ordinance.

2. Standards for Use Interpretations

The following standards shall govern the Building Official, and the Zoning Board of Appeals on appeals from the Zoning Administrator, in issuing use interpretations:

- a. Any use defined in Chapter 3, "Definitions" of this Ordinance, shall be interpreted as therein defined.
- b. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with the general district regulations established for that particular district.
- c. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more

similar to such other uses than to uses permitted or specially permitted in a more restrictive district.

- d. If the proposed use is most similar to a use permitted only as a special exception in the district in which it is proposed to be located, then any use interpretation permitting such exception shall be conditioned on the issuance of a special exception approval for such use pursuant to §33.080, "Special Exception, Conditional, and Other Specific Use Requirements" of this Chapter.
- e. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

3. Effect of Favorable Use Interpretations

No use interpretation finding a particular use to be permitted or as a special exception in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the City including, but not limited to, a building permit, a certificate of occupancy, subdivision approval, and site plan approval.

4. Limitations on Favorable Use Interpretations

- a. Subject to an extension of time granted by the Zoning Administrator, no use interpretation finding a use to be permitted or as a special exception in a particular district shall be valid for a period longer than six (6) months from the date of issue unless the use is established or a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
- b. A use interpretation finding a particular use to be permitted, or permitted as a special exception in a particular district, shall be deemed to authorize only the particular use for which it was issued, and such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued.

5. Adding Unspecified Uses to the District Regulations

Uses other than those allowed in the applicable district may be added to a district upon adoption of a text amendment approved by the City Council. Text amendments may only be heard pursuant to the provisions of Chapter 40, "Amendments to Zoning Ordinance and Map" of this Ordinance, as amended.

6. Appeals from Zoning Administrator Decisions

The Planning Commission shall, pursuant to Chapter 44, "Variances and Appeals" of this Ordinance, hear and decide appeals from any order or final decision of the Zoning Administrator acting pursuant to his authority and duties under this Ordinance. Except as expressly provided otherwise, an application for appeal to the Planning Commission may be filed not later than thirty (30) calendar days following the action being appealed.

7. Fees

An applicant for an administrative interpretation shall pay fees in connection with the submittal of the application in accordance with fee schedules adopted, from time to time, by the City Council upon recommendation by the Zoning Administrator.