

# Union City, Georgia Zoning Ordinance



Maintained by: Community Development Department

This unofficial online version of the Union City, Georgia Zoning Ordinance is provided for convenience of reference only. Although diligent effort is made to avoid discrepancies between the governing Union City, Georgia Zoning Ordinance and this online reference, the same cannot be guaranteed. Further, recent amendments to the governing Union City, Georgia may not yet be incorporated into this online reference. Before taking any action or reliance, please contact the Community Development Department to ensure that you have or are aware of the current, official version of the governing Zoning Ordinance.

# UNION CITY, GEORGIA

Vince Williams, Mayor

## City Council

Lawanna Owens-Twaites, Mayor Pro Tem

Christina Hobbs

Brian Jones

Angelette Mealing

Sonja Fillingame, City Manager

## Planning and Zoning Commission

Marilyn McCain, Chairman

Tarika Peeks, Vice Chairman

Trevor Cason

Robert Potts

Derrick Holloway

## Community Development

Janna Keller, Interim Director

TABLE OF CONTENTS

Article I –Preamble and Enactment Clause

Section 1-1 ..... 1

Article II –Short Title

Section 2-1 ..... 2

Article III –Interpretation and Definitions..... 3

Article IV –Establishment of Districts

Section 4-1 Zones ..... 25

Section 4-2 Maps ..... 25

Section 4-3 Amendments ..... 26

Section 4-4 Boundary Rule..... 26

Section 4-5 Reserved ..... 26

Article V –General Provisions

Section 5-1 Use..... 27

Section 5-2 Principal Structure or Use ..... 27

Section 5-3 Use on a Lot ..... 27

Section 5-4 Height and Density ..... 27

Section 5-5 Reduction of Lot Area..... 27

Section 5-6 Yard Service to One Building..... 27

Section 5-7 Open Space Not to be Encroached Upon ..... 27

Section 5-8 Encroachment on Public Rights-of-way ..... 27

Section 5-9 Single-family Dwellings ..... 28

Section 5-10 Accessory Uses and Structure ..... 28

Section 5-11 Guest Houses..... 29

Section 5-12 Street Frontage ..... 29

Section 5-13 Landlocked Property .....	30
Section 5-14 Obstruction of Vision .....	30
Section 5-15 Uses Prohibited .....	30
Section 5-16 Height Limitations of Walls and Fences .....	30
Section 5-17 Screening Required .....	31
Section 5-18 Screening Standards .....	31
Section 5-19 Reserved .....	31
Section 5-20 Side and Rear Yards Not Required Next to Railyards .....	31
Section 5-21 Non-conforming Lots of Record .....	31
Section 5-22 Structures Permitted Above the Height Limit .....	31
Section 5-23 Permitted Encroachments of Yards and Setbacks .....	32
Section 5-24 Lots with Well and/or Private Sewage System .....	32
Section 5-25 Operations of Sanitary Landfills .....	32
Section 5-26 Requirements for Moving a Building .....	32
Section 5-27 Buildings under Construction .....	32
Section 5-28 Development Projects under Construction .....	32
Section 5-29 Buffer Area .....	32
Section 5-30 Repair Garage .....	33
Section 5-31 Office Trailer .....	33
Section 5-32 Outside Storage .....	33
Section 5-33 Outside Storage Exempt from Screening .....	34
Section 5-34 Non-conforming Uses .....	34
Section 5-35 Parking of Business Vehicles .....	34
Section 5-36 Access to Major Thoroughfares .....	35
Section 5-37 Site Plan Requirement .....	35

Section 5-38 Administrative Variance .....	35
Section 5-39 Garage Requirement.....	35
Section 5-40 Exterior Residential Building Materials.....	35
Section 5-40A Exterior Multifamily, Townhome, and Condominium Building Materials .....	35
Section 5-41 Exterior Commercial Building Materials .....	36
Section 5-42 Donation Boxes .....	36
 Article VI –District Regulations	
Section 6-1 R-1 Single-Family Residential .....	39
Section 6-2 R-2 Single-Family Residential .....	44
Section 6-3 R-3 Single-Family Residential .....	48
Section 6-4 R-4 Single-Family Residential .....	52
Section 6-5 R-6 Single-Family Residential .....	56
Section 6-6 RMD-1 Residential Medium Density .....	60
Section 6-7 RM Residential Multifamily .....	65
Section 6-8 MHP Manufactured Home Park.....	72
Section 6-9 O&I Office and Institutional .....	76
Section 6-10 NC Neighborhood Commercial .....	82
Section 6-11 GC General Commercial.....	87
Section 6-12 RSC Regional Shopping Center.....	98
Section 6-13 M-1 Light Industrial .....	101
Section 6-14 M-2 Heavy Industrial .....	109
Section 6-15 TCMU Town Center Mixed Use.....	118
Section 6-16 TCMF Town Center MultiFamily.....	139

Article VII –Overlay Districts

Section 7-1 Historic District .....	152
Section 7-2 Planned Unit Development .....	155
Section 7-3 Mixed Use Development.....	158
Section 7-4 Open Space Conservation District .....	161
Section 7-5 Urban Design Overlay District.....	167
Section 7-6 Roosevelt Highway Corridor Overlay District.....	172
 Article VIII –Towers and Antennas	
Section 8-1 Applicability.....	188
Section 8-2 General Guidelines and Requirements.....	188
Section 8-3 Conditional Uses .....	190
Section 8-4 Administrative Approvals .....	190
Section 8-5 Conditional Use Permits .....	191
Section 8-6 Removal of Abandoned Towers and Antennas.....	193
 Article IX –Tree Preservation and Landscape Enhancement	
Section 9-1 Purpose .....	194
Section 9-2 Applicability.....	194
Section 9-3 Procedure.....	195
Section 9-4 Standards for Tree Preservation and Replacement .....	197
Section 9-5 Severability .....	205
Section 9-6 Repeal of Conflicting Provisions .....	205
Section 9-7 Effective Date.....	205
 Article X –Off Street Parking and Service Requirements	
Section 10-1 Scope of Provisions.....	206
Section 10-2 Parking Spaces Shall Not be Reduced .....	206
Section 10-3 Street Access Curb Cuts in Other than Residential Districts .....	206

Section 10-4 Department of Transportation Approval .....	206
Section 10-5 Corner Visibility Clearance.....	206
Section 10-6 Off-Street Automobile Parking .....	206
Section 10-7 Number of Parking Spaces .....	209
Section 10-8 Off-Street Loading Requirements .....	211
 Article XI –Sign Ordinance	
Section 11-1 Preamble.....	213
Section 11-2 Name .....	213
Section 11-3 Purpose .....	213
Section 11-4 Violations, Penalties.....	213
Section 11-5 Prohibited Signs and Devices.....	214
Section 11-6 Signs which Require No Permit .....	214
Section 11-7 Removal of Unlawful or Dangerous Signs .....	215
Section 11-8 Administration and Enforcement .....	215
Section 11-9 Measurement; Construction and Maintenance Standards .....	217
Section 11-10 Restrictions based on Location .....	219
Section 11-11 Severability .....	226
 Article XII –Administration, Enforcement & Penalties	
Section 12-1 Zoning Administrator.....	227
Section 12-2 Remedies .....	227
Section 12-3 Penalties .....	227
Section 12-4 Permits and Licenses Void when Issued in Conflict.....	227
Section 12-5 Appeals.....	227
Section 12-6 Construction Process .....	227

Article XIII – Appeals, Variances and Other Matters

Section 13-1 Jurisdiction over Appeals, Variances and Other Matters ..... 228

Section 13-2 Rules and Procedures ..... 228

Section 13-3 Public Hearing ..... 228

Section 13-4 Powers and Duties ..... 229

Section 13-5 Appeals from the Planning Commission..... 234

Article XIV –Schedule of Fees

Section 14-1 Fees ..... 236

Section 14-2 Waiver of Fees ..... 236

Section 14-3 Established Fees ..... 236

Article XV –Planning Commission

Section 15-1 Creation ..... 237

Section 15-2 Membership..... 237

Section 15-3 Rules and Procedures ..... 237

Section 15-4 Powers and Duties..... 238

Section 15-5 Initiation of Amendments..... 238

Section 15-6 Limits on Re-applying..... 238

Section 15-7 Application for Amendment..... 238

Section 15-8 Public Hearings ..... 240

Section 15-9 Planning Commission ..... 240

Section 15-10 Mayor and Council..... 241

Section 15-11 Public Notification ..... 241

Section 15-12 Standards for Map Amendment (Rezoning) Evaluation ..... 241

Section 15-13 Public Copies of Procedures and Standards ..... 242

Section 15-14 Disclosure of Campaign Contributions ..... 242

Section 15-15 Challenges to Zoning Decisions.....243

Article XVI –Repeal and Constitutionality

Section 16-1 Repeal of Conflicting Ordinances .....244

Section 16-2 Constitutionality .....244

Section 16-3 Effective Date.....244

## ARTICLE I

---

### PREAMBLE AND ENACTMENT CLAUSE

- 1-1 For the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the City of Union City, Georgia, the Mayor and Council of Union City, under the authority of Georgia Law, hereby ordain and enact into law the following Articles and Sections.

## ARTICLE II

---

### SHORT TITLE

- 2-1 This Ordinance shall be known and cited as “The Zoning Ordinance of Union City, Georgia, 1983,” as amended.

## ARTICLE III

---

### INTERPRETATION AND DEFINITIONS

- 3-1 Words contained herein shall have their customary dictionary meaning except for specific words which shall be interpreted or defined as follows:
- A. Words used in the present tense include the future tense.
  - B. Words used in the singular number include the plural, and words used in the plural number include the singular, unless otherwise specified.
  - C. The word "person" includes firm, organization, association, partnership trust, corporation, individual or any other group or entity.
  - D. The word "lot" includes the words "plot" or "parcel."
  - E. The word "shall" is always mandatory. The word "may" is always permissive.
  - F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be or presently being used or occupied."
  - G. The word "map" or "zoning map" means the "Official Zoning Map of Union City, Georgia" unless otherwise specified.
  - H. Words and terms not explicitly defined in this Ordinance shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary.
- 3-2 Accessory. A use or structure customarily incidental and subordinate to the principal use or structure, and located on the same lot as such principal use or structure.
- 3-3 Acre, gross. A measure of land equal to 43,560 square feet.
- 3-4 Acre, net. A gross acre less: street rights-of-way, both public and private; all land located within the 100-year flood plain; all water impoundments; and all lands proposed to be dedicated to a governing authority.
- 3-5 Adult arcade. Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration an electronically, electrically or mechanically controlled still or motion picture machine, projector, video or laser disc player, or other image producing device is maintained to show images to five (5) or fewer persons per machine at any one time, and where the image is so displayed or

distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

- 3-6 Adult bookstore, adult novelty store or adult video store. A commercial establishment which, as one of its principal purposes, offers for sale or rental for any consideration, any one or more of the following:
- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproduction, slides or other visual representations which are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical area:" or
  - B. Instruments, devices or paraphernalia which are designed for use inconnection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be characterized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration as specified materials which are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- 3-7 Adult cabaret. A nightclub, bar, restaurant or similar commercial establishment which regularly features:
- A. Persons who appear in a state of nudity or semi-nudity; or
  - B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or
  - C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by depiction of "specified sexual activities" or "specified anatomical areas."
- 3-8 Adult day care services. The provision of an organized program of services, protective in nature, for adults which is offered for less than twenty-four hours per day including supervision, provision of meals, self care, planned and unplanned social and recreational indoor and outdoor activities and assistance with medications.
- 3-9 Adult Motel. A hotel, motel or similar commercial establishment which:
- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motions pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this type of photographic reproduction; or
  - B. Regularly offers a sleeping room for rent for a period of time that is less than 10 hours; or

- C. Regularly offers a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
- 3-10 Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or other similar photographic reproduction are regularly shown which are consistently distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- 3-11 Alley. A public or private way within a block, generally giving access to the rear of lots or buildings and not used for general traffic circulation. (Adopted May 21, 2024)
- 3-12 Alteration. Any change in the supporting members of a building; any addition to or reduction of a building; any change in use; or any relocation of a building.
- 3-13 Alternative Tower Structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structure.
- 3-14 Agriculture. The raising of soil crops or livestock in a customary manner, including all associated activities.
- 3-15 Amenity. A characteristic of a development that increases the desirability of the development to a community or its marketability to the public. (Adopted May 21, 2024)
- 3-16 Animal Hospital (clinic). Establishments of licensed practitioners primarily engaged in the practice of veterinary medicine, dentistry or surgery for domestic animals. Domestic animals include horses, fish, fur-bearing animals, rabbits, dogs, cats and other pets and birds, except poultry.
- 3-17 Animated Sign. Any sign, or part of sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene.
- 3-18 Antenna. Any exterior apparatus designed for telephonic, radio or television communication through the sending and/or receiving of electromagnetic waves.
- 3-19 Apartment. A room or suite of rooms in a multi-family residence arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals. (Ordinance 2022-03, 12/08/22)
- 3-20 Arborist. An individual who has a bachelor's degree in Arboriculture or a related degree, four or more years of experience in the cultivation, care, and maintenance of trees, and certification by the International Society of Arboriculture.
- 3-21 Assembly Plants. A factory where manufactured parts are assembled into a finished product. (Added 5/15/12, Ordinance 2012-09)
- 3-22 Assisted living. A residential complex which may be in any form including detached and attached dwelling units and may offer private and semi-private settings designed for and principally occupied by senior citizens. Such facilities may include a congregate meal program in common dining areas, but shall exclude institutional care such as medical or nursing care, and must be licensed by the appropriate state agency. (Adopted May 21, 2024)
- 3-23 Automobile Service Station. A land use where gasoline, oil, grease, batteries, tires and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles, and where no major automotive repair takes place.

- 3-24 Awning/Canopy Sign. Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.
- 3-25 Banner. Any sign of lightweight fabric or similar material that is intended to be hung either with or without frame, possessing characters, letters, illustrations or ornamentation applied to paper, plastic or fabric of any kind. Banners are either freestanding or wall signs. For purposes of this ordinance a banner is not considered a flag. (Amended 12/20/05; Ordinance 05-18)
- 3-26 Basement. The area below the first floor level in a building and having not more than one-half (1/2) of its height above ground.
- 3-27 Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- 3-28 Bed and Breakfast Inn. An owner or operator occupied residence with bedrooms providing overnight or otherwise temporary lodging for the general public for 96 hours or fewer. Typically, breakfast is the only meal served to guests. (Ordinance No. 2022-03, 12/08/22)
- 3-29 Bench sign. Any sign painted on or otherwise attached to a bench or other seat placed on or off a public right-of-way or meant to be seen by the public.
- 3-30 Billboard. A sign, including the supporting sign structure, containing no more than two faces not to exceed 700 square feet per face, which is visible from a street or highway and advertises goods or services. (Adopted 12/20/05, Ordinance 05-18)
- 3-31 Breezeway. A roofed, open-sided or screened passageway connecting two structures, as a house and a garage.
- 3-32 Buffer. A portion of a tract which is set aside to provide a visual separation from abutting tracts, uses or streams through the use of natural vegetation or other means including replanting or the provision of supplemental plantings or other visual screening elements or noise attenuation devices.
- 3-33 Buildable area of Lot. That area of a lot within the setback lines as defined by the Zoning Ordinance.
- 3-34 Building. Any structure having a roof and intended for shelter, housing or enclosure of persons, animals or property of any kind.
- 3-35 Building, height. The vertical distance from Grade Plan to the average height of the highest roof surface. See also, Tower height. (Ordinance 2022-03; 12/08/22)
- 3-36 Building Official. The person, officer or official whom the Mayor and Council has so designated, or his or her designee.
- 3-37 Building, Principal. A building in which the principal use of the lot is conducted.
- 3-38 Caliper. A standard measure of tree size applied only to new or replacement plantings. Caliper is an American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of trunk shall be measured six (6) inches above the ground for up to

and including four-inch caliper size, and twelve (12) inches above the ground for larger sizes.

- 3-39 Car Wash. An establishment used for washing and cleaning of passenger vehicles, recreational vehicles, and other light duty equipment, including facilities containing mechanical devices for washing and those that are self-service/coin operated. (Ordinance 2022-03; 12/08/22)
- 3-40 Cemetery. A burial ground.
- 3-41 Cemetery, Commercial. The operation of a burial ground where burial sites are sold or exchanged for donations; however, this definition shall not include a cemetery maintained by and adjacent to a church.
- 3-42 Changeable Copy Sign. A sign on which the message changes more than eight (8) times per day.
- 3-43 Child Caring Institution. Any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for children under 17 years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations of the Board of Human Resources. For purposes of these rules, a child caring institution means any institution, society, agency, or facility that provides such care to six or more children. (Added 3/21/06; Ordinance 06-05)
- 3-44 Child Care Learning Center. is operated by a person, society, agency, corporation, institution, or group that receives pay for group care, children remain less than 24 hours per day and provides care for 19 or more children, under 18 years of age and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning. (Added 3/21/06; Ordinance 06-05)
- 3-45 Church or other Places of Worship. A building used for public worship, including temples, synagogues and related Sunday school or Church School facilities.
- 3-46 Cigar lounge. A business that sells a variety of cigars and other tobacco accessories such as lighters, cigar boxes and containers, cigar cutters and punchers. Such a business may also contain an area dedicated for individuals to smoke cigars. (Adopted May 21, 2024)
- 3-47 City. The City of Union City, Georgia.
- 3-48 City Council. The City Council of Union City, Georgia.
- 3-49 City Engineer. A person so designated by the City Council.
- 3-50 Clearing. An activity which removes or disturbs the vegetative cover including trees.
- 3-51 Clinic. An establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.
- 3-52 Club, or Lodge, private. All incorporated or un-incorporated associations for civic, social, cultural, religious, fraternal, literary, political, and recreational or like activities operated for the benefit of its members and not open to the general public.
- 3-53 Reserved. (Ordinance 2023-01; 05/16/23)

- 3-54 Community Center. A place, structure, area or other facility used for providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.
- 3-55 Community Living Arrangements. Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Addictive Diseases. A Community Living Arrangement is also referred to as a “residence”. (Added 3/21/06; Ordinance 06-05)
- 3-56 Condominium. Individual ownership units in a multi-family residential, commercial, and/or industrial structure(s) combined with joint ownership of common areas and facilities.
- 3-57 Convenience Store. A small-scale retail store that offers for sale a limited line of groceries and household items and may also sell gasoline. (Amended 8/22/23; Ord. No. 2023-02)
- 3-58 Conveyor Car Wash. A commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle. (Amended 8/22/23; Ord. No. 2023-02)
- 3-59 Cottage home court. Five (5) or more detached single-family dwellings that are organized around a shared courtyard on a single lot. Each individual cottage home court shall be organized as a condominium under the Georgia Condominium Act, with all common elements being the responsibility of a condominium association. (Adopted 8/20/24; Ord. No. 2024-Z-05)
- 3-60 Critical Root Zone. An area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of one (1) foot per inch DBH.
- 3-61 Crown Dripline. A vertical line extending from the outer surface of a tree’s branch tips to the ground.
- 3-62 Curb cut. The point at which vehicular access is provided to a lot from an adjoining street.
- 3-63 Data Centers. A facility used to house computer systems and associated components, such as telecommunications and storage systems. It generally includes redundant or backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression) and security devices. (Added 5/15/12; Ordinance 2012-09)
- 3-64 Daylight hours. That period of time beginning 30 minutes before sunrise and ending 30 minutes after sunset.
- 3-65 DBH. Diameter-at-breast-height is a standard measure of tree size, and is the trunk diameter measured in inches at a height of four and one-half (4 ½) feet above the ground. If a tree splits into multiple trunks below four and one-half (4 ½) feet, then each trunk is measured as a separate tree. A tree which splits into multiple trunks above four and one-half (4 ½) is measured as a single tree.
- 3-66 Deciduous Tree. Any tree which drops its leaves at the end of the growing season.
- 3-67 Density. The number of dwelling units per net acre.

- 3-68 Density, high. High density is defined as more than eight (8) dwelling units per acre.
- 3-69 Density, low. Low density is four (4) dwelling units per net acre.
- 3-70 Density, medium. Medium density is five to eight (8) dwelling units per acre.
- 3-71 Developer. A person or entity, limited to property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, development, or improvement of land and other activities covered by this Zoning Ordinance. The word Developer is intended to include the terms subdivider, property owner, and, when submitting platting documents, applicant. (Ordinance 2022-03; 12/08/22)
- 3-72 Development review. A review of site development plans by the City Engineer to determine whether or not a proposed development complies with City ordinances.
- 3-73 Dripline. A vertical line projected to the ground from the outermost edge of the tree's canopy or shrub branch.
- 3-74 Dripline area. The total area underneath a tree which would encompass all driplines.
- 3-75 Drive-thru/Drive-in. Any location where products and/or services are distributed to or business is transacted with, a person seated in a motor vehicle. (Adopted 12/20/05; Ordinance 05-18)
- 3-76 Dwelling. A building or portion of a building designed for residential purposes. A mobile or modular home shall not be included in this definition.
- 3-77 Dwelling, multi-family. A dwelling other than a townhouse dwelling designed for three or more families living independently of each other. (Adopted 9/17/02; Ordinance 02-12)
- 3-78 Dwelling, single family. A detached dwelling designed for a single family.
- 3-79 Dwelling, townhouse. A single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from foundation to roof and which has a yard or public way on at least two (2) sides. Each unit is separated from any other unit by one (1) or more vertical common fire-resistance-rated walls. A townhouse shall have at least two (2) stories and may be either fee simple or condominium ownership. (Amended 8/20/24; Ordinance 2024-Z-05)
- 3-80 Dwelling, two-family. A structure containing two (2) single-family dwelling units totally separate from each other by an unpierced wall extending from ground to roof.
- 3-81 Dwelling Unit. One or more rooms within a structure forming a separate, independent housekeeping establishment for use on a basis involving owner occupancy or rental on a weekly, monthly or longer basis, with provision for cooking, eating, sleeping and sanitation, and which is physically set apart from any other rooms or dwelling units in the same structure.
- 3-82 Escort. A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
- 3-83 Escort Agency. A person or business association, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

- 3-84 Emergency shelter/mission. A facility providing temporary housing for one or more individuals who are otherwise homeless.
- 3-85 Evergreen. Any tree which retains its green foliage throughout the year.
- 3-86 Extended Stay Hotels or Motels. Any hotel or motel in which fifty percent or greater of all guest rooms have facilities for both the storage and preparation of food and which are designed or utilized for weekly or monthly occupancy. (Adopted 10/16/01; Ordinance 01-12)
- 3-87 FAA. The Federal Aviation Administration.
- 3-88 Family. One or more persons occupying a single dwelling unit provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. The term “family” does not include any organization or institutional group.
- 3-89 Family day care homes. A private residence operated by any person who receives pay for supervision and care of fewer than 24 hours per day, without transfer of legal custody, at least three (3) but not more than six (6) children under 18 years of age who are not related to such person and whose parents or guardians are not residents of the same private residents. (Amended 3/21/06; Ordinance 06-05)
- 3-90 Farm. A parcel of land devoted to the raising of agricultural products and/or livestock.
- 3-91 FCC. The Federal Communications Commission.
- 3-92 Fee schedule. A document adopted by the Mayor and Council and amended from time to time and listing all fees authorized by this Zoning Ordinance.
- 3-93 Flag. Any fabric or bunting containing distinctive colors, patterns or symbols. For purposes of this ordinance a flag is not considered a banner. (Amended 12/20/05; Ordinance 05-18)
- 3-94 Floor area, accessory structure. The sum of the horizontal areas of theseveral floors of the structure under the roof, excluding any space where the floor-to ceiling height is less than six (6) feet.
- 3-95 Floor area, principal structure. The area of a dwelling exclusive of unheated attic, basement, garage, carport, patios and open porches measured from the exterior face of the exterior walls of a dwelling.
- 3-96 Ground sign. A sign securely affixed to a substantial support structure which is permanently attached to the ground and wholly independent of any building for support. (Ordinance No. 16-2; 5/17/16)
- 3-97 Fortune telling. Professing to foretell events. (Adopted 11/15/05; Ordinance 2005-15)
- 3-98 Garage, parking. A structure, lot or any portion thereof which is open to the public and in or on which one or more vehicles are houses or kept, not including exhibition or show room storage of cars for sale.
- 3-99 Garage, private. An accessory building or portion of a principal building used only for private storage of permitted motor vehicles.

- 3-100 Garage, repair. A structure intended to be used for the performance of motor vehicle repairs.
- 3-101 Gazebo. A freestanding, circular roofed structure open on all sides, but enclosed by a railing, and used for outdoor seating in residential zoning districts.
- 3-102 Grade. For the purpose of measuring sign height, grade shall be the natural ground level at a sign's proposed location unless such ground level is lower than the centerline of the adjoining street; in which case, height shall be measured from the centerline elevation of the adjoining street.
- 3-103 Greenspace. Permanently protected land and water, including agricultural and forestry land, that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals:
- A. Water quality protection for rivers, streams, and lakes;
  - B. Flood protection;
  - C. Wetlands protection;
  - D. Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
  - E. Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
  - F. Scenic protection;
  - G. Protection of archaeological and historic resources;
  - H. Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, roller skating, observing or photographing nature, picnicking, playing non-organized sports, or engaging in free play; and
  - I. Connection of existing or planned areas contributing to the goals set out in this paragraph.
- 3-104 Ground coverage. The area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings.
- 3-105 Group day care. A center operated by any person, partnership, association, or corporation that receives pay for group care, operates less than 24 hours per day and provides care for 7 to 18 children, under 18 years of age and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning. (Added 3/21/06; Ordinance 06-05)
- 3-106 Guest House. Living quarters situated within an attached or detached accessory building located on the same premises as the principal building.

- 3-107 Home Occupation. An occupation involving the sale of goods or services within a dwelling by members of a family residing in the dwelling.
- 3-108 Hospital. Any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under Georgia Law to render medical, surgical and/or obstetrical care. The term “hospital” shall include asanitarium, with an approved Certificate of Need (CON) from the State Health Planning Agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.
- 3-109 Hotel. A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities. The term “hotel” includes the term “motel”.
- 3-110 Illuminated Sign, external. A sign illuminated by an external light source directed primarily toward such sign. Such sources cannot be a device that changes color, flashes or alternates.
- 3-111 Illuminated Sign, internal. A sign illuminated by an internal light source.
- 3-112 In-Bay Automatic Car Wash. A commercial car wash where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel. (Amended 8/22/23; Ord. No. 2023-02)
- 3-113 Inert Waste Landfill Operations. A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above. (Added 12/19/06; Ordinance 06-??)
- 3-114 Intermediate care home. A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it otherwise complies with these rules and regulations. (Added 3/21/06; Ordinance 06-05)
- 3-115 Interstate 85 Corridor. The area bounded by the city limits of Union City to the north and south and measured a distance of 200 feet from the right-of-way of either side of Interstate.
- 3-116 Junk or Salvage Yard. Property used for outdoor storage, keeping, abandonment, sale or resale of junk including but not limited to scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition of abandonment of automobiles or other vehicles or machinery or parts thereof.
- 3-117 Junked Automobiles. See Vehicle, abandoned.

- 3-118 Kennel. Any location where more than three (3) dogs, cats or other animals are kept for commercial or non-commercial purposes. This definition does not include litters of animals of not more than six (6) months of age.
- 3-119 Kiosk. A small, freestanding structure requiring a building permit which has more than two.
- 3-120 Land-disturbing Activity. Any land change which may result in soil erosion from water or wind and the movement of sediment into State water or onto lands within the State, including, but limited to, clearing, dredging, grading, excavating, transporting and filling of land, other than federal lands.
- 3-121 Land Disturbance Permit. A permit issued to authorize clearing, dredging, grading, excavating, transporting, filling of land and/or other land disturbing activities.
- 3-122 Landscaping. Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more attractive, as by adding lawns, trees and shrubs, etc., to the natural environment.
- 3-123 Landscaped Area. A maintained area of grass or ornamental planting materials.
- 3-124 Liquor Store. A store primarily engaged in the off-premises sale of general alcohol, including beer, wine, and distilled spirits, and where other items (e.g., dry goods and food products) may be sold. (Amended 8/22/23; Ord. No. 2023-02)
- 3-125 Livestock. Animals that are kept or raised, for use or profit, on a farm, including horses, cattle, goats, sheep, pigs, chickens, ducks, geese, mules and rabbits. This term shall be deemed to specifically exclude dogs and cats.
- 3-126 Loading Space. Space logically and conveniently located for off-street pick-up and delivery service, scaled to the vehicles expected to be used and accessible to such vehicles at all times.
- 3-127 Lot. A parcel of land of varying size which is designated by the owner or owners thereof, and so indicated on the official records of the City, as a single unit of property.
- 3-128 Lot, corner. A lot located at the intersection of two (2) streets.
- 3-129 Lot, depth. Horizontal distance between front and rear lot line.
- 3-130 Lot, interior. A lot which has frontage on only one (1) street.
- 3-131 Lot, landlocked. Lot of record having no frontage on a County, State or City maintained street.
- 3-132 Lot, through. A lot, other than a corner lot, having frontage on more than one (1) street; or a corner lot having frontage on three (3) or more streets.

- 3-133 Lot, width. The minimum distance between the side lot lines measured along the front building line for a depth of at least 50 feet.
- 3-134 Lot of record. An area designated as a separate and distinct parcel of land on a recorded subdivision plat approved in accordance with the Union City Subdivision Rules and Regulations, or in a legally recorded deed.
- 3-135 Manufactured Housing. Manufactured housing means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length or, when erected on a site, it is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purposes of this Ordinance, the term "mobile home" shall be construed to mean "manufactured housing" or "manufactured home."
- 3-136 Manufactured Home Park. Any lot where two (2) or more manufactured homes are installed for living purposes, including any land or structure used by occupants of manufactured homes on such premises.
- 3-137 Manufactured Home Space. A plot of ground within a manufactured home park designed to accommodate a single manufactured home.
- 3-138 Marquee, marquee sign. Any permanent roof-like structure projecting beyond a building or extending along the projecting wall of the building, generally designed and constructed to provide protection from the weather. Any sign attached to a marquee, in any manner, or made a part of a marquee shall be considered a part of the marquee sign.
- 3-139 Motel. See Hotel.
- 3-140 Moving sign. A sign which revolves, rotates, swings, undulates or otherwise attracts attention through the structural movement of parts.
- 3-141 Mural. A painting or enlarged photograph that is applied directly on to a wall. (Adopted 12/20/05; Ordinance 05-18)
- 3-142 Natural Vegetation. Natural vegetation shall connote a generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses and trees.
- 3-143 Natural Vegetation Area. The areas within the boundaries of a given lot which is devoted to natural vegetation.
- 3-144 Nonconforming Sign. Any lawfully erected sign which on the effective date of the Sign Ordinance fails to comply with requirements, of the Sign Ordinance.

- 3-145 Nonconforming Use. A legally existing lot, building or structure which fails to comply with the provisions of this Ordinance as of the effective date of this Ordinance or as the result of subsequent amendments.
- 3-146 Nonresidential Zoning Districts. The following are considered nonresidential zoning districts within this ordinance: O-I, NC, GC, RSC, M-1 and M-2. (Adopted 12/20/05; Ordinance 05-18)
- 3-147 Nude Modeling Studio. Any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude modeling studios shall not include a proprietary school licensed by the State of Georgia, or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in such junior college, or university supported entirely or partly by taxation; or in a structure:
- A. That has no visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
  - B. Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
  - C. Where no more than one (1) nude or semi-nude model is on the premises at any one time.
- 3-148 Nudity or State of Nudity. The showing of the human male or female genitals, attached pubic area, vulva, anus, cleft of the anal cavity or anal cleavage with less than fully opaque covering, the showing of the female breast with less than opaque covering or any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.
- 3-149 Nursing Home. A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home; it otherwise complies with these rules and regulations. (Added 3/21/06; Ordinance 06-05)
- 3-150 Out-of-store Marketing Device. An out-of-store marketing device is any facility which is outside of a primary building on a site zoned for commercial uses. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, newspaper racks, drink machines, ice boxes and phone booths.
- 3-151 Outside or Outdoor Storage. The continuous keeping or storage of any finished or unfinished goods, materials, merchandise or equipment outside of a building for more than 24 hours. (Ordinance 2022-03; 12/08/22)

- 3-152 Overlay Zone. A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.
- 3-153 Overstory trees. Trees composing the upper layer, or canopy of vegetation and will generally reach a mature height of greater than forty (40) feet.
- 3-154 Owner. Any person owning, leasing, renting, occupying or managing any premises within the jurisdiction of the City. (Amended 8/22/23; Ord. No. 2023-02)
- 3-155 Parcel. Any plot, lot or acreage shown as a unit on the latest county tax assessment records. (Ordinance 2022-03; 12/08/22)
- 3-156 Parking Lot. An area or plot of ground used for the temporary storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.
- 3-157 Parking Space. An area for off-street automobile motor vehicle parking.
- 3-158 Pennant, streamer. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.
- 3-159 Permanent sign. Any sign which, when installed, is intended for permanent use. (Adopted 12/20/05; Ordinance 05-18)
- 3-160 Person. Any individual association, company, corporation, firm, organization or partnership, singular or plural, of any kind.
- 3-161 Personal Care Home. Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. (Amended 3/21/06; Ordinance 06-05)
- 3-162 Pet store or pet supply store. A retail sales establishment primarily involved in the sale of pet supplies or the sale or adoption of domestic animals, excluding exotic animals and farm animals. (Adopted May 21, 2024)
- 3-163 Pharmacy. A shop or store specializing in the selling of prescription medicines and also offering for sale other medicines and medical supplies. (Adopted May 21, 2024)
- 3-164 Plat. A map indicating the subdivision or resubdivision of lands, intended to be filed for record. (Ordinance 2022-03; 12/08/22)
- 3-165 Planning Commission. The Union City Planning and Zoning Commission. (Ordinance 2023-01; 05/16/23)

- 3-166 Playground. Any outdoor area containing equipment designed for recreational use by children. (Adopted May 21, 2024)
- 3-167 Portable sign. Any sign which is designed to be transported, either by trailer or on its own wheels. (Amended 12/20/05; Ordinance 05-18)
- 3-168 Preliminary Plat. The preliminary drawing or drawings, described in the Subdivision Regulations of the City of Union City, indicating the proposed manner or layout of the subdivision or addition to be submitted to the City for approval as specified in said Subdivision Regulations. (Ordinance 2022-03; 12/08/22)
- 3-169 Processing. In manufacturing activities, the changing of materials to a different condition for either use or sale by the industry.
- 3-170 Property Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the subdivision or addition, or any representative or agent thereof, who has express written authority to act on behalf of such owner. The term includes developer. (Ordinance 2022-03; 12/08/22).
- 3-171 Protected tree. Any significant tree located on any lot within the protected area.
- 3-172 Protection Area. All land which falls outside the buildable area of a parcel, all areas of the parcel required to remain open space, the dripline area beneath a tree or clusters of trees to be retained, and/or all areas required as landscaping strips or buffers according to the provisions of the Union City Zoning Regulations, or conditions of zoning approval.
- 3-173 Pruning. The act to trim damaged, diseased, or dead branches or limbs or otherwise cut branches or limbs in a way that improves its health, productivity, or appearance, but does not harm the tree or unnecessarily reduce the overall size of the tree so as to retain or enhance the symmetrical appearance or natural shape of the tree or shrub.
- 3-174 Public Trees. Trees, shrubs, bushes and all other woody vegetation on property owned, leased, or controlled by the City, to which the public has free access.
- 3-175 Public Water Facilities. Mains and service lines, fire hydrants, valves, etc., and appurtenances owned and operated by Union City, or, when approved by the Mayor and Council, a private water system operating under the direct supervision of the Department of Natural Resources.
- 3-176 Recycling Facility. A facility engaged in the collection, separation, storage and processing (baling, compacting, grinding or shredding) of household and office type recyclable materials only (aluminum and tin cans, cardboard, glass containers, magazines, newspaper, paper, plastic containers and telephone books) to facilitate the shipment of such materials to and industrial end users.

- 3-177 Regional Shopping Center. A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property. Such shopping center is designed to serve a minimum surrounding population of 100,000 persons, occupy a minimum site area of 30 acres, contain one or more large major department stores and have minimum gross floor area of 500,000 square feet.
- 3-178 Residential Property. Any benefited property containing not more than one single family home, duplex, triplex, quadplex, condominium or manufactured home. (Amended 8/22/23; Ord. No. 2023-02)
- 3-179 Residential Zoning Districts. The following are considered residential zoning districts within this ordinance: R-1, R-2, R-3, R-4, R-6, RMD-1, RM and MHP. (Adopted 12/20/05; Ordinance 05-18)
- 3-180 Retail Store. An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (Ordinance 2022-03; 12/08/22)
- 3-181 Retaining Wall. A non-building, structural wall supporting soil loads and live and dead surcharge of loads to the soil, such as additional soil, structures and vehicles. (Ordinance 2022-03; 12/08/22)
- 3-182 Right-of-way.
- A. A parcel of land occupied or intended to be occupied by a street or alley or other transportation infrastructure.
  - B. A right-of-way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
  - C. The use of right-of-way shall also include parkways and medians outside of pavement. (Ordinance 2022-03; 12/08/22)
- 3-183 Roof Sign. A sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- 3-184 Sanitary landfill. An area of land utilized for sanitary disposal by filling with solid waste refuse and garbage, then covering with layers of earth.
- 3-185 Sanitary Sewer System. A system that provides for collection of sanitary sewage via a pipe network, transportation to a common collecting point for treatment to required Department of Natural Resources criteria prior to release.
- 3-186 Self-service Storage. A building(s) containing separate, individual self-service units for rent or lease for personal or business use designed to allow private access by the tenant for storing or removing personal property. The conduct of sales, business, or

any activity other than storage shall not occur within any individual storage unit. May include accessory sales of boxes, tape and other packing-related materials. Does not include truck rental. (Ordinance 2022-03; 12/08/22)

- 3-187 Semi-nude or in a Semi-nude Condition. The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.
- 3-188 Setback. The area designated by this Ordinance in which a structure may not be erected, as measured from the property boundaries of the lot or from the buffer line if a buffer is required. The distance between the building and any lot line or from the buffer line if a buffer is required.
- 3-189 Sexual Encounter Center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- 3-190 Sexually Oriented Business. An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio, sexual encounter center or massage parlor.
- 3-191 Shopping Center. Two (2) or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.
- 3-192 Shrub. A woody plant or bush of relatively low height (2-6 feet) distinguished from a tree by having several stems rather than a single trunk.
- 3-193 Sidewalk, or A-frame sign. A sign which is normally in the shape of an “A” or some variation thereof and which is usually two-sided. (Amended 12/20/05; Ordinance 05-18)
- 3-194 Sign. Any device, fixture, placard or structure affixed to or supported by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. (Amended 12/20/05; Ordinance 05-18)
- 3-195 Sign Permit. A sign permit reviewed, approved and issued by the Zoning Administrator.

- 3-196 Significant Tree. Any existing, healthy, living tree twelve (12) inches DBH or greater in size.
- 3-197 Site Plan. A plan of a specific parcel of land, prepared to scale, showing accurately all buildings, existing or proposed, in relation to the parcel of land, and containing proposed floor area and coverage area for each structure and all impervious surface areas, to be used in determining compliance with the requirements, along with other essential site elements such as parking facilities necessary to comply with the minimum requirements for the proposed use, locations of all buildings and structures, means of access, and areas to be landscaped, together with any other requirements of the zoning ordinance. (Ordinance 2022-03; 12/08/22)
- 3-198 Sketch Plan. A sketch preparatory to the preliminary or final plan, to enable the property owner to save time and expense in obtaining city staff review and comment as to the form of the plat and the objectives of these regulations. (Ordinance 2022-03; 12/08/22)
- 3-199 Smoking Lounge. An establishment which sells tobacco and/or promotes the smoking of tobacco products on its premises. The term “smoking lounge” includes, but is not limited to, cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars. (Amended 8/22/23; Ord. No. 2023-02)
- 3-200 Soil erosion and Sediment Control Permit. A permit which authorizes to begin construction of soil erosion and sediment control measures and structures prior to beginning major clearing and grading while taking the adequate steps to limit the soil erosion, control the movement of sediment from the site and follow the best management practices as required by the City of Union City Ordinances.
- 3-201 Specified Anatomical Area. Means:
- A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
  - B. Less than completely and opaquely covered human genitals, attached pubic hair, hair, buttocks or a female breast below a point immediately above the top of the areola.
- 3-202 Specified Sexual Activity. Means any one of the following:
- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
  - B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
  - C. Excretory functions as a part or in connection with any of the activities set forth in A or B above.

- 3-203 Specimen Tree or Stand. Any tree or grouping of trees which has been determined to be of high value because of its species, size, age or location. General criteria for the determination of specimen trees or stands are as follows:
- A. Any deciduous canopy tree whose DBH equals or exceeds 30 inches.
  - B. Any evergreen canopy tree whose DBH equals or exceeds 24 inches.
  - C. Any understory tree whose DBH equals or exceeds 10 inches.
  - D. Any tree which has a significant historical value and can be documented through historical records or otherwise.
- 3-204 Storefront. The part of the building that fills the structural bay on the front façade at ground level. (Ordinance 2022-03; 12/08/22)
- 3-205 Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between such floor and the next ceiling above. Attic or daylight basement spaces construed as one-half (1/2) story. A fully underground basement is not a story.
- 3-206 Street. A roadway for vehicular traffic which may or may not be publicly owned.
- 3-207 Street, private. A roadway for vehicular traffic that is privately owned and used in accordance with the wishes of the owner.
- 3-208 Street, public. A roadway for vehicular traffic that is used for travel by the general public, whether or not is owned by a public agency.
- 3-209 Street tree. Any tree or shrub land located within the right-of-way along either side of streets or thoroughfares within the City.
- 3-210 Structure. Anything constructed or erected which requires a fixed location on, above, or below the surface of land or water, or which is attached to something having a fixed location above, or below the surface of land or water. By way of example and not limitation, structure includes buildings, manufactured homes, industrialized buildings, signs, swimming pools and fallout shelters, but does not include walls or fences.
- 3-211 Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts or parcels, or other divisions of land for sale, development or lease.
- 3-212 Suspended Sign. Any sign which is suspended from the eave or soffit of the building. (Amended 12/20/05; Ordinance 05-18)
- 3-213 Temporary Sign. Any sign that is used temporarily and is not permanently mounted.

- 3-214 Temporary Structure. A structure without any foundation or footings and that is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.
- 3-215 Thoroughfare, arterial. A street intended to carry traffic into an out of a city.
- 3-216 Thoroughfare, collector. A street intended to carry traffic between minor and major thoroughfares and arterial thoroughfares.
- 3-217 Thoroughfare, major. A street classified as either an arterials or collectors.
- 3-218 Thoroughfare, minor. A street designed to carry primarily local or neighborhood traffic.
- 3-219 Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.
- 3-220 Tower, height. The distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- 3-221 Trailer (office type). A vehicle designed for towing, not intended for use as a dwelling, temporary or permanent, and restricted to such uses as a temporary construction office, sales office and/or storage facility, temporary operations office pending construction of a permanent facility and the like.
- 3-222 Trailer (camping type). A vehicular, portable structure designed as a temporary dwelling for travel, recreation and vacation uses, which is identified on the unit by the manufacturer as a "camper" or "travel trailer", is not more than eight (8) feet in body width, is less than 4,500 pounds in gross weight, and does not exceed 28 feet in length.
- 3-223 Tree. Any self-supporting, woody perennial plant usually having a single trunk with a caliper size of not less than one (1) inch, and normally expected to attain a height of at least fifteen (15) feet.
- 3-224 Tree Protection Plan (TPP). A detailed plan designed to protect and preserve trees before, during and after construction, meeting the requirements set forth in the Tree Protection and Landscape Enhancement Ordinance.
- 3-225 Tree Topping. The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
- 3-226 Understory Tree. A tree or woody plant which is of lesser height and spread than surrounding evergreens or deciduous trees, but which still provides shade and a

degree of protection to the earth and vegetation beneath it. Examples include dogwood, cherry, red bud, sassafras, crabapple, pear, serviceberry, and American holly. (Amended 8/22/23; Ord. No. 2023-02)

- 3-227 Uses, conditional. Those uses that are allowed in a particular zoning district, but only under certain specified conditions.
- 3-228 Uses, permitted. Those uses that are allowed in a particular zoning district as a matter of right.
- 3-229 Urgent care. A facility designed for the delivery of medical care outside of a hospital emergency department, often on an unscheduled, walk-in basis. (Adopted May 21, 2024)
- 3-230 Uses, principal. The main purpose for which a lot is intended and for which it may be used.
- 3-231 Vape Shop or other Tobacco Store. Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, or tobacco as an ancillary sale shall not be defined as a “vape shop or other tobacco store.” (Amended 8/22/23; Ord. No. 2023-02)
- 3-232 Variance. A modification of the terms of this Ordinance granted by the Union City Planning and Zoning Commission in accordance with criteria set forth herein. (Ordinance No. 2023-01; 05/16/23)
- 3-233 Vehicle, abandoned. A vehicle which is wrecked, dismantled, partially dismantled, discarded, is in an unhealthy condition, does not bear a current license plate with an appropriate decal affixed thereto or is incapable of being moved under its own power, unless said vehicle is stored within a completely enclosed building.
- 3-234 Vehicle/boat Sales. A business establishment primarily involved in the sale of automobiles, trucks, farm equipment, heavy construction equipment, motorcycles, boats, recreational vehicles or trailers, or other vehicles, excluding mobile homes.
- 3-235 Wall sign. Any sign attached parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. No wall sign shall extend more than six (6) inches from any wall, building or structure.
- 3-236 Warehouse. A building in which at least 75% of the gross floor area is devoted to retention of goods, merchandise, supplies or other materials produced on site or received in shipment for ultimate sale or shipment elsewhere.

- 3-237 Window Sign. Any sign, picture, symbol or combination thereof, that is placed inside a window or upon the windowpanes or glass either inside or outside the building and is visible from the exterior of the structure. (Amended 12/20/05; Ordinance 05-18)
- 3-238 Yard. A required open space on a lot that is left unoccupied with structures and facilities except as permitted in this Ordinance.
- 3-239 Yard, front. An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot. In the case of corners, all sides of the building facing the street are considered the front.
- 3-240 Yard, rear. An open space not including parking on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.
- 3-241 Yard, side. An open, unoccupied space on the same lot with a principal building or use, located between the building or use, and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.
- 3-242 Zone Lot. A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for lot area, coverage and use, and that can provide such yards and other open spaces as required by the zoning ordinance.
- 3-243 Zoning Administrator. The person designated by the Mayor and Council to administer the enforcement of this Ordinance.
- 3-244 Zoning Ordinance. The Zoning Ordinance of the City of Union City, Georgia. (Ordinance 2022-03, 12/08/22)

ARTICLE IV

---

ESTABLISHMENT OF DISTRICTS

4-1 Zones. For the purpose of this Ordinance, the incorporated areas of Union City are divided into the following districts:

R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Single-Family Residential District
R-4	Single-Family Residential District
R-6	Single-Family Residential District
RMD-1	Residential Medium Density District
RM	Residential Multifamily District
MHP	Manufactured Home Park/Modular Home Park District
O & I	Office and Institutional District
NC	Neighborhood Commercial District
GC	General Commercial District
RSC	Regional Shopping Center District
M-1	Light Industrial District
M-2	Heavy Industrial District
TCMU	Town Center Mixed Use
TCMF	Town Center Multifamily

4-2 Maps. The boundaries of each Zoning District shall be shown on a set of maps entitled “Official Zoning Maps – City of Union City, Georgia.” Each map shall be dated and the set of maps shall be certified on the cover sheet by the Mayor and the City Clerk, Union City, Georgia. Said maps or compilation thereof and all explanatory matter thereon are hereby made a part of this Ordinance. The Zoning Administrator shall retain said maps and all amendments thereto.

- 4-3 Amendments. If, in accordance with the provisions of this Ordinance, amendments are made to the aforementioned maps, the Zoning Administrator shall record such amendment on the appropriate map and indicate thereon the effective date of the amendment.
- 4-4 Boundary Rule. Where uncertainty exists, and only in such event, with respect to the boundaries of any Zoning District in Union City, Georgia the following rules shall apply unless otherwise specifically indicated.
- A. Where District boundaries are indicated on the Zoning Map as approximately following the center lines of a street, road, highway, railroad right-of-way line, stream bed, river bed, corporate city limits line, militia district line or land lot line, then such lines shall be construed to be in the Zoning District boundary lines.
  - B. Where District boundaries are indicated on the Zoning Map as being set back from a street, road, highway, railroad, stream or river and parallel thereto, then such boundaries shall be construed as being at the scaled distance from the centerline of same and parallel thereto.
  - C. Where a District boundary line divides a lot in single ownership at the time of enactment of this Ordinance, the district requirements for the greater area of the lot may be applied to the whole thereof, if the owner so desires, provided that such extension shall not include any part of such lot more than fifty (50) feet beyond the District boundary line.
  - D. Where uncertainty does not exist, these rules shall not be applicable.
- 4-5 Reserved. (Ordinance No. 15 - \_\_\_; 9/21/15)

## ARTICLE V

---

### GENERAL PROVISIONS

- 5-1 Use. No building structure or land shall be used or occupied in a manner inconsistent with the requirements herein. No building structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered in a manner inconsistent with the requirements herein.
- 5-2 Principal Structure or Use. In all residential zoning districts no more than one principal structure or use shall be located on a lot except as otherwise provided herein.
- 5-3 Use on a Lot. No building or structure shall be erected nor shall any other use be established unless upon a lot as defined by this Ordinance.
- 5-4 Height and Density. No building or other structure shall hereafter be erected or altered so as to:
- A. Exceed the height limit; or
  - B. Accommodate or house a greater number of families per lot than allowed or occupy a smaller lot area per family than as required herein.
- 5-5 Reduction of Lot Area. No lot shall be reduced in size so that the lot width or depth, size of yards, lot area per family or any other requirement of the Ordinance is not maintained. This restriction shall not apply when a portion of a lot is acquired for a public purpose.
- 5-6 Yard Service to One Building. No part of a yard, or other open space, of off-street parking or loading space required about, or in connection with, any building, structure or use shall be included as part of a required yard, open space, or off-street parking or loading space similarly required for any other building, structure, or use except as provided herein.
- 5-7 Open Space Not to be Encroached Upon. No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces and such other regulations required by this Ordinance for the District in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs and planed buffer strips shall not be construed to be encroachments of yards. Open space areas as required by the Ordinance shall be permanently maintained as open space and appropriately landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials. These areas may not be used for vehicular access, parking or similar uses except as otherwise provided herein.
- 5-8 Encroachment on Public Rights-of-way. No building, structure, service area or required off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.

- 5-9 Single-Family Dwelling. Single-family dwellings are permitted uses in all residential zoning districts.
- 5-10 Accessory Uses and Structures. Construction of an accessory structure shall only occur concurrently with or after the construction of the principal structure.
- A. Structure limitations. Accessory structures shall not be used as dwelling units or for lodging purposes except as otherwise provided herein.
- B. Incidental uses. The following accessory uses and structures and similar uses and structures which are customarily incidental to a residential use are permitted in all residential Zoning Districts:
1. Energy-saving devices;
  2. Wells;
  3. Pump or wellhouses;
  4. Greenhouse, private;
  5. Swimming pool, private;
  6. Detached garages;
  7. Recreational court, private; and
  8. Gazebo.
- C. Location on Lot. Accessory uses and structures shall conform to the dimensional requirements within each Zoning District except that no structure shall be located between the front property line and a residential structure except the following: a well, pumphouse or well house less than 70 square feet; a detached garage less than 900 hundred square feet when connected by a breezeway and located within 35 feet of the principal dwelling. On a corner lot, the area between the street adjoining the side or rear property line and the residential structure shall be treated as a front yard with regard to the location of accessory uses and structures. On a through lot, the area between the street from which the lot is accessed and the residential structure shall be treated as a front yard with regard to the location of accessory uses and structures.
- D. Number. No more than two (2) accessory uses or structures shall be allowed per principal use. Wells, pumphouses, well houses of less than 35 square feet, swimming pools and accessories incidental to commercial and industrial uses shall not be included in determining the number of accessories.
- E. Size. No accessory structure, except combination guest house/garage or guesthouse/cabana, shall exceed 900 square feet of floor area. At least 50% of the proposed accessory structure shall be enclosed except otherwise provided herein.

5-11 Guest houses.

- A. Number. Guest houses are accessory structures which are allowed in the residential zoning districts. Only one (1) guesthouse is allowed per parcel lot. Any living area included in a detached garage or swimming pool cabana is a guest house.
- B. Size. A freestanding guest house shall not exceed 700 square feet of heated and finished floor area. When a guest house is combined with a detached garage or cabana, said total structure shall not exceed 1,200 square feet with a maximum of 700 square feet of heated and finished living space contained in the guest house portion of said structure.
- C. Use prohibited. A guest house which is inhabited by a person or persons based upon an oral or written lease for value is prohibited. In the event an accessory structure which satisfies requirements of this section is inhabited by a person or persons based upon an oral or written lease, the accessory structure, for purposes of this Ordinance, shall be construed to be a principal structure. No more than one principal structure shall occupy any residentially zoned lot or parcel.

5-12 Street Frontage.

- A. All residential or non-residential lots must have frontage on a street and/or a cul-de-sac that is either:
  - 1. Deeded to the City through a warranty deed or final plat; or
  - 2. County or State maintained; or
  - 3. Deeded to a Homeowner's Association through a recorded warranty deed which the owner of any lot within the subdivision is required to join.
- B. All residential lots are required to have at least 50 feet of immediate street frontage on a street described in subsection (A) above unless:
  - 1. The lot is "Landlocked property" as provided in Section 5-13; or
  - 2. The lot is one of four (4) or less lots located on the turn around portion of a cul-de-sac. Each lot which fully abuts the turn-around portion of the cul-de-sac must have a minimum of 35 feet of street frontage.
- C. All commercial or industrial lots are required to have at least 100 feet of frontage on a street described in subsection (A) above unless:
  - 1. The lot is "Landlocked property" as provided in Section 5-13; or
  - 2. The lot is one of four (4) or less lots located on the turn around portion of a cul-de-sac. Each lot which fully abuts the turn-around portion of the cul-de-sac must have a minimum of 50 feet of street frontage.

5-13 Landlocked Property. In the event property is a landlocked lot, as of the effective date of this Ordinance, the property owner shall be entitled to one (1) building permit provided:

- A. No other principal building exists or is being constructed on said property;
- B. No other valid building permit has been issued prior to the effective date of this Ordinance and is currently valid;
- C. The property was and continues to be under single ownership since the effective date of this Ordinance;
- D. The property owner has acquired a 20-foot easement to a Citymaintainedstreet, and said easement has been duly recorded and made a part of the property deed; and
- E. In the event said property is divided into two (2) or more tracts, no further building permits shall be issued until such time as there exists a street meeting all of the requirements as specified in the Union City Subdivision Regulations.

5-14 Obstruction of Vision. No fence, wall, structure, shrubbery or other obstruction to vision between the height of three (3) feet and 15 feet, except utility poles, lights or street signs, shall be permitted within 20 feet of the intersection off the right-of-way lines of streets, roads, highways, railroads or any combination thereof; provided, however, that signs, lights or similar objects which are totally located at least 12 feet above the finished grade shall be permitted in accordance with Article XI of this Ordinance.

5-15 Uses Prohibited. If either a use or class of use is not specifically indicated as being permitted in a zoning district, either as a matter of right or as a conditional use, then such use, class of use, or structures for such uses, shall be prohibited in such zoning district.

5-16 Height Limitations of Walls and Fences.

A. Residential. The following requirements shall apply to all walls and fences in residential zoning districts:

- 1. In any residential zoning district, no wall or fence shall exceed four (4) feet in height within or along a boundary of a front yard. No wall or fence shall exceed eight (8) feet in height.
- 2. No wall or fence shall be constructed in a public right-of-way. Any entrance must be at least 14 feet apart at the driveway to allow for passage of emergency vehicles.
- 3. Columns and/or ornaments affixed to walls or fences may exceed the height requirements described above by no more than 3 inches.

B. Commercial. The following requirements shall apply to all walls or fences in commercial (NC, GC, RSC) and institutional (O&I) zoning districts:

- 1. No fence shall exceed eight (8) feet in height.
- 2. No fence shall be constructed of wire, chain link, or metal.
- 3. No wall or fence shall exceed four (4) feet in height within or along a boundary of a front yard.

- C. Industrial. The following requirements shall apply to all walls or fences in industrial (M-1, M-2) zoning districts:
1. No fence shall exceed ten (10) feet in height.
  2. No fence composed of metal or chain link shall be permitted in a front yard unless all exposed metal parts are vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural landscape.
  3. No wall or fence shall exceed six (6) feet in height within or along a boundary of a front yard. (Adopted May, 21, 2024)
- 5-17 Screening Required. Any outside service area, storage area or outside equipment area shall be screened from view in accordance with Section 5-18.
- 5-18 Screening Standards. Walls and fences or combinations thereof shall achieve a 100 % screen prior to the issuance of a Certificate of Occupancy. Walls and fences required for screening purposes shall be limited to wood, brick, stone, concrete or concrete block (with architectural treatment), or any such wall or fence combined with vegetative screening materials which shall be compatible with or enhance the appearance of adjoining properties. Chain link fences with wooden or plastic inserts may be utilized to establish a screen in the M-1 and M-2 Zoning Districts.
- 5-19 Reserved. [Section 5-19 deleted by Mayor and Council on December 15, 2020.]
- 5-20 Side and Rear Yards Not Required Next to Railroad. Within in any non-residential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.
- 5-21 Nonconforming Lots of Record. Any unimproved nonconforming lot of record existing prior to the adoption of this Ordinance which has an area or a width which is less than required by this Ordinance may be used as a building site for a principal structure permitted in that zoning district. All other structures and uses must conform to the applicable regulations contained herein.
- 5-22 Structures Permitted Above the Height Limit. The height limits of these regulations shall not apply to a church spire, belfry, cupola, dome or ornamental tower not intended for human occupancy, monument, water tower, observation tower, transmission tower, chimney, smoke stack, conveyor, flag pole, radio or television tower, mast or aerial, parapet wall not extending more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances.
- 5-23 Permitted Encroachments of Yards and Setbacks. Architectural features such as cornices, eaves, steps, gutter and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways which are or may be used for access for service and/or emergency vehicles; provided, however, that in the case of automobile service stations, motels and similar uses which serve the motoring public, canopies shall be allowed over a driveway or walkway within the front

yard not to extend from the principal building to a point any closer than 15 feet from the street right-of-way.

- 5-24 Lots with Well and/or Private Sewage System. Any lot upon which both an individual well and septic tank or private sewage system are to be provided shall be governed by Title 88 of the Georgia Code Annotated, entitled “Public Health”, and shall be further governed by the Georgia Department of Human Resources Rules and Regulations for Individual Sewage Disposal Systems and further by rules and regulations of Union City as amended from time to time. Lots using both well and septic tank systems shall not be less than one (1) acre in size and shall have 125-foot frontage. Lots using only private septic tank system shall not be less than 25,000 square feet and have 125-foot front footage.
- 5-25 Operations of Sanitary Landfills. Private landfills shall be certified and monitored by the Georgia Department of Natural Resources. Permits for the hauling of garbage shall be obtained from the Mayor and Council of Union City. Prior to approval of zoning for a landfill, the Mayor and Council shall be provided sufficient data acceptable to the Department of Natural Resources, indicating that soil types, ground water levels, etc., are conducive to landfilling operations. A site plan covering the entire tract under consideration showing access, buffer or screening areas, existing streams and non-usable lands, adjacent property owners, etc., shall be submitted for review. A 500-foot buffer shall be provided around the periphery of the tract. If restriction of movement of trash and debris is necessary, a fence at least six (6) feet in height shall be provided around the periphery.
- 5-26 Requirements for Moving a Building. No dwelling unit or other permanent structure shall be relocated in the City unless, when relocated, it meets all requirements of this Ordinance and other City code requirements and prior to the transportation of the structure the relocation must be approved by the Zoning Administrator.
- 5-27 Buildings under Construction. Nothing in the Ordinance shall require any change in the construction or intended use of a building which is legally under construction or for which a building permit has been issued as of the effective date of this Ordinance and the construction of which shall be diligently pursued until completion.
- 5-28 Development Projects under Construction. Nothing in this Ordinance shall require any change in the development or proposed use of properties which are legally under development or for which a development plan or preliminary plat has been approved as of the effective date of this Ordinance and the development of which shall be commenced within one (1) year from said date.
- 5-29 Buffer Area. Buffer areas required by this Ordinance shall be established and maintained by the property owner under the following provisions:
- A. Be maintained as a planted area, using existing vegetation or, when required, additional plantings as provided herein;
  - B. Be landscaped with trees, shrubs, flowers, grass, stone, rocks and other landscaping materials;

- C. Not be used for parking or the location of a structure, other than a fence or drainage improvements required by the City. However, the area may be used for vehicular access and utility easements, but only if these uses are provided approximately perpendicular to the greater distance of the buffer area, and for drainage improvements required by the City based upon competent engineering studies which show these improvements to be necessary;
  - D. Except as provided above, the natural topography of the land shall be preserved and natural growth shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin natural growth where too dense for normal growth or to remove diseased, misshapen or dangerous and decayed timber. However, a slope easement may be cleared and graded where required to prevent soil erosion and upon approval by the City Engineer. This easement may cover no more than 20% of the required buffer area, and shall be immediately replanted upon completion of easement improvements.
  - E. Where the conditions described in the preceding paragraph cannot be met because of the topography of the land, the Zoning Administrator may require, in lieu thereof, screening, as provided in this Article;
  - F. Any grading improvements or construction adjacent to the buffer area, by the property owner, shall be conducted far enough from the buffer area so as not to disturb or encroach upon the buffer area; and
  - G. Be designated on each plat submitted for approval and recorded as a permanent easement.
- 5-30 Repair Garage. In the operation of all repair garages, all bodywork and painting shall be conducted within fully enclosed buildings. No open storage of junk, wrecked vehicles, dismantled parts or supplies shall be visible beyond the premises.
- 5-31 Office Trailer. The temporary use of an office trailer to assist in on-site construction shall require a permit be issued by the Zoning Administrator prior to locating a trailer on a site. Said permit shall require a fee as established by the Mayor and Council of Union City and shall specify the precise location of the trailer. Said permit shall be issued for a six (6) month period. Renewals of additional six (6) month periods are available so long as the applicant possesses a current building permit for property within the development. The trailer shall be identified by a sign denoting the name of the business for which it is being used. The Zoning Administrator may issue the permit with conditions as imposed by him to insure said office trailer does not unduly harm the surrounding environment.
- 5-32 Outside Storage. Outside storage of merchandise, whether a principal use or an accessory use, shall be allowed only within GC, M-1 and M-2 Zoning Districts. This provision shall not apply to the sale of mobile homes, automobiles or other merchandise where it would be unreasonable to require indoor storage. Outdoor storage in the GC Zoning District is restricted to storage of merchandise or materials used in conjunction with operation of the business in an area equal to or less than five (5%) percent of the gross floor space for the particular place of business.
- 5-33 Outside Storage Exempt from Screening. Outside storage of motor vehicles for lease or sale shall be exempt from the screening requirements of this Ordinance, subject to the minimum landscape and buffer requirements. Merchandise which is moved inside on a

daily basis shall be exempt from the screening requirements; however, such display must comply with all minimum landscape and buffer requirements.

5-34 Nonconforming Uses. Except as herein specified, the lawful use of any building or land existing at the time of the enactment of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance.

- A. Unsafe structures. Any nonconforming structure declared unsafe by the building inspector may be restored to a safe condition.
- B. Alteration. A nonconforming building may not be structurally altered during its life to an extent exceeding twice the amount of the assessed valuation of the building unless said building is changed to a conforming use.
- C. Extension. A nonconforming use shall not be expanded in area, except as provided in 13-5.D and 13-5.E.
- D. Reconstruction of nonconforming structures. When a nonconforming structure or a structure containing a nonconforming use is razed or damaged by fire, flood, wind or act of God, such structure may be reconstructed only if the cost of reconstruction totals less than 60% of the replacement value of the structure. The “value of the structure” shall not include the value of any accessory building, well, septic tank or utility in determining the extent of damage. Structures which do not conform to the yard requirements of this Ordinance shall be governed by this provision.
- E. Abandonment. Whenever a nonconforming use has been discontinued for a period of six (6) months, such use shall not hereafter be re-established, and any future use shall be in conformity with the provisions of this Ordinance.
- F. Change to another nonconforming use. No nonconforming use may be changed to another nonconforming use.

5-35 Parking of Business Vehicles. In any residential, multi-family district, office-institutional or neighborhood commercial district, no prohibited business vehicle or no school bus used for transporting students to either public or private schools shall be allowed to park on parcels so zoned or on streets abutting such parcels except during daylight hours and only for the purpose of making deliveries, making pickups and providing services. For purposes of this Zoning Ordinance, a prohibited business vehicle is defined as a vehicle with a gross vehicleweight rating (GVWR) in excess of 26,000 pounds, or a vehicle with more than two (2) axles, or a vehicle designed to transport at least 15 passengers (including the driver). Business vehicles with a GVWR of less than 26,000 pounds, or less than three (3) axles, or those designed to carry less than 15 passengers (including the driver) shall not be parked on streets abutting such parcels. This provision shall not be construed as restricting in any way the normal business vehicle activity associated with development and construction. (Amended 5/15/12; Ordinance 2012-08)

5-36 Access to Major Thoroughfares. Lots having driveway access to arterial and collector streets shall be provided with a convenient vehicle turn-around which shall be of adequate design to permit vehicles to enter such arterial or collector streets in a forward manner.

5-37 Site Plan Requirement. All proposed non-residential development shall be depicted on a Site Plan consistent with the requirements listed in the Development Regulations.

5-38 Administrative Variance. The Zoning Administrator shall have the power to grant an administrative variance from the provisions of this Ordinance, where, in his or her opinion, the intent of the Ordinance can be achieved and equal performance obtained by granting an administrative variance. A fee of \$25 per standard varied shall be charged. The authority to grant such administrative variances shall be limited, except as provided in other Articles of this Ordinance, to vary from the following requirements:

A. Front yard or yard adjacent to public street – variance not to exceed 20%

B. Side yard – variance not to exceed 20%

C. Rear yard – variance not to exceed 20%

The Zoning Administrator's administrative variance powers do not specifically apply to structures that precede the Ordinance and do not conform to the Ordinance as written. The Zoning Administrator shall not have the authority to grant any additional administrative variance after a variance has been approved by the Planning Commission. (Ordinance No. 2023-01; 05/16/23)

5-39 Garage Requirement. As set forth in Article X; all one and two family dwellings and townhouse dwellings 1,000 square feet and over shall have a two-car garage with additional off-street parking for two cars. (Adopted 3/20/07; Ordinance 07-7)

5-40 Exterior Residential Building Materials. Residential building design and materials may be of the builder's choosing; however, a minimum of 100% of the exterior siding materials for the façade that faces the public or private street of all residential dwellings shall be constructed of brick or stone. The remaining sides of residential dwellings shall be 100% brick, stone, stucco, cementitious siding or wood; vinyl and metal siding is prohibited. (Adopted 5/15/07; Ordinance 07-16)

5-40A Exterior Multifamily, Townhome, and Condominium Building Materials. Building design and materials may be of the builder's choosing; however, a minimum of 40% of the exterior materials for the façade that faces a public street shall be brick or stone and the remaining 60% shall be brick, stone, stucco, cementitious siding, glass, wood, or a combination thereof. The remaining sides of the buildings, including sides facing internal development streets, shall be 100% mixture of materials including brick, stone, stucco, cementitious siding, glass and/or wood. Vinyl and metal siding are prohibited.

5-41 Exterior Commercial Building Materials. Commercial building design and materials may be of the builder's choosing; however, a minimum of 80% of the exterior siding materials for the façade that faces the public or private street of all commercial buildings shall be constructed of brick or stone and the remaining 20% a combination of brick, stone, stucco or cementitious siding. The remaining sides of commercial buildings shall be 100% brick, stone, stucco or cementitious siding. (Adopted 10/16/07; Ordinance 07-22)

5-42 Donation boxes.

- A. As used in this section, the term “donation box” shall be defined as follows:
1. *Donation box* shall mean any unattended container, receptacle, or similar device used for soliciting and collecting donations of clothing and/or other salvageable personal property. This term does not include any unattended donation box located within a building which is permitted by right.
- B. In addition to accessory uses otherwise permitted in this ordinance, donation boxes may only be installed by obtaining a permit under the following conditions and requirements:
1. *Application.* Prior to delivery and/or installation of any donation box, an application shall be filed with the Department of Community Development identifying the size, color, and location of each donation box, as well as any signage proposed on the exterior, of the donation box. A permit shall be required for each donation box installed within the city limits.
  2. *Zoning.* Donation boxes shall only be permitted within the non-residential zoning districts, unless otherwise specified herein.
  3. *Approval of property owner.* As a part of the application process, a letter must be provided from the property owner indicating they are aware and approve the installation of a donation box on their property, including that they are aware of their responsibility to maintain the current operator contact information and, if necessary, maintain or remove the donation box if the operator does not follow the provisions of this section.
  4. *Fees.* Fees shall be as adopted by city council in the schedule of fees and kept on file in the city clerk’s office.
  5. *Size.* Donation boxes shall be limited to no more than 128 cubic feet (four feet wide x four feet deep x eight feet tall). The height of each donation box shall not exceed eight feet in height from finish grade to the highest point of the roof.
  6. *Color.* Donation boxes shall be painted or stained with a low reflectance and subtle, neutral or earth-tone color scheme. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used.
  7. *Number of boxes permitted.* No more than one donation box shall be permitted on each zoning lot, with a minimum lot size of four acres.
  8. *Location.* Donation boxes shall be installed on a paved surface but may not be located within a designated parking space, drive aisle, or loading area. Donation boxes shall not be located within any building setback or established buffer area. Donation boxes shall not be located in such a manner that they block sight lines on the subject tract as determined by the city engineer. To the extent feasible, donation

boxes shall be placed so as to be inconspicuous as viewed from the public right-of-way.

9. *Signage/contact information.* The total square footage for all signage on each donation box shall not exceed two square feet. No advertising shall be permitted on the donation box. An additional sign shall contain the following contact information: the name, address, email, and phone number of both the property owner/manager and operator, it too shall not exceed two square feet.
10. *Cleanliness of premises.* Donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti. All boxes shall be free of debris and shall be serviced regularly so as to prevent overflow of donations or the accumulation of junk, debris, or other material.
11. *Revocation of permit.* Any permit granted pursuant to the provisions of this section may be subject to revocation for cause by the City Manager (or his/her designee), including but not limited to, the failure to comply with this section or any other applicable provisions of the City's Code of Ordinances.
12. *Renewal of permit.* The term of the permit shall expire one year from the date of issuance. An operator may apply for permit renewal by submitting to the Department of Community Development before the expiration of the permit, a renewal application and associated fee.
  - a. No person to whom a permit has been issued shall transfer, assign, or convey such permit to another person.
  - b. Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the Department of Community Development in writing of the intent to cancel the permit. The permit shall become void upon the Department's receipt of a written notice of intent to cancel the permit.
  - c. Donation boxes shall be removed when the property becomes vacant or is foreclosed upon.
13. *Approval/denial of permit.* The City Manager (or his/her designee) shall approve a new or renewal permit application if he/she finds that no circumstances exist at the time the application is reviewed or existed at any time during which the previous permit was in effect that are inconsistent with any requirement in this section.
14. *Display of permit.* The operator of the donation box and the property owner shall be responsible for maintaining the permit for each donation box required by this section. The Department of Community Development shall inspect each donation box following its installation to ensure the donation box is installed in accordance with the approved permit. Once it is determined the donation box complies with said permit, a decal shall be affixed to the actual donation box or to the entrance door of the place of business indicating the donation box has been approved. The purpose of this decal shall be to notify city officers and employees that the donation box

complies with the provisions of this chapter and the approved donation box permit application. (Ordinance No. 2018-\_\_\_; 9/18/18)

- 5-43 Conditional Uses. As used in this Zoning Ordinance, the phrase “conditional use” shall describe a use that is available by right upon the satisfaction of enumerated conditions and only so long as the enumerated conditions continue to be satisfied. To the extent any “conditional use permit” is required by the terms of this Zoning Ordinance, the issuance of such “permit” shall be a non-discretionary, administrative action by the Zoning Administrator intended only to signify that the permit-holder has satisfied the relevant conditions associated with the conditional use at the time of the issuance of the permit. The issuance of such a “permit” shall not require any “quasi-judicial” decisions on the part of the Zoning Administrator, the Mayor and Council or any other official or board of the City. In addition, if at any time the holder of such a permit fails to continue to satisfy the enumerated conditions after the issuance of the permit, said permit shall become null and void. (Ordinance No. 2024-Z-06; 12/17/24)

---

DISTRICT USE REQUIREMENTS

6-1 R-1 Single-Family Residential.

A. Description of District. The R-1 single-family residential district is intended to provide suitable open areas for single-family, detached dwellings at low densities, with access to public water and sewerage.

B. Permitted Uses. Within the R-1 Zoning District, the following Permitted uses shall be allowed:

1. Single-family detached dwellings;
2. Accessory uses and structures;
3. Clubs and recreation uses when part of the overall residential development and for the exclusive use of residents;
4. Non-commercial agriculture;
5. Parks and playgrounds; and
6. Public buildings and utilities.

C. Conditional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on the compliance of all conditions required herein, the following Conditional Uses shall be allowed:

1. Child care learning centers, provided:
  - a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
  - b. The minimum size of the outdoor play area must be equal to 100 square feet times one third (1/3) of the center's licensed capacity for children and said outdoor play area must be located within a side or rear yard;
  - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
  - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet with a decorative wrought iron or aluminum fence; and (Amended 3/21/06, Ordinance 06-05)

- e. The exterior appearance of any structure that is residential in nature and which is used as a child care learning center shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)
2. Golf courses and driving ranges, provided:
    - a. Any building or structure established in connection with such use must be set back no less than 100 feet from any property line; and
    - b. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
  3. Guest house, provided:
    - a. The main dwelling is located on a lot containing at least one (1) acre;
    - b. No more than one (1) shall be permitted on a lot with another dwelling;
    - c. Said guest house shall not be used for rental purposes;
    - d. Said guest house shall be located in the rear yard; and
    - e. Said guesthouse shall be limited to 900 square feet.
  4. Home occupations provided that:
    - a. Only residents of the dwelling may be engaged in the home occupation;
    - b. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building;
    - c. No display of products shall be clearly visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed;
    - d. Use of the building for this purpose shall not exceed 25% of the principal building;
    - e. No internal or external alterations inconsistent with the residential use of the building shall be permitted;
    - f. The occupation shall not constitute a nuisance in the neighborhood;
    - g. No accessory buildings or outside storage shall be used in connection with the occupation except as otherwise provided in this ordinance;
    - h. Instruction of music and similar subjects shall be limited to two (2) students at a time;

- i. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the operation of a customary home occupation;
  - j. Only family day care homes as defined in this Ordinance are permitted as a customary home occupation. They shall have at least 35 square feet of usable indoor floor space provided for each child and the outdoor play area shall be enclosed on all sides to a height of at least four (4) feet by a fence; (Amended 3/21/06, Ordinance 06-05) and
  - k. The following and similar uses shall not be considered home occupations: Service station; ambulance service, rescue squad; taxi services; amusement or recreational activities (commercial); animal hospital; kennel, veterinarian clinic, or animal boarding place, automobile and related machine sales, repair or maintenance, pawn shop, acid storage and manufacturing, heavy manufacturing, fortune teller and palm reader.
5. Personal care home, community living arrangements and child caring institutions, provided
- a. The principal structure contains a residential façade architecturally similar to adjacent buildings;
  - b. Such facilities obtain all necessary local and state licenses; and
  - c. The use is limited to the principal structure only.
  - d. No such facility shall be located within 2,000 feet of any personal care home, community living arrangements or child caring institution; and
  - e. All facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, community living arrangements and child caring institutions whichever is greater. (Amended 3/21/06, Ordinance 06-05)
6. Religious institutions, churches, monasteries, mosques, synagogues and temples, provided:
- a. Minimum lot size is three (3) acres;
  - b. All buildings shall be placed not less than 50 feet from any property lines, and are separated from any such property line, excluding the front property line, by a planted buffer strip; and
  - c. Accessory schools and cemeteries are permissible provided an additional three (3) acres is provided in addition to the three (3) acre church requirement.
7. Schools and their customary related uses, provided:
- a. Minimum lot size is three (3) acres;
  - b. Minimum lot frontage is at least 200 feet;

- c. All buildings are located on a lot fronting a major or collector street, as determined by the Planning Commission; and
  - d. All buildings are placed not less than 50 feet from any property line and are separated from any such property line, excluding the front property line, by a planted buffer strip.
8. Cemetery, provided:
- a. Minimum lot area shall be ten (10) acres;
  - b. Gravesites shall be set back at least 50 feet from all property lines;
  - c. No structure other than grave markers shall be located within 35 feet of property zoned for residential use;
  - d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines which adjoin any property zoned for residential use; and
  - e. Crematoriums shall not be allowed as an accessory or any other use in residential zoning districts. (Ordinance 2002-01, February 19, 2002)
9. Group day care homes, provided:
- a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
  - b. At least 100 square feet shall be available for each child occupying the outside play area at any one time and said outdoor play area must be located within a side or rear yard;
  - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
  - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet; and (Added 3/21/06, Ordinance 06-05)
  - e. The exterior appearance of any structure that is residential in nature and which is used as a group day care home shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)

D. Dimensional Requirements. The minimum dimensional requirements within the R-1 Zoning District shall be as follows:

- 1. Lot area per dwelling unit: 43,560 square feet;
- 2. Lot width and frontage: 150 feet;
- 3. Minimum floor area per dwelling unit: 2,000 square feet;

4. Front yard setback, as measured from the right-of-way: 75 feet;
5. Rear yard setback: 50 feet;
6. Side yard setback: 25 feet; and
7. Height: up to 35 feet.

6-2 R-2 Single-Family Residential.

- A. Description of District. The R-2 single-family residential district is intended to provide suitable open areas for single-family, detached dwellings at low to moderate densities, with access to public water and sewerage.
- B. Permitted Uses. Within the R-2 Zoning District, the following Permitted uses shall be allowed:
1. Single-family detached dwellings;
  2. Accessory buildings and uses;
  3. Clubs and recreation uses when part of the overall residential development and for the exclusive use of residents;
  4. Non-commercial agriculture;
  5. Parks and playgrounds; and
  6. Public buildings and utilities.
- C. Conditional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on the compliance of all conditions required herein, the following Conditional Uses shall be allowed:
1. Child care learning centers, provided:
    - a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
    - b. The minimum size of the outdoor play area must be equal to 100 square feet times one third (1/3) of the center's licensed capacity for children and said outdoor play area must be located within a side or rear yard;
    - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
    - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet with a decorative wrought iron or aluminum fence; and (Amended 3/21/06, Ordinance 06-05)
    - e. The exterior appearance of any structure that is residential in nature and which is used as a child care learning center shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)
  2. Golf courses and driving ranges, provided:

- a. Any building or structure established in connection with such use must be set back no less than 100 feet from any property line; and
  - b. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
3. Guest house, provided:
- a. The main dwelling is located on a lot containing at least one (1) acre;
  - b. No more than one (1) shall be permitted on a lot with another dwelling;
  - c. Said guest house shall not be used for rental purposes;
  - d. Said guest house shall be located in the rear yard; and
  - e. Said guesthouse shall be limited to 900 square feet.
4. Home occupations provided that:
- a. Only residents of the dwelling may be engaged in the home occupation;
  - b. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building;
  - c. No display of products shall be clearly visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed;
  - d. Use of the building for this purpose shall not exceed 25% of the principal building;
  - e. No internal or external alterations inconsistent with the residential use of the building shall be permitted;
  - f. The occupation shall not constitute a nuisance in the neighborhood;
  - g. No accessory buildings or outside storage shall be used in connection with the occupation except as otherwise provided in this ordinance;
  - h. Instruction of music and similar subjects shall be limited to two (2) students at a time;
  - i. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the operation of a customary home occupation;
  - j. Only family day care homes as defined in this Ordinance are permitted as a customary home occupation. They shall have at least 35 square feet of usable indoor floor space provided for each child and the outdoor play area shall be enclosed on all sides to a height of at least four (4) feet by a fence; and (Amended 3/21/06, Ordinance 06-05)

- k. The following and similar uses shall not be considered home occupations: Service station; ambulance service, rescue squad; taxi services; amusement or recreational activities (commercial); animal hospital; kennel, veterinarian clinic, or animal boarding place, automobile and related machine sales, repair or maintenance, pawn shop, acid storage and manufacturing, heavy manufacturing, fortune teller and palm reader.
5. Personal care home, community living arrangements and child caring institutions, provided:
    - a. The principal structure contains a residential façade architecturally similar to adjacent buildings;
    - b. Such facilities obtain all necessary local and state licenses; and
    - c. The use is limited to the principal structure only.
    - d. No such facility shall be located within 2,000 feet of any personal care home, community living arrangements or child caring institution; and
    - e. All facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, community living arrangements and child caring institutions whichever is greater. (Amended 3/21/06, Ordinance 06-05)
  6. Religious institutions, churches, monasteries, mosques, synagogues and temples, provided:
    - a. Minimum lot size is three (3) acres;
    - b. All buildings shall be placed not less than 50 feet from any property lines, and are separated from any such property line, excluding the front property line, by a planted buffer strip; and
    - c. Accessory schools and cemeteries are permissible provided an additional three (3) acres is provided in addition to the three (3) acre church requirement.
  7. Schools and their customary related uses, provided:
    - a. Minimum lot size is three (3) acres;
    - b. Minimum lot frontage is at least 200 feet;
    - c. All buildings are located on a lot fronting a major or collector street, as determined by the Planning Commission; and
    - d. All buildings are placed not less than 50 feet from any property line and are separated from any such property line, excluding the front property line, by a planted buffer strip.
  8. Cemetery, provided:

- a. Minimum lot area shall be ten (10) acres;
  - b. Gravesites shall be set back at least 50 feet from all property lines;
  - c. No structure other than grave markers shall be located within 35 feet of property zoned for residential use;
  - d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines which adjoin any property zoned for residential use; and
  - e. Crematoriums shall not be allowed as an accessory or any other use in residential zoning districts. (Ordinance 2002-01, February 19, 2002)
9. Group day care homes, provided:
- a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
  - b. At least 100 square feet shall be available for each child occupying the outside play area at any one time and said outdoor play area must be located within a side or rear yard;
  - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
  - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet; and (Added 3/21/06, Ordinance 06-05)
  - e. The exterior appearance of any structure that is residential in nature and which is used as a group day care home shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)

D. Dimensional Requirements. The minimum dimensional requirements within the R-2 Zoning District shall be as follows:

- 1. Lot area per dwelling unit: 22,000 square feet;
- 2. Lot width and frontage: 90 feet;
- 3. Minimum floor area per dwelling unit: 1,800 square feet;
- 4. Front yard setback, as measured from the right-of-way: 50 feet;
- 5. Rear yard setback: 40 feet;
- 6. Side yard setback: 15 feet; and
- 7. Height: up to 35 feet.

6-3 R-3 Single-Family Residential.

- A. Description of District. The R-3 single-family residential district is intended to provide suitable open areas for single-family, detached dwellings at low to moderate densities, with access to public water and sewerage.
- B. Permitted Uses. Within the R-3 Zoning District, the following Permitted Uses shall be allowed:
1. Single-family detached dwellings;
  2. Accessory uses and structures;
  3. Clubs and recreation uses when part of the overall residential development and for the exclusive use of residents;
  4. Non-commercial agriculture;
  5. Parks and playgrounds; and
  6. Public buildings and utilities.
- C. Conditional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on the compliance of all conditions required herein, the following Conditional Uses shall be allowed:
1. Child care learning centers, provided:
    - a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
    - b. The minimum size of the outdoor play area must be equal to 100 square feet times one third (1/3) of the center's licensed capacity for children and said outdoor play area must be located within a side or rear yard;
    - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
    - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet with a decorative wrought iron or aluminum fence; and (Amended 3/21/06, Ordinance 06-05)
    - e. The exterior appearance of any structure that is residential in nature and which is used as a child care learning center shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)
  2. Golf courses and driving ranges, provided:
    - a. Any building or structure established in connection with such use must be set back no less than 100 feet from any property line; and

- b. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
3. Guest house, provided:
    - a. The main dwelling is located on a lot containing at least one (1) acre;
    - b. No more than one (1) shall be permitted on a lot with another dwelling;
    - c. Said guest house shall not be used for rental purposes;
    - d. Said guest house shall be located in the rear yard; and
    - e. Said guest house shall be limited to 900 square feet.
  4. Home occupations provided that:
    - a. Only residents of the dwelling may be engaged in the home occupation;
    - b. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building;
    - c. No display of products shall be clearly visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed;
    - d. Use of the building for this purpose shall not exceed 25% of the principal building;
    - e. No internal or external alterations inconsistent with the residential use of the building shall be permitted;
    - f. The occupation shall not constitute a nuisance in the neighborhood;
    - g. No accessory buildings or outside storage shall be used in connection with the occupation except as otherwise provided in this ordinance;
    - h. Instruction of music and similar subjects shall be limited to two (2) students at a time;
    - i. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the operation of a customary home occupation;
    - j. Only family day care homes as defined in this Ordinance are permitted as a customary home occupation. They shall have at least 35 square feet of usable indoor floor space provided for each child and the outdoor play area shall be enclosed on all sides to a height of at least four (4) feet by a fence; and (Amended 3/21/06, Ordinance 06-05)
    - k. The following and similar uses shall not be considered home occupations: Service station; ambulance service, rescue squad; taxi services; amusement or recreational activities (commercial); animal hospital; kennel, veterinarian clinic, or animal boarding place, automobile and related machine sales, repair or maintenance, pawn

shop, acid storage and manufacturing, heavy manufacturing, fortune teller and palm reader.

5. Personal care home, community living arrangements and child caring institutions, provided:
  - a. The principal structure contains a residential façade architecturally similar to adjacent buildings;
  - b. Such facilities obtain all necessary local and state licenses; and
  - c. The use is limited to the principal structure only.
  - d. No such facility shall be located within 2,000 feet of any personal care home, community living arrangements or child caring institution; and
  - e. All facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, community living arrangements and child caring institutions whichever is greater. (Amended 3/21/06, Ordinance 06-05)
6. Religious institutions, churches, monasteries, mosques, synagogues and temples, provided:
  - a. Minimum lot size is three (3) acres;
  - b. All buildings shall be placed not less than 50 feet from any property lines, and are separated from any such property line, excluding the front property line, by a planted buffer strip; and
  - c. Accessory schools and cemeteries are permissible provided an additional three (3) acres is provided in addition to the three (3) acre church requirement.
7. Schools and their customary related uses, provided:
  - a. Minimum lot size is three (3) acres;
  - b. Minimum lot frontage is at least 200 feet;
  - c. All buildings are located on a lot fronting a major or collector street, as determined by the Planning Commission; and
  - d. All buildings are placed not less than 50 feet from any property line and are separated from any such property line, excluding the front property line, by a planted buffer strip.
8. Cemetery, provided:
  - a. Minimum lot area shall be ten (10) acres;
  - b. Gravesites shall be set back at least 50 feet from all property lines;

- c. No structure other than grave markers shall be located within 35 feet of property zoned for residential use;
  - d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines which adjoin any property zoned for residential use; and
  - e. Crematoriums shall not be allowed as an accessory or any other use in residential zoning districts. (Ordinance 2002-01, February 19, 2002)
9. Group day care homes, provided:
- a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
  - b. At least 100 square feet shall be available for each child occupying the outside play area at any one time and said outdoor play area must be located within a side or rear yard;
  - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
  - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet; and (Added 3/21/06, Ordinance 06-05)
  - e. The exterior appearance of any structure that is residential in nature and which is used as a group day care home shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)

D. Dimensional Requirements. The minimum dimensional requirements within the R-3 Zoning District shall be as follows:

- 1. Lot area per dwelling: 17,000 square feet;
- 2. Lot frontage: 80 feet;
- 3. Minimum floor area per dwelling unit: 1,600 square feet;
- 4. Front yard setback, as measured from the right-of-way: 40 feet;
- 5. Rear yard setback: 30 feet;
- 6. Side yard setback: 15 feet; and
- 7. Height: up to 35 feet.

6-4 R-4 Single-Family Residential.

- A. Description of District. The R-4 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities, with access to both public water and sewerage.
- B. Permitted Uses. Within the R-4 Zoning District, the following Permitted Uses shall be allowed:
1. Single-family detached dwellings;
  2. Accessory uses and structures;
  3. Clubs and recreation uses when part of the overall residential development and for the exclusive use of residents;
  4. Non-commercial agriculture;
  5. Parks and playgrounds; and
  6. Public buildings and utilities.
- C. Conditional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on the compliance of all conditions required herein, the following Conditional Uses shall be allowed:
1. Child care learning centers, provided:
    - a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
    - b. The minimum size of the outdoor play area must be equal to 100 square feet times one third (1/3) of the center's licensed capacity for children and said outdoor play area must be located within a side or rear yard;
    - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
    - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet with a decorative wrought iron or aluminum fence; and (Amended 3/21/06, Ordinance 06-05)
    - e. The exterior appearance of any structure that is residential in nature and which is used as a child care learning center shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)
  2. Golf courses and driving ranges, provided:
    - a. Any building or structure established in connection with such use must be set back no less than 100 feet from any property line; and

- b. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
3. Guest house, provided:
  - a. The main dwelling is located on a lot containing at least one (1) acre;
  - b. No more than one (1) shall be permitted on a lot with another dwelling;
  - c. Said guest house shall not be used for rental purposes;
  - d. Said guest house shall be located in the rear yard; and
  - e. Said guest house shall be limited to 900 square feet.
4. Home occupations provided that:
  - a. Only residents of the dwelling may be engaged in the home occupation;
  - b. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building;
  - c. No display of products shall be clearly visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed;
  - d. Use of the building for this purpose shall not exceed 25% of the principal building;
  - e. No internal or external alterations inconsistent with the residential use of the building shall be permitted;
  - f. The occupation shall not constitute a nuisance in the neighborhood;
  - g. No accessory buildings or outside storage shall be used in connection with the occupation except as otherwise provided in this ordinance;
  - h. Intruction of music and similar subjects shall be limted to two (2) students at a time;
  - i. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the operation of a customary home occupation;
  - j. Only family day care homes as defined in this Ordinance are permitted as a customary home occupation. They shall have at least 35 square feet of usable indoor floor space provided for each child and the outdoor play area shall be enclosed on all sides to a height of at least four (4) feet by a fence; and (Amended 3/21/06, Ordinance 06-05)
  - k. The following and similar uses shall not be considered home occupations: Service station; ambulance service, rescue squad; taxi services; amusement or recreational activities (commercial); animal hospital; kennel, veterinarian clinic, or animal boarding place, automobile and related machine sales, repair or maintenance, pawn shop, acid storage and manufacturing, heavy manufacturing, fortune teller and palm reader.

5. Personal care home, community living arrangements and child caring institutions, provided:
  - a. The principal structure contains a residential façade architecturally similar to adjacent buildings;
  - b. Such facilities obtain all necessary local and state licenses;and
  - c. The use is limited to the principal structure only.
  - d. No such facility shall be located within 2,000 feet of any personal care home, community living arrangements or child caring institution; and
  - e. All facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, community living arrangements and child caring institutions whichever is greater. (Amended 3/21/06, Ordinance 06-05)
  
6. Religious institutions, churches, monasteries, mosques, synagogues and temples, provided:
  - a. Minimum lot size is three (3) acres;
  - b. All buildings shall be placed not less than 50 feet from any property lines, and are separated from any such property line, excluding the front property line, by a planted buffer strip; and
  - c. Accessory schools and cemeteries are permissible provided an additional three (3) acres is provided in addition to the three (3) acre church requirement.
  
7. Schools and their customary related uses, provided:

---

  - a. Minimum lot size is three (3) acres;
  - b. Minimum lot frontage is at least 200 feet;
  - c. All buildings are located on a lot fronting a major or collector street, as determined by the Planning Commission; and
  - d. All buildings are placed not less than 50 feet from any property line and are separated from any such property line, excluding the front property line, by a planted buffer strip.
  
8. Cemetery, provided:
  - a. Minimum lot area shall be ten (10) acres;
  - b. Gravesites shall be set back at least 50 feet from all property lines;
  - c. No structure other than grave markers shall be located within 35 feet of property zoned for residential use;
  - d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines which adjoin any property zoned for residential use; and

- e. Crematoriums shall not be allowed as an accessory or any other use in residential zoning districts. (Ordinance 2002-01, February 19, 2002)
9. Group day care homes, provided:
- a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
  - b. At least 100 square feet shall be available for each child occupying the outside play area at any one time and said outdoor play area must be located within a side or rear yard;
  - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
  - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet; and (Added 3/21/06, Ordinance 06-05)
  - e. The exterior appearance of any structure that is residential in nature and which is used as a group day care home shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)

D. Dimensional Requirements. The minimum dimensional requirements within the R-4 Zoning District shall be as follows:

- 1. Lot area per dwelling unit: 12,000 square feet;
- 2. Lot width and frontage: 70 feet;
- 3. Minimum floor area per dwelling unit: 1,400 square feet;
- 4. Front yard setback, as measured from the right-of-way: 35 feet;
- 5. Rear yard setback: 25 feet;
- 6. Side yard setback: 10 feet; and
- 7. Height: up to 35 feet.

6-5 R-6 Single-Family Residential.

- A. Description of District. This district is composed of certain lands and structures in the City, having a medium density, residential character.
- B. Permitted Uses. Within the R-6 Zoning District, the following Permitted uses shall be allowed:
1. Single-family detached dwellings;
  2. Accessory uses and structures;
  3. Clubs and recreation uses when part of the overall residential development and for the exclusive use of residents;
  4. Non-commercial agriculture;
  5. Parks and playgrounds; and
  6. Public administration.
- C. Conditional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on the compliance of all conditions required herein, the following Conditional Uses shall be allowed:
1. Child care learning centers, provided:
    - a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
    - b. The minimum size of the outdoor play area must be equal to 100 square feet times one third (1/3) of the center's licensed capacity for children and said outdoor play area must be located within a side or rear yard;
    - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
    - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet with a decorative wrought iron or aluminum fence; and (Amended 3/21/06, Ordinance 06-05)
    - e. The exterior appearance of any structure that is residential in nature and which is used as a child care learning center shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)
  2. Golf courses and driving ranges, provided:
    - a. Any building or structure established in connection with such use must be set back no less than 100 feet from any property line; and

- b. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
3. Guest house, provided:
    - a. The main dwelling is located on a lot containing at least one (1) acre;
    - b. No more than one (1) shall be permitted on a lot with another dwelling;
    - c. Said guest house shall not be used for rental purposes;
    - d. Said guest house shall be located in the rear yard; and
    - e. Said guest house shall be limited to 900 square feet.
  4. Home occupations provided that:
    - a. Only residents of the dwelling may be engaged in the home occupation;
    - b. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building;
    - c. No display of products shall be clearly visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed;
    - d. Use of the building for this purpose shall not exceed 25% of the principal building;
    - e. No internal or external alterations inconsistent with the residential use of the building shall be permitted;
    - f. The occupation shall not constitute a nuisance in the neighborhood;
    - g. No accessory buildings or outside storage shall be used in connection with the occupation except as otherwise provided in this ordinance;
    - h. Instruction of music and similar subjects shall be limited to two (2) students at a time;
    - i. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the operation of a customary home occupation;
    - j. Only family day care homes as defined in this Ordinance are permitted as a customary home occupation. They shall have at least 35 square feet of usable indoor floor space provided for each child and the outdoor play area shall be enclosed on all sides to a height of at least four (4) feet by a fence; and (Amended 3/21/06, Ordinance 06-05)
    - k. The following and similar uses shall not be considered home occupations: Service station; ambulance service, rescue squad; taxi services; amusement or recreational activities (commercial); animal hospital; kennel, veterinarian clinic, or animal

boarding place, automobile and related machine sales, repair or maintenance, pawn shop, acid storage and manufacturing, heavy manufacturing, fortune teller and palm reader.

5. Personal care home, community living arrangements and child caring institutions, provided:
  - a. The principal structure contains a residential façade architecturally similar to adjacent buildings;
  - b. Such facilities obtain all necessary local and state licenses;
  - c. The use is limited to the principal structure only.
  - d. No such facility shall be located within 2,000 feet of any personal care home, community living arrangements or child caring institution; and
  - e. All facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, community living arrangements and child caring institutions whichever is greater. (Amended 3/21/06, Ordinance 06-05)
6. Religious institutions, churches, monasteries, mosques, synagogues and temples, provided:
  - a. Minimum lot size is three (3) acres;
  - b. All buildings shall be placed not less than 50 feet from any property lines, and are separated from any such property line, excluding the front property line, by a planted buffer strip; and
  - c. Accessory schools and cemeteries are permissible provided an additional three (3) acres is provided in addition to the three (3) acre church requirement.
7. Schools and their customary related uses, provided:
  - a. Minimum lot size is three (3) acres;
  - b. Minimum lot frontage is at least 200 feet;
  - c. All buildings are located on a lot fronting a major or collector street, as determined by the Planning Commission; and
  - d. All buildings are placed not less than 50 feet from any property line and are separated from any such property line, excluding the front property line, by a planted buffer strip.
8. Cemetery, provided:
  - a. Minimum lot area shall be ten (10) acres;
  - b. Gravesites shall be set back at least 50 feet from all property lines;

- c. No structure other than grave markers shall be located within 35 feet of property zoned for residential use;
  - d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines which adjoin any property zoned for residential use; and
  - e. Crematoriums shall not be allowed as an accessory or any other use in residential zoning districts. (Ordinance 2002-01, February 19, 2002)
9. Group day care homes, provided:
- a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
  - b. At least 100 square feet shall be available for each child occupying the outside play area at any one time and said outdoor play area must be located within a side or rear yard;
  - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
  - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet; and (Added 3/21/06, Ordinance 06-05)
  - e. The exterior appearance of any structure that is residential in nature and which is a group day care home shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)

D. Dimensional Requirements. The minimum dimensional requirements within the R-6 Zoning District shall be as follows:

- 1. Lot area per dwelling: single family dwelling with both central sanitary sewage and central water distribution systems: 6,000 square feet;
- 2. Lot width and frontage: 50 feet;
- 3. Minimum floor area per dwelling unit: 1,200 square feet;
- 4. Front yard setback, as measured from the right-of-way: 20 feet;
- 5. Rear yard setback: 10 feet;
- 6. Side yard setback: 7.5 feet (Ordinance 2002-04, March 19, 2002);
- 7. Height: up to 35 feet; and
- 8. Where lots front on a cul-de-sac, lot widths shall be a minimum of 35 feet, but all other dimensional requirements apply.

6-6 RMD-1 Residential Medium Density.

- A. Description of District. This District is composed of certain lands in the City intended to be used primarily for medium-density, single-family detached residences. The minimum size of a land parcel permitted in the RMD-1 Zoning District shall be 10 acres.
- B. Permitted Uses. Within the RMD-1 Zoning District, the following uses shall be permitted:
1. Single-family detached dwellings;
  2. Accessory uses and structures;
  3. Non commercial agriculture; and
  4. Clubs and recreation uses when part of the overall residential development and for the exclusive use of residents.
- C. Conditional Uses. Upon application to and approval by the Zoning Administrator said approval being based solely on the compliance with all of the conditions required herein, the uses listed below may be permitted in the RMD-1 Residence District:
1. Child care learning centers, provided:
    - a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
    - b. The minimum size of the outdoor play area must be equal to 100 square feet times one third (1/3) of the center's licensed capacity for children and said outdoor play area must be located within a side or rear yard;
    - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
    - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet with a decorative wrought iron or aluminum fence; and (Amended 3/21/06, Ordinance 06-05)
    - e. The exterior appearance of any structure that is residential in nature and which is used as a child care learning center shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)
  2. Golf courses and driving ranges, provided:
    - a. Any building or structure established in connection with such use must be set back no less than 100 feet from any property line; and
    - b. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.

3. Guest house, provided:
  - a. The main dwelling is located on a lot containing at least one (1) acre;
  - b. No more than one (1) shall be permitted on a lot with another dwelling;
  - c. Said guest house shall not be used for rental purposes;
  - d. Said guest house shall be located in the rear yard; and
  - e. Said guest house shall be limited to 900 square feet.
  
4. Home occupations provided that:
  - a. Only residents of the dwelling may be engaged in the home occupation;
  - b. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building;
  - c. No display of products shall be clearly visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed;
  - d. Use of the building for this purpose shall not exceed twenty-five (25) percent of the principal building;
  - e. No internal or external alterations inconsistent with the residential use of the building shall be permitted;
  - f. The occupation shall not constitute a nuisance in the neighborhood;
  - g. No accessory buildings or outside storage shall be used in connection with the occupation except as otherwise provided in this ordinance;
  - h. Instruction of music and similar subjects shall be limited to two (2) students at a time;
  - i. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the operation of a customary home occupation;
  - j. Only family day care homes as defined in this Ordinance are permitted as a customary home occupation. They shall have at least 35 square feet of usable indoor floor space provided for each child and the outdoor play area shall be enclosed on all sides to a height of at least four (4) feet by a fence; and (Amended 3/21/06, Ordinance 06-05)
  - k. The following and similar uses shall not be considered home occupations: Service station; ambulance service, rescue squad; taxi services; amusement or recreational activities (commercial); animal hospital; kennel, veterinarian clinic, or animal boarding place, automobile and related machine sales, repair or maintenance, pawn shop, acid storage and manufacturing, heavy manufacturing, fortune teller and palm reader.

5. Personal care home, community living arrangements and child caring institutions, provided:
  - a. The principal structure contains a residential façade architecturally similar to adjacent buildings;
  - b. Such facilities obtain all necessary local and state licenses;
  - c. The use is limited to the principal structure only;
  - d. No such facility shall be located within 2,000 feet of any personal care home, community living arrangements or child caring institution; and
  - e. All facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, community living arrangements and child caring institutions whichever is greater. (Amended 3/21/06, Ordinance 06-05)
  
6. Religious institutions, churches, monasteries, mosques, synagogues and temples, provided:
  - a. Minimum lot size is three (3) acres;
  - b. All buildings shall be placed not less than 50 feet from any property lines, and are separated from any such property line, excluding the front property line, by a planted buffer strip; and
  - c. Accessory schools and cemeteries are permissible provided an additional three (3) acres is provided in addition to the three (3) acre church requirement.
  
7. Schools and their customary related uses, provided:
  - a. Minimum lot size is three (3) acres;
  - b. Minimum lot frontage is at least 200 feet;
  - c. All building are located on a lot fronting a major or collector street, as determined by the Planning Commission; and
  - d. All buildings are placed not less than 50 feet from any property line and are separated from any such property line, excluding the front property line, by a planted buffer strip.
  
8. Cemetery, provided:
  - a. Minimum lot area shall be ten (10) acres;
  - b. Gravesites shall be set back at least 50 feet from all property lines;
  - c. No structure other than grave markers shall be located within 35 feet of property zoned for residential use;

- d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines which adjoin any property zoned for residential use; and
  - e. Crematoriums shall not be allowed as an accessory or any other use in residential zoning districts. (Ordinance 2002-01, February 19, 2002)
9. Group day care homes, provided:
- a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
  - b. At least 100 square feet shall be available for each child occupying the outside play area at any one time and said outdoor play area must be located within a side or rear yard;
  - c. They shall have at least 35 square feet of usable indoor floor space provided for each child;
  - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet; and (Added 3/21/06, Ordinance 06-05)
  - e. The exterior appearance of any structure that is residential in nature and which is used as a group day care home shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)
- D. Density and Spacing Requirements. A maximum of four (4) single-family detached units per acre is allowed in the RMD-1 Residence District. No structure shall be located within 40 feet of another structure when front-to-front, front to rear or rear-to-rear; otherwise, no structure shall be located within 51 feet of another structure. No structure shall be located closer than 20 feet to all rear property lines; no structure shall be located closer than 20 feet to a public street right-of-way. (Amended 3/20/07, Ordinance 07-06)
- E. Parking Requirements. There shall be two (2) off-street spaces per dwelling unit. No parking shall be permitted within 10 feet of any exterior boundary line.
- F. Recreation Requirements. Within a single-family RMD-1 Residence District, at least 15% of the total gross land area of the development shall be devoted to recreation or open space suitable for recreation purposes. Areas utilized as streets, driveways, parking and yards may not be used in the computation of recreation and open space requirements. A 20 foot planted buffer strip attaining a height of 10 feet shall be provided along all side and rear lines and may be considered as part of the usable open space requirement.
- G. Streets. Streets in the RMD-1 Zoning District shall be standard, public streets.
- H. Site Plan Review. The preliminary and final site plan review shall follow the same procedures required of all subdivision plats in Union City.
- I. Dimensional Requirements. The dimensional requirements within the RMD-1 Zoning District shall be as follows:

1. The development area shall contain no less than ten (10) contiguous acres and shall abut an arterial or collector thoroughfare as classified by the Union City Major Thoroughfare Plan with no less than 500 feet of frontage.
  2. The development shall have a minimum lot width of 500 feet.
- J. Dimensional Requirements for Individual Lots. The minimum building requirements within the RMD-1 Zoning District shall be as follows:
1. Lot area per dwelling: 6,000 square feet;
  2. Lot width and frontage: 60 feet;
  3. Minimum floor area per dwelling unit: 1,200 square feet;
  4. Front yard setbacks, as measured from the right-of-way: 20 feet (Amended 3/20/07, Ordinance 07-06);
  5. Rear yard setback: 20 feet (Amended 3/20/07, Ordinance 07-06);
  6. Side yard setback: 7.5 feet (Amended 3/20/07, Ordinance 07-06); and
  7. Height: up to 35 feet.

6-7 RM Residential Multi-family.

- A. Description of District. This district is composed of certain lands and structures in the City, having a high density of multi-family dwelling units, residential character and is designed to provide orderly development of single, two and multi-family dwellings, e.g. cottage homes, townhouses, apartment buildings and attached single-family dwellings. (Amended 8/20/24; Ordinance No. 2024-Z-03)
- B. Permitted Uses. Within the RM Zoning District, the following Permitted uses shall be allowed:
1. Single-family detached dwellings;
  2. Two-family or duplex dwellings;
  3. Townhouse dwellings;
  4. Cottage home courts; (Amended 8/20/24; Ordinance No. 2024-Z-03)
  5. Multi-family dwellings;
  6. Accessory buildings and uses;
  7. Clubs and recreation uses when part of the overall residential development and for the exclusive use of residents; and
  8. Public Administration.
- C. Conditional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on the compliance of all conditions required herein, the following Conditional Uses shall be allowed:
1. Home Occupations provided that:
    - a. Only residents of the dwelling may be engaged in the home occupation;
    - b. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling;
    - c. No display of products shall be clearly visible from the street, and only products produced on the premises may be sold on the premises, except that bona fide agricultural products grown on the premises may be displayed;
    - d. Use of the dwelling for this purpose shall not exceed 25 percent of the principal dwelling;
    - e. No internal or external alterations inconsistent with the residential use of the dwelling shall be permitted;
    - f. The occupation shall not constitute a nuisance in the neighborhood;

- g. No accessory buildings or outside storage shall be used in connection with the occupation except as otherwise provided in this ordinance;
  - h. Instruction of music and similar subjects shall be limited to two (2) students at a time;
  - i. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the operation of a customary home occupation; and
  - j. The following and similar uses shall not be considered home occupations: Service station; ambulance service, rescue squad; taxi services; amusement or recreational activities (commercial); animal hospital; kennel, veterinarian clinic, or animal boarding place, automobile and related machine sales, repair or maintenance, pawn shop, acid storage and manufacturing, heavy manufacturing, fortune teller and palm reader.
2. Religious institutions, churches, monasteries, mosques, synagogues and temples, provided:
- a. Minimum lot size is three (3) acres;
  - b. All buildings shall be placed not less than 50 feet from any property lines, and are separated from any such property line, excluding the front property line, by a planted buffer strip; and
  - c. Accessory schools and cemeteries are permissible provided an additional three (3) acres is provided in addition to the three (3) acre church requirement.
3. Schools and their customary related uses, provided:
- a. Minimum lot size is three (3) acres;
  - b. Minimum lot frontage is at least 200 feet;
  - c. All buildings are located on a lot fronting a major or collector street, as determined by the Planning Commission; and
  - d. All buildings are placed not less than 50 feet from any property line and are separated from any such property line, excluding the front property line, by a planted buffer strip.
4. Cemetery, provided:
- a. Minimum lot area shall be ten (10) acres;
  - b. Gravesites shall be set back at least 50 feet from all property lines;
  - c. No structure other than grave markers shall be located within 35 feet of property zoned for residential use;
  - d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines which adjoin any property zoned for residential use; and

- e. Crematoriums shall not be allowed as an accessory or any other use in residential zoning districts. (Ordinance 2002-01, February 19, 2002)

D. Special Regulations. The following regulations shall apply to the RM Zoning District in addition to any other applicable regulation of this Ordinance:

1. Each dwelling unit within the development shall be connected to existing public central water and central sanitary sewage systems contained within the development area. The private systems shall be of sufficient size and design to meet the needs of the development and shall have the approval of the City Engineer, the State Health Department and the Department of Natural Resources.
2. The development shall contain a storm sewage system of sufficient size and design which will, in the opinion of the City Engineer, be adequate to collect, carry off and dispose of any projected runoff from the area.
3. The developer shall provide solid waste (refuse) collection and disposal services for the development area.

E. Dimensional Requirements. The Dimensional requirements within the RM Zoning District for developments shall be as follows:

1. The development area shall contain no less than five (5) contiguous acres with exception of single and two family dwellings. Single family dwellings must be situated on a lot no less than 15,000 square feet and two family dwellings must be situated on a lot no less than 25,000 square feet. Cottage home courts must be situated on a lot no less than one (1) acre. (Amended 8/20/24; Ordinance 2024-Z-03)
2. The development shall abut an arterial or collector thoroughfare as classified in the Union City Major Thoroughfare Plan with no less than 200 feet of frontage. This requirement shall not apply to single-family dwellings, two family dwellings and cottage home courts. (Amended 8/20/24; Ordinance No. 2024-Z-03)
3. The maximum density for a cottage home court shall be nine (9) units per net acre. The maximum density of any other multi-family development shall be eighteen (18) units per net acre. This requirement shall not apply to single family dwellings and two family dwellings. (Amended 8/20/24; Ordinance No. 2024-Z-03)
4. At least 20% of the gross acreage for a multi-family development shall be reserved for recreational use and/or maintained open space accessible to all residents of the development. At least one-half (½) of land reserved for these purposes must be utilized for any combination of the following recreational purposes: tennis courts, swimming pools, clubhouses or community centers, playgrounds, picnic areas and walking/running trails. Of the recreation area required no more than 50% can be located within the floodplain. Such facilities must be constructed as a part of initial development construction. (Amended 8/20/24; Ordinance No. 2024-Z-03)
5. No multi-family dwelling structure shall be located within 60 feet of another multi-family dwelling structure when front-to-front, front to rear, or rear-to-rear; otherwise, no multi-family dwelling structure shall be located within 30 feet of another structure.
6. Exterior wall design for multi-family residential. (Adopted 8/20/24; Ordinance No. 2024-Z-03)

- a. Elevations shall be staggered with alternating exterior treatments such as porches, balconies, awnings, chimneys, stoops, decks, patios and terraces.
  - b. New development or construction shall maintain compatibility with surrounding buildings and community features.
7. Roof design for multi-family residential. (Adopted 8/20/24; Ordinance No. 2024-Z-03)
  - a. Each building shall consist of a minimum of two alternating roof types, specifically open gable, boxed gable, dormer, hip or flat rooflines.
  - b. Utility meters or equipment on roofs shall be screened from the view of a public right-of-way or from any surrounding property.
8. Yard landscaping requirements for multi-family residential. (Adopted 8/20/24; Ordinance No. 2024-Z-03)
  - a. A 20-foot grass and landscaping strip between parking and building shall be installed and maintained.
  - b. Detention ponds shall have a six (6) foot fence around the perimeter and be secured with a lock and key.
9. For development, a 20 foot planted buffer strip attaining a height of 10 feet shall be provided along all side and rear lines and may be considered as part of the useable and maintained open space requirements. This requirement shall not apply to single family dwellings and two family dwellings.
10. The following shall apply to any cottage home court: (Adopted 8/20/24; Ordinance 2024-Z-03)
  - a. There shall be a minimum of four hundred (400) square feet per unit of common open space.
  - b. At least fifty (50%) percent of the units shall be oriented around the common open space with covered porches or main entries facing the common open space.
  - c. There shall be a minimum of ten (10) feet of separation between all structures.
11. The minimum building requirements within the RM Zoning District shall be as follows:
  - a. Single family detached dwellings:
    - i. Lot area per dwelling unit: 15,000 square feet;
    - ii. Lot width and frontage: 75 feet;
    - iii. Minimum floor area per dwelling unit: 1,200 square feet;

- iv. Front yard setback, as measured from the right-of-way: 40 feet;
  - v. Rear yard setback: 30 feet;
  - vi. Side yard setback: 15 feet; and
  - vii. Height: up to 35 feet.
- b. Two family dwellings:
- i. Lot area per dwelling unit: 25,000 square feet;
  - ii. Lot width and frontage: 100 feet;
  - iii. Minimum floor area per dwelling unit: 1,000 square feet;
  - iv. Front yard setback, as measured from the right-of-way: 50 feet;
  - v. Rear yard setback: 20 feet;
  - vi. Side yard setback: 15 feet; and
  - vii. Height: up to 35 feet.
- c. Townhouse dwellings:
- i. Lot area per dwelling unit: 3,000 square feet;
  - ii. Lot width and frontage: 35 feet;
  - iii. Minimum floor area per dwelling unit: 1,000 square feet;
  - iv. Front yard setback, as measured from the right-of-way: 25 feet;
  - v. Rear yard setback: 15 feet;
  - vi. Side yard setback: 0 feet/20 feet spacing between units; and
  - vii. Height: up to 35 feet; and
- d. Cottage home courts (setbacks shall apply to the entire development as a whole):  
(Adopted 8/20/24; Ordinance 2024-Z-03)
- i. Minimum floor area per dwelling unit: 900 square feet;
  - ii. Front yard setback, as measured from the right-of-way: 15 feet;

- iii. Rear yard setback: 10 feet;
  - iv. Side yard setback: 6 feet;
  - v. Height: up to 27 feet.
- e. Multifamily dwellings:
- i. Lot width and frontage: 100 feet;
  - ii. Minimum floor area per dwelling unit:
    - 1. Efficiency apartments: 500 square feet;
    - 2. One bedroom apartments: 800 square feet;
    - 3. Two bedroom apartments: 1,000 square feet;
  - iii. Front yard setback, as measured from the right-of-way: 40 feet;
  - iv. Rear yard setback: 20 feet;
  - v. Side yard setback: 20 feet; and
  - vi. Height: up to 35 feet.
12. Public streets within or adjoining a townhouse, cottage home court or multifamily development shall have sidewalks not less than four (4) feet in width. Where a development uses an access strip for development access, the minimum length of sidewalks provided along a public street shall be 450 feet. (Amended 8/20/24; Ordinance 2024-Z-03)
13. Site layout for townhouse, cottage home court or multifamily developments must provide for the access and egress of fire fighting equipment, ambulance, police, animal control, recycling and utility service vehicles. Plans must be reviewed and approved by either the State or City Fire Marshal, as appropriate. (Amended 8/20/24; Ordinance No. 2024-Z-03)
14. Outdoor enclosed solid waste collection stations shall be provided for townhouse, cottage home court or multifamily developments and shall be located so as not to be a nuisance or hazard to development residents and shall be screened and landscaped to avoid visual exposure of garbage and trash containers. (Amended 8/20/24; Ordinance No. 2024-Z-03)
15. Parking areas, service areas, walks, steps, streets, and recreational areas in townhouse, cottage home court or multifamily developments shall be illuminated to assure safe and convenient nighttime use. Lighting fixtures shall be properly shaded to screen the windows of dwelling units from the direct rays or glare of light. Minimum illumination requirements shall be in accordance with the most recent edition of Illuminating



6-8 MHP Manufactured Home Park/Modular Home Park.

- A. Description of District. This district is composed of certain lands and structures in the City for the purpose of providing the proper development of mobile home parks and modular home parks.
- B. Permitted Uses. Within the MHP Zoning District, the following Permitted Uses shall be allowed:
1. Manufactured homes;
  2. Accessory buildings and uses;
  3. Office trailer; and
  4. Non commercial agriculture.
- C. Conditional Uses. Upon application to and approval from the Zoning Administrator, said approval being based solely on the compliance of all conditions required herein, the following Conditional Uses shall be allowed:
- D. Special Regulations. The following regulations shall apply to the MHP Zoning District in addition to any other applicable regulation of this Ordinance:
1. Development Plan. The applicant shall file a petition with the Zoning Administrator for approval of a Manufactured Home Park District. This application shall be supported by three (3) copies of a written summary of the development planned, known as a Letter of Intent, which shall describe the proposed development in detail and a Site Plan. The Site Plan and Letter of Intent shall present the following information:
    - a. A draft of the proposed rules and regulations which shall be established and enforced by the management of the mobile home park;
    - b. Existing topographic conditions, including where necessary, contour intervals of not less than two (2) feet based on field surveys or photogrammetric methods at a minimum scale of 1 inch equals 100feet (1" =100');
    - c. The existing and proposed land uses and the approximate location of all buildings and structures;
    - d. The location of existing and proposed streets and parking areas;
    - e. A legal description of subject property;
    - f. Typical elevation drawings, indicating general architectural style and building exterior materials, if possible, of all permanent buildings and structures to be constructed on the premises;
    - g. A summary of acres, dwelling units and gross density, as well as a statement of the number of acres devoted to buffer areas, recreational areas and green belts or other amenities, such as lakes, etc.;



7. Circulation System. Each Manufactured Home Park or shall provide the following minimum facilities on the site:
    - a. All streets within the Manufactured Home Park shall be paved to a minimum width of 24 feet. All drives and drainage structures within the development shall be constructed in accordance with the Union City Subdivision Regulations;
    - b. Each Manufactured Home Park Zoning District over 20 acres in size shall have a minimum of two (2) access streets or drive to provide ingress and egress for vehicular traffic; and
    - c. Provision shall be made for safe, all-weather pedestrian movement within the development.
  8. Utilities. Each manufactured home or modular home shall be served by central water, central sanitary sewage system, electricity and gas. All utilities shall be placed underground.
  9. Night Lighting. Streets, pedestrian walkways and parking areas shall be adequately lighted.
  10. Garbage and Refuse Collection Facilities. Garbage refuse collection shall be provided by the Manufactured Home Park owner.
  11. Recreation Facilities. A minimum of 10% of the gross acreage of the Manufactured Home Park shall be provided for common facilities, open space, and recreation for the residents of the Manufactured Home Park.
- E. Dimensional Requirements. Dimensional requirements within the MHP District shall be as follows:
1. No Manufactured Home Park or shall be constructed or maintained on a lot or tract of a total area of less than 10 acres.
  2. A Manufactured Home Park or shall be located only on a tract or parcel of land having a minimum of 200 feet of frontage on a major thoroughfare or be located on a minor thoroughfare having direct access to and within 600 feet of such major thoroughfare.
  3. Each manufactured home shall be located on a separate lot as follows:
    - a. Minimum width of 60 feet at the pad location;
    - b. Minimum of 6,000 square feet;
    - c. Be defined by a marker at each corner. Precise engineering of lot limits is not required; and
    - d. Shall provide a paved concrete or all-weather patio area having a minimum area of 300 square feet.

4. **Manufactured Home Sitting Requirements.** No manufactured home shall be located within:
  - a. Four (4) feet of its individual lot line; or
  - b. 15 feet of any street or drive within the Manufactured Home Park.
5. Within 60 days of the sitting of a manufactured home on its lot, the under-carriage of a manufactured home or modular home shall be concealed from view, through the use of permanent non-inflammable construction materials.
6. The minimum rear yard setback as measured from the manufactured home park line to the nearest pad shall be 20 feet.
7. The minimum side yard setback shall be 20 feet.

F. Other Requirements.

1. All requirements of the City and State health departments that are not included in these regulations shall be complied with.
2. All regulations of the City and State Fire Marshal's Office shall be adhered to.

6-9 O-I Office-Institutional.

A. Description of District. This district is composed of certain lands and structures to provide and encourage suitable areas for business and professional offices, hospitals, medical and dental clinics, educational facilities, religious and public facilities. This district is intended to serve as a transitional area between residential and commercial uses.

B. Permitted Uses. Within the O-I Zoning District, the following Permitted Uses shall be allowed:

1. Accounting, tax preparation, bookkeeping and payroll offices;
2. Ambulance services;
3. Architectural, engineering and related offices;
4. Assembly halls;
5. Banks and other financial institutions;
6. Civic & social organizations; business, professional, political & similar organizations;
7. Finance, real estate and insurance offices;
8. Florists;
9. Gift, novelty and souvenir shops;
10. Health and personal care stores;
11. Hospitals;
12. Legal offices;
13. Libraries;
14. Medical and dental laboratories;
15. Newsstands;
16. Offices of physicians, dentists and other health practitioners;
17. Outpatient care centers;
18. Parks and playgrounds;
19. Public buildings and utilities; and

20. Religious institutions, churches, monasteries, mosques, synagogues and temples. Any use accessory to a use permitted by this paragraph, 21., shall not be permitted in the O-I Zoning District unless the accessory use complies with all conditions within the zoning ordinance that are imposed on such use (Added Ordinance 03-12, 9/16/03).

C. Conditional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on compliance with all the conditions required herein, the following conditional uses shall be allowed.

1. Adult day care services, provided:
  - a. Any required state certifications are obtained;
  - b. The total space in the center (excluding halls, kitchen, storage, bathrooms, office) shall be equal to thirty-five square feet of useable space per participant;
  - c. There shall be a minimum of two toilets and lavatories available. One toilet and lavatory shall be provided for each 12 participants; and
  - d. They shall have at least 75 square feet of outdoor recreation area allocated adjacent to the center per participant. The outdoor recreation area shall be enclosed on all sides to a height of at least four (4) feet.
2. Animal hospitals and veterinary clinics.
  - a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential use; and
  - b. All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.
3. Child care learning centers, provided:
  - a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
  - b. The minimum size of the outdoor play area must be equal to 100 square feet times the maximum possible enrollment of the center;
  - c. They shall have at least 35 square feet of usable indoor floor space provided for each child, based upon maximum possible enrollment;
  - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet with a decorative wrought iron or aluminum fence; and (Amended 3/21/06, Ordinance 06-05)
  - e. Driveway design shall permit vehicles to exit the property in a forward direction. (Amended 8/20/24; Ordinance 2024-Z-04)
4. Eating establishments provided there is no drive-thru.

5. Funeral homes and mortuaries provided such use shall be at least 300 feet from any property zoned for residential use.
6. Sanitariums, rest and retirement homes, nursing homes, assisted living, personal care facilities and intermediate care homes (Added 3/21/06, Ordinance 06-05); provided:
  - a. All state certifications must be obtained; and
  - b. Maximum 20 beds per gross acre of development.
7. Schools and their customary related uses, provided:
  - a. Minimum lot size is three (3) acres;
  - b. Minimum lot frontage is at least 200 feet;
  - c. All building are located on a lot fronting a major or collector street, as determined by the Planning Commission; and
  - d. All buildings are placed not less than 50 feet from any property line and are separated from any such property line, excluding the front property line, by a planted buffer strip.
8. Cemetery, provided:
  - a. Minimum lot area shall be ten (10) acres;
  - b. Gravesites shall be set back at least 50 feet from all property lines;
  - c. No structure other than grave markers shall be located within 35 feet of property zoned for residential use;
  - d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines which adjoin any property zoned for residential use; and
  - e. Accessory crematoriums must be setback at least 200 feet from the buffer along all property lines which adjoin any property zoned for residential use.
9. Group day care homes, provided:
  - a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
  - b. The minimum size of the outdoor play area must be equal to 100 square feet times the maximum possible enrollment of the facility;
  - c. They shall have at least 35 square feet of usable indoor floorspace provided for each child, based upon maximum possible enrollment;
  - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet; and (Added 3/21/06, Ordinance 06-05)

- e. Driveway design shall permit vehicles to exit the property in a forward direction. (Amended 8/20/24; Ordinance 2024-Z-04)

10. Data centers, provided:

- a. Minimum lot area shall be twenty (20) acres;
- b. Transitional height restrictions. Where a data center use adjoins property that is zoned for a residential use, the height of a data center use shall be limited to forty (40) vertical feet for a horizontal distance of one hundred fifty (150) feet as measured from the common property line;
- c. Landscape strip. Where a data center use adjoins a public road, a planted landscape strip 50 feet wide shall be provided adjacent to the existing or dedicated right-of-way. Natural topography and existing vegetation, supplemented with new evergreen vegetation as needed, may be substituted for landscaping when found by the Zoning Administrator to provide appropriate screening;
- d. Buffer. Where a data center use adjoins property that is zoned for residential use, a minimum 100-foot buffer shall be required adjacent to the common property line. In all other cases, a minimum 50-foot buffer shall be required adjacent to the common property line. In all cases, the setback shall be measured from the buffer;
- e. Buffer Vegetation. The first 25 feet of buffer along the property line shall remain in an undisturbed, natural state, except for approved fencing, access and utility improvements. The remaining buffer may be disturbed and graded. If the buffer is disturbed, a minimum of three evergreen trees shall be planted per 100 linear feet of the buffer. Such trees shall have a minimum caliper of 2", but at least 50% of such trees shall have a minimum caliper of 3";
- f. Building façades.
  - i. Building façades that are located within 200 feet of an adjacent public roadway or an adjoining residential use shall be composed of, or shall have the appearance of being composed of, brick, granite, stone, marble, terrazzo, glass, dryvit, redwood or other decorative wood, decorative block, stack bond with sculptured treatment or architectural metal paneling approved by the Community Development Director, with a minimum of 30% of such façade having the appearance of glass.
  - ii. Building façades located within 200 feet of an adjacent public roadway and exceeding a length of 200 feet shall be articulated through changes in the building materials listed above, the plane of the façade, installation of windows, recessed panels, trellis features, landscaping, wall articulation, arcades, or other features.
  - iii. Loading bays located in building façades that face adjacent public roads or adjacent residential uses shall be screened from view.
  - iv. Ground level and rooftop mechanical equipment shall be screened from view. This screening may be provided by a building. Mechanical equipment not screened by a building shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the building. Mechanical equipment located in a manner that has no adverse visual impact as

viewed from adjacent roads or adjacent properties shall not be required to be screened;

- g. Lights. Exterior lighting shall be designed and constructed with full shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties;
- h. Maximum sound level.
  - i. Nighttime. Between 11:00 p.m. and 7:00 a.m., the data center shall not generate noise in excess of 55 dB(A) or 10 dB(A) above ambient levels (whichever is more), when measured at the property boundary shared with property zoned for residential use;
  - ii. Daytime. Between 7:00 a.m. and 11:00 p.m., the data center shall not generate noise in excess of 65 dB(A) or 10 dB(A) above ambient levels (whichever is more), when measured at the property boundary line shared with property zoned for residential use;
  - iii. Use of backup generators that exceed the maximum sound levels is permitted during emergency power outages. Testing of backup generators is limited to the hours between 9:00 a.m. and 5:00 p.m.;
- i. Substations. Substations are considered accessory uses to data centers and shall not be located within 300 feet of an adjacent public road;
- j. Parking. Data centers shall provide a maximum of one parking space per 600 square feet of gross floor area of the data center's office component. No minimum parking ratio applies to data centers in the O-I district;
- k. Loading. Data centers shall provide no more than a maximum of 6 loading spaces per building; and
- l. Size of buildings. No individual building shall exceed 350,000 square in size. (Amended 2/18/25; Ordinance 2025-Z-\_\_)

F. Dimensional Regulations. The minimum dimensional requirement within the O-I Zoning District shall be as follows:

- 1. Lot area: 10,500 square feet;
- 2. Lot width and frontage: 70 feet;
- 3. Front yard setback, as measured from the right-of-way: 50 feet;
- 4. Rear yard setback: 20 feet;
- 5. Side yard setback: 12 ½ feet;

6. Buffer: if the rear or side yard abuts a Residential Zoning District, a minimum buffer of 30 feet adjacent to the lot line shall be provided in addition to the required setback. The setback shall be measured from the buffer;
7. Height: up to 75 feet; and
8. Lot Coverage, including structure and parking area: up to 80% of total lot area.

6-10 NC Neighborhood Commercial District.

- i. Description of District. Uses in this district are intended primarily for those commercial uses that require a location accessible to large numbers of people and that serve a substantial portion of the community.
- ii. Permitted Uses. Within the NC Neighborhood Commercial District, the following uses shall be permitted:
  - O. Accounting, tax preparation, bookkeeping and payroll offices;
  - P. Ambulance Services;
  - Q. Architecture, engineering & related services;
  - R. Art dealers;
  - S. Banks and other financial institutions;
  - T. Camera shops;
  - U. Convenience stores;
  - V. Copy centers;
  - W. Finance, real estate and insurance offices;
  - X. Florists;
  - Y. Gift, novelty and souvenir shops;
  - Z. Health & Personal Care Stores;
  - AA. Hobby, game and toy stores;
  - BB. Jewelry stores;
  - CC. Legal offices;
  - DD. Offices of physicians, dentists & other;
  - EE. Personal care services;
  - FF. Travel agent and tour operator offices;
  - GG. Exam preparation and tutoring (Added Ordinance 03-09, 5/20/03); and

HH. Religious institutions, churches, monasteries, mosques, synagogues and temples. Any use accessory to a use permitted by this paragraph 20, shall not be permitted in the NC Zoning District unless the accessory use complies with all conditions within the zoning ordinance that are imposed on such use (Added Ordinance 03-12, 9/16/03).

iii. Conditional Uses. Upon application to and approval from the Zoning Administrator, said approval being based solely on compliance with all the conditions required herein, the following conditional uses shall be allowed:

O. Adult Day Care Services, provided:

- a. Any required state certifications are obtained;
- b. The total space in the center (excluding halls, kitchen, storage, bathrooms, and office) shall be equal to thirty-five square feet of useable space per participant;
- c. There shall be a minimum of two toilets and lavatories available. One toilet and lavatory shall be provided for each 12 participants; and
- d. They shall have at least 75 square feet of outdoor play area located adjacent to the center per participant.

P. Animal hospitals and veterinary clinics.

- a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential use; and
- b. All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.

Q. Automobile service stations, provided that:

- a. Pumps or similar devices shall be located at least twenty-five (25) feet from any public right-of-way or lot line;
- b. All buildings and appurtenances are located at least one hundred (100) feet from any residential district line; and
- c. All fuel is stored underground outside of any public right-of-way.

R. Car washes, provided:

- a. The facility is tapped into the sanitary sewer; and
- b. Grease, oil and sand interceptors shall be installed.

S. Clothing & clothing accessory stores provided the maximum gross floor area is 8,500 square feet.

T. Child care learning centers, provided:

- a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
  - b. The minimum size of the outdoor play area must be equal to 100 square feet times the maximum possible enrollment of the center;
  - c. They shall have at least 35 square feet of usable indoor floor space provided for each child, based upon maximum possible enrollment;
  - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet with a decorative wrought iron or aluminum fence; and (Amended 3/21/06, Ordinance 06-05)
  - e. Driveway design shall permit vehicles to exit the property in a forward direction. (Amended 8/20/24; Ordinance No. 2024-Z-04)
- U. Drugstores provided the maximum gross floor area is 6,500 square feet.
- V. Eating establishments provided there is no drive thru.
- W. Grocery and specialty food stores provided the maximum gross floor area is 15,000 square feet.
- X. Office Supplies, Stationary & Gift stores provided the maximum gross floor area is 6,500 square feet.
- Y. Pet grooming and supply stores provided the maximum gross floor area is 3,500 square feet.
- Z. Sanitariums, rest and retirement homes, nursing homes, assisted living and personal care facilities, provided:
- a. All required state certifications must be obtained; and
  - b. There is a maximum 20 beds per gross acre of development.
- AA. Self-service laundry provided that central water and central sanitary sewage systems are provided.
- BB. Schools and their customary related uses, provided:
- a. Minimum lot size is three (3) acres;
  - b. Minimum lot frontage is at least 200 feet;
  - c. All buildings are located on a lot fronting a major or collector street, as determined by the Planning Commission; and
  - d. All buildings are placed not less than fifty (50) feet from any property line and are separated from any such property line, excluding the front property line, by a planted buffer strip.

15. Sporting Goods, Hobby, Book & Music Stores provided the maximum gross floor area is 8,500 square feet.

16. Dry cleaning & laundry services (except coin-operated), provided:

- a. Dry cleaning plants using clean systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc. Standard of Classification, known as Class I Systems shall be prohibited;
- b. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but less than 40 according to the Underwriter's Laboratories, Inc. Standard of Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;
- c. The dry cleaning plant shall be designed to operate in a manner that will not emit smoke or odor objectionable waste materials, and which will not produce noise that will carry beyond the walls of the building occupied by such plant;
- d. Fuel for operation of equipment shall be smokeless fuel;
- e. The applicant for the dry cleaning plant shall certify in writing at the time of application that all the above conditions will be met;
- f. Central water and central sanitary sewage systems are required; and
- g. There shall be no on-site storage of dry cleaning solvents in separate container apart from the dry cleaning apparatus (Adopted 7/16/02, Ordinance 02-09).

17. Group day care homes, provided:

- a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
- b. The minimum size of the outdoor play area must be equal to 100 square feet times the maximum possible enrollment of the facility;
- c. They shall have at least 35 square feet of usable indoor floor space provided for each child, based upon maximum possible enrollment;
- d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet; and (Added 3/21/06, Ordinance 06-05)
- e. Driveway design shall permit vehicles to exit the property in a forward direction. (Amended 8/20/24; Ordinance No. 2024-Z-04)

iv. Dimensional Requirements. The minimum dimensional requirements within the NC Zoning District shall be as follows:

O. Lot area: 10,500 square feet;

P. Lot width: 70 feet;

- Q. Front yard setback, as measured from the right-of-way: 50 feet;
  - R. Rear yard setback: 20 feet;
  - S. Side yard setback: 20 feet, if abutting on Agricultural or Residential District;
  - T. Buffer: if the rear or side yard abuts a Residential Zoning District, a minimum buffer of thirty (30) feet adjacent to the lot line shall be provided in addition to the required setback. The setback shall be measured from the buffer;
  - U. Height: up to 35 feet; and
  - V. Lot Coverage, including structure and parking area: up to 80% of total lot area.
- F. Alcoholic Beverages. Within the NC, Neighborhood Commercial District, the sale of alcoholic beverages as defined in the Code of Ordinances of the City of Union City shall not be a permitted use nor allowed as a conditional use or special exception. (New Section – Adopted 4/17/01, Ordinance 2001-07)

6-11 GC General Commercial.

- A. Description of District. This district is intended to provide locations for various types of commercial, retail, restaurants, hotels, and professional office uses. This district is designed to promote a vibrant city and other unique development opportunities that encourage development and redevelopment efforts. (Amended 8/22/23; Ord. No. 2023-03)
- B. Permitted Uses. Within the GC Zoning District, the following Permitted Uses shall be allowed:
1. Architecture, engineering and related services;
  2. Art dealers;
  3. Automobile and other motor vehicle dealers, including automobile brokers (no vehicles stored or for sale on site), new car dealers, used car dealers, recreational vehicle dealers, boat dealers and ATV dealers; (Amended 8/22/23; Ord. No. 2023-03)
  4. Automotive parts, accessories & tire stores;
  5. Banks and other financial institutions;
  6. Building material & garden supply dealers;
  7. Clinics (Ordinance No. 16 - \_\_\_; 5/17/16);
  8. Clothing & clothing accessories stores;
  9. Consumer goods rental;
  10. Electronic & appliance stores;
  11. Exam preparation and tutoring (Added Ordinance 06-46; 9/19/06);
  12. Finance, real estate and insurance offices;
  13. Fine Arts Schools (Ordinance 2014-01; 1/21/14);
  14. Fitness and recreational sports centers (Ordinance 2014-01; 1/21/14);
  15. Florists;
  16. Furniture & home furnishings stores;
  17. General merchandise stores, including department stores, pharmacies and drug stores, warehouse clubs and supercenters, small box discount stores, supermarkets and other grocery stores, convenience food stores (without fuel pumps), specialty food stores (not for on-premises consumption and not selling products made on-site), permanent produce

stands, retail bakeries, temporary outdoor seasonal sales, temporary outdoor retail sales, and retail package stores; (Amended 8/22/23; Ord. No. 2023-03)

18. Hotels & motels;
19. Legal services;
20. Management of companies & enterprises;
21. Museums;
22. Office supplies, stationary & gift stores;
23. Offices of physicians, dentists and other health practitioners;
24. Parking lots and garages;
25. Personal care services, including barber shops, beauty shops, beauty supply stores, day spas, ear piercing services, permanent makeup salons, massage wellness spas/centers, micro-blading tattoo services, nail salons, optical goods stores, personal chef services, personal fitness training services, tanning salons and tattoo parlors; (Amended 8/22/23; Ord. No. 2023-03)
26. Pest control;
27. Pet & pet supply stores;
28. Photo finishing;
29. Professional offices (non-medical related); (Amended 8/22/23; Ord. No. 2023-03)
30. Publishing;
31. Railroad or bus passenger stations;
32. Repair & maintenance of electronic & precision equipment and personal & household goods;
33. Restaurants;
34. Sporting good, hobby, book & music stores; and
35. Taxi & limousine services.

C. Conditional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on compliance with all the conditions required herein, the following conditional uses shall be allowed, excluding item 11. Approval for item 11 must be obtained from the Planning Commission.

1. Adult day care services, provided:
  - a. Any required state certifications are obtained;
  - b. The total space in the center (excluding halls, kitchen, storage, bathrooms, office) shall be equal to 35 square feet of useable space per participant;
  - c. There shall be a minimum of two toilets and lavatories available. One toilet and lavatory shall be provided for each 12 participants; and
  - d. They shall have at least 75 square feet of outdoor play area located adjacent to the center per participant.
2. Animal hospitals and veterinary clinics.
  - a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential use; and
  - b. All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.
3. Automobile equipment rental & leasing, provided:
  - a. An automobile rental leasing office shall have not more than 20 vehicles stored on the site at any given time. Further, the total number of rental or lease vehicles for all such operations within any commercial complex containing other commercial enterprises cannot be greater than 10% of the total parking spaces provided. This restriction applies to rental or leasing offices not located on separate lots;
  - b. The automobile rental or leasing office must be located in a permanent structure. Temporary, portable, mobile or other non-permanent structures are not permitted;
  - c. In addition to the minimum number of parking spaces required under ARTICLE IX of this Ordinance, a parking space must be provided for each rental or lease vehicle stationed at the automobile rental or leasing office. These spaces must be located so as not to interfere with customer parking for other commercial enterprises sharing a complex; and
  - d. Repairs, fueling and servicing of rental or lease vehicles is not permitted at the rental or leasing office. Repairs, fueling and servicing of rental or lease vehicles is not permitted at the rental of leasing office.
4. Automotive repair & maintenance except car washes, provided:
  - a. All activities shall take place within an enclosed building;
  - b. All outdoor storage must be to the rear of the principal structure and enclosed by a fence no less than six (6) feet in height; and
  - c. Automobile repair & maintenance shall not be located within one thousand five hundred (1,500) feet to another automobile repair & maintenance establishment. (Amended 8/22/23; Ord. No. 2023-03)

5. Automobile service stations, provided that:
  - a. Pumps or similar devices shall be located at least 25 feet from any public right-of-way or lot line;
  - b. All gas pumps and storage tanks are located at least 100 feet from any residential zoning zoning district line or the property line of any legal non-conforming residential lot (Ordinance 2005-09; adopted June 21,2005);
  - c. All fuel is stored underground outside of any public right-of-way; and
  - d. Automobile service stations shall not be located within one thousand five hundred (1,500) feet to another automobile service station. (Amended 8/22/23; Ord. No. 2023-03)
  
6. Car washes, provided;
  - a. Central sanitary sewer is required; and
  - b. A grease, oil and sand interceptor shall be installed.
  
7. Child care learning centers, provided:
  - a. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
  - b. The minimum size of the outdoor play area must be equal to 100 square feet times the maximum possible enrollment of the center;
  - c. They shall have at least 35 square feet of usable indoor floor space provided for each child, based upon maximum possible enrollment;
  - d. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet with a decorative wrought iron or aluminum fence; and (Amended 3/21/06, Ordinance 06-05)
  - e. Driveway design shall permit vehicles to exit the property in a forward direction. (Amended 8/20/24; Ordinance No. 2024-Z-04)
  
8. Dry cleaning & laundry services (except coin-operated), provided:
  - a. Dry cleaning plants using clean systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc. Standard of Classification, known as Class I Systems shall be prohibited;
  - b. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but less than 40 according to the Underwriter's Laboratories, Inc. Standard of Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;

- c. The dry cleaning plant shall be designed to operate in a manner that will not emit smoke or odor objectionable waste materials, and which will not produce noise that will carry beyond the walls of the building occupied by such plant;
  - d. Fuel for operation of equipment shall be smokeless fuel;
  - e. The applicant for the dry cleaning plant shall certify in writing at the time of application that all the above conditions will be met;
  - f. Central water and central sanitary sewage systems are required; and
  - g. There shall be no on-site storage of dry cleaning solvents in separate container apart from the dry cleaning apparatus.
9. Residential dwellings accessory to commercial uses. This classification is intended to allow residential dwellings in commercial uses within the GC Zoning District. The purpose of this classification is to accommodate business owners who wish to reside on their property for the purpose of providing additional security and easy access to the business. The purpose is not to allow every commercial operation to have a residential unit attached to it but to allow such a use under specific circumstances provided below.
- a. Only one (1) dwelling unit per commercial use is permitted;
  - b. The gross floor area occupied by residential uses shall not exceed 25% of the total gross floor area of the existing building or 3,000 square feet of dwelling unit per commercial structure, whichever is less;
  - c. Minimum lot size of 1.5 acres is required;
  - d. The ground floor of any structure shall be utilized for commercial purposes only;
  - e. Residential dwelling units shall be confined to the upper floors of any commercial structures. The rear section of a commercial structure may be used only if it is separated by a wall and has a separate entrance;
  - f. A separate entrance for residential use is required. There shall be no more than one (1) residential entrance per building;
  - g. All non-residential off street parking requirements must be met. Required parking may be located along side of the building, in the rear yard accessed by a driveway or alley, or may be located on an adjacent parcel no more than 250 feet from the residential entrance to the building;
  - h. Only those persons with an interest in the business; the structure; or the real property on which the structure rests may reside on the premises; and
  - i. The entire structure must be in compliance with any commercial structure codes.
10. Sanitariums, rest and retirement homes, nursing homes, assisted living and personal care facilities.

- a. Must attain all required state certifications; and
  - b. Maximum 20 beds per gross acre of development.
11. Self-service laundry, provided that central water and central sanitary sewage systems are provided.
12. Extended stay hotels or motels, provided:
- a. Each hotel/motel site shall be a minimum of two acres.
  - b. Each guest room shall have a minimum of three hundred (300) square feet.
  - c. Guest rooms shall be accessed internally to the building with no direct room access to the outside. The lobby shall be a minimum of 1,000 square feet in size.
  - d. Each hotel/motel shall provide a fitness or recreational center with a minimum of 400 square feet, which is available to all guests.
  - e. The development shall include a minimum 1000 square foot meeting facility/conference room dedicated to the exclusive use of business meetings, conferences and seminars. The facility/conference room is not to be subdivided except by movable partitions.
  - f. No permanent business license shall be issued for conduct of any business from any guest room of the facility.
  - g. No hotel or motel under this section is to be converted to or used as an apartment or condominium without prior approval of the City Council. Any hotel or motel converted to such use must meet all applicable state and local codes including zoning standards.
  - h. Each guest room must be protected with a sprinkler system approved by the fire marshal or their designee.
  - i. A hard-wired smoke detector shall be provided and installed in each guest room.
  - j. No outside storage or permanent parking of equipment or vehicles shall be allowed.
  - k. All extended stay hotels shall have a maximum density of 75 guest units per gross acre of development. (Ordinance 2001-12, October 16, 2001)
13. Cemetery, provided:
- a. Minimum lot area shall be ten (10) acres;
  - b. Gravesites shall be set back at least 50 feet from all property lines;
  - c. No structure other than grave markers shall be located within 35 feet of property zoned for residential use;

- d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines which adjoin any property zoned for residential use; and
- e. Accessory crematoriums must be setback at least 200 feet from the buffer along all property lines which adjoin any property zoned for residential use. (Ordinance 2002-02, February 19, 2002)

14. Self-service storage, provided:

- a. No storage outside of the facility’s storage units shall be permitted. Storage units shall not be permitted outside of the facility’s enclosed building.
- b. Storage units may not be used for the following: the operation of a business, or service enterprise; personal activities such as hobbies, arts & crafts, woodworking, repair, restoration or maintenance of machinery or equipment; and/or living or sleeping quarters.
- c. Wares, goods and/or personal property stored therein shall not include explosives, paint, flammable chemicals or other materials which might be corrosive or hazardous.
- d. All facilities shall be enclosed by a fence or wall a minimum of six (6) to a maximum of eight (8) feet in height. The fence shall be constructed of either brick, stone, masonry, wood or similar materials.
- e. Entrance doors to storage units shall be from interior hallways that are enclosed within a building.
- f. All portions of the facility must include decorative facades. Metal exterior walls shall be prohibited. The exterior façade of all structures shall be reviewed and approved by the Zoning Administrator during the conditional use review process.
- g. The maximum height of a facility shall not exceed 75 ft.
- h. The following buffers are required along any residential, commercial, or office-institutional properties.

Adjacent District	Buffer Width
R-1, R-2, R-3, R-4, R-6, RMD-1, RM, MHP, PUD or OSC	40 feet
O-I, NC, MXD	30 feet
GC, RSC	15 feet

M-1, M-2	5 feet
----------	--------

- i. All outdoor lights shall be shielded to ensure that light and glare are limited to the premises and are directed away from adjacent properties. Lights shall be low intensity. If a facility abuts a residentially zoned property, outdoor lighting shall be limited to a maximum height of 15 feet.
- j. Building for live on premise manager/security must have a minimum size of 350 square feet and must be constructed of brick or natural materials.
- k. Landscaping shall be provided continuously along all public street frontages, except for authorized access points. Landscaping shall consist of a variety of hardy evergreen plant material consisting of trees, low, medium and high-profile shrubs, together with a suitable ground cover such as sod, native grasses, rock or combination thereof. Landscaping shall be designed, placed and maintained in such a manner as to not impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. The landscaping shall be reviewed and approved by the Zoning Administrator during the conditional use review process.
- l. No exterior loudspeakers or paging equipment shall be permitted on the site. (Ordinance 2004-08, 4/20/04)
- m. Shipping containers or other pods/storage units shall be permitted, but must be interior to the facility. (Ordinance 2022-02, 12/08/22)

15. Fortune telling, provided:

- a. No outdoor storage shall be permitted.
- b. Generous amounts of landscaping, that adds curb appeal. General is defined as an abundant amount of flowers, shrubs or hedges that are attractive.
- c. No similar business exists in the shopping center or within 1,500 feet of the proposed business.
- d. Planted, natural buffer required if the business abuts a residential area or parcel

Adjacent District	Buffer Width
R-1, R-2, R-3, R-4, R-6, RMD-1, RM, MHP, PUD or OSC	40 feet
O-I, NC, MXD	30 feet

GC, RSC	15 feet
M-1, M-2	5 feet

- e. Fences, walls, or hedges shall not exceed 3 feet in height in a front yard.
- f. If a business is located on a corner no objects such as shrubs, hedges, signs, fences or walls, etc. shall be built or placed where it obstructs or may obstruct in the future the view of automobile drivers.
- g. No external activity such as loudspeakers, pagers or high beaming lights shall be permitted that would impact surrounding businesses and/or residents. (Adopted 11/15/05, Ordinance 05-15)

16. Group day care homes, provided:

- b. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
- c. The minimum size of the outdoor play area must be equal to 100 square feet times the maximum possible enrollment of the facility;
- d. They shall have at least 35 square feet of usable indoor floor space provided for each child, based upon maximum possible enrollment;
- e. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet; and (Added 3/21/06, Ordinance 06-05)
- f. Driveway design shall permit vehicles to exit the property in a forward direction. (Amended 8/20/24; Ordinance No. 2024-Z-04)

17. Towers pursuant to the definitions and conditions outlined in Article III and Article VIII of this Ordinance, provided that the applicant has demonstrated a gap in coverage that cannot be remedied by placing such a tower on property zoned to the M-1, M-2 or TCMU districts. (Ordinance No. 2018-\_\_\_; 9/18/18)

18. Liquor stores, provided that:

- a. Liquor stores must operate as sole tenants in free standing buildings of at least five thousand (5,000) square feet in size and no greater than twenty thousand (20,000) square feet in size;
- b. Properties shall not have any outdoor accessory or vending structures, including ATMs, soda machines, video machines, ice chests, etc.; and

- c. Liquor stores shall not be located within three thousand (3,000) feet to another liquor store. (Amended 8/22/23; Ord. No. 2023-03)

19. Smoking lounge and tobacco shop, provided:

- a. Maintain a valid permit to operate a smoking lounge or tobacco shop issued by the state Department of Revenue;
- b. Maintain a valid permit for the retail sale of tobacco products as required to be issued by the appropriate authority in the City where the establishment is located;
- c. Smoking lounges and tobacco shops must have and maintain a ventilation system that exhausts smoke from the business and is designed in accordance with the state building code standards for the occupancy classification in use. The air handling systems from the smoking area shall be independent from the main air handling system that serves all other areas of the building and all air within the smoking area shall be exhausted directly to the outside by an exhaust fan. No air from the smoking area shall be recirculated to other parts of the building;
- d. May not be located within four hundred (400) feet of a residentially zoned property or any property containing a dwelling unit or within six hundred (600) feet of a private or public school, or child care learning centers; and
- e. Smoking lounges and tobacco shops shall not be located within one thousand five hundred (1,500) feet to another smoking lounge or tobacco shop.
- f. The methodology for measuring distances is to measure the distance along the most direct route of travel by using the closest property line from the smoking lounge or tobacco shop to the closest property line of the property which is identified with the distance requirement above. (Amended 8/22/23; Ord. No. 2023-03)

20. Places of Assembly, provided:

- a. The following are designated as specific type(s) of place of assembly:
  - 1. Recreational establishment entirely enclosed within a building such as bowling alleys, skating rinks, movie theaters;
  - 2. Banquet halls and event centers;
  - 3. Private commercial/vocational schools (including martial arts or dance studios, and technical or vocational training);
  - 4. Clubs and/or lodges; and
  - 5. Religious institutions, churches, monasteries, mosques, synagogues and temples.

- b. In the event any of the uses in subsection (a) above shall be designated to serve more than one hundred (100) persons at any given time, the parcel shall meet the parking requirements set forth within this ordinance and be provided in the rear yard and parkin shall be contained on the lot. (Amended 8/22/23; Ord. No. 2023-03)

D. Dimensional Regulations. The minimum dimensional requirement within the GC Zoning District shall be as follows:

1. Lot area: 10,500 square feet;
2. Lot width and frontage: 70 feet;
3. Front yard setback, as measured from the right-of-way: 50 feet;
4. Rear yard setback: 20 feet;
5. Side yard setback: 12 ½ feet;
6. Buffer: if the rear or side yard abuts a Residential Zoning District, a minimum buffer of 30 feet adjacent to the lot line shall be provided in addition to the required setback. The setback shall be measured from the buffer;
7. Height: up to 75 feet;
8. Lot Coverage, including structure and parking area: up to 80% of total lot area; and
9. Screening dimensions for parking and service areas as provided in Sec. 5-17, Sec. 5-18 and ARTICLE X.

6-12 RSC Regional Shopping Center.

- A. Description of District. This district is composed of certain lands and structures in the City providing for convenient regional community shopping facilities having a broad variety of sales and services.
- B. Permitted Uses. Within the RSC Zoning District, the following Permitted Uses shall be allowed:
1. Accounting, tax preparation, bookkeeping and payroll services;
  2. Art dealers;
  3. Building material & garden supply dealers;
  4. Banks and other financial institutions;
  5. Clothing & clothing accessories stores;
  6. Consumer goods rental;
  7. Electronic & appliance stores;
  8. Finance, real estate & insurance offices;
  9. Florists;
  10. Grocery & specialty food stores;
  11. Fine arts schools;
  12. Furniture & home furnishing stores;
  13. General merchandise stores;
  14. Health & personal care stores;
  15. Libraries;
  16. Office supplies, stationary & gift stores;
  17. Offices of physicians, dentists & other health practitioners;
  18. Parking lots or garages;
  19. Personal care services;

20. Pet & pet supply stores;
21. Photo finishing;
22. Radio & television broadcasting studio;
23. Repair & maintenance of electronic & precision equipment and personal & household goods;
24. Restaurants and food catering service;
25. Sporting good, hobby, book & music stores;
26. Taxi & limousine services; and
27. Technical & trade schools.

C. Conditional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on the compliance of all conditions required herein, the following Conditional Uses shall be allowed:

1. Animal hospitals and veterinary clinics.
  - a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential use; and
  - b. All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.
2. Automotive repair & maintenance except car washes, provided:
  - a. All activities shall take place within an enclosed building; and
  - b. All outdoor storage must be to the rear of the principal structure and enclosed by a fence no less than six (6) feet in height.
3. Car washes, provided:
  - a. Central sanitary sewer is required; and
  - b. A grease, oil and sand interceptor shall be installed.
4. Dry cleaning plant, provided:
  - a. Dry cleaning plants using clean systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc. Standard of Classification, known as Class I Systems shall be prohibited;
  - b. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but less than 40 according to the Underwriter's Laboratories, Inc.

Standard of Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;

- c. The dry cleaning plant shall be designed to operate in a manner that will not emit smoke or odor objectionable waste materials, and which will not produce noise that will carry beyond the walls of the building occupied by such plant;
  - d. Fuel for operation of equipment shall be smokeless fuel;
  - e. The applicant for the dry cleaning plant shall certify in writing at the time of application that all the above conditions will be met; and
  - f. Central water and central sanitary sewage systems are required.
5. Radio and television towers, provided all buildings, masts and other facilities are located at least 200 feet from the adjacent property lines of residential lots.
  6. Self-service laundry, provided that central water and central sanitary sewage systems are provided.

D. Dimensional Requirements. The minimum dimensional requirements within the RSC Zoning District shall be as follows:

1. Lot area: 10,500 square feet, provided; that any development in the RSC Zoning District must contain a minimum area of 30 contiguous acres;
2. Lot width and frontage: 70 feet;
3. Front yard setback, as measured from the right-of-way: 50 feet;
4. Rear yard setback: 20 feet;
5. Side yard setback: 20 feet;
6. Buffer: if the rear or side yard abuts a Residential or Agricultural Zoning District, a minimum buffer of 30 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer;
7. Height: up to 75 feet;
8. Lot Coverage, including structure and parking area: up to 80% of total lot area; and
9. Screening dimensions for parking and service areas; as provided in Sec. 5-17, Sec. 5-18 and ARTICLE X.

E. Special Use Requirement within RSC Zoning District. Travel trailers may be parked for special events beginning the day after Thanksgiving until the day after Christmas of the same year with no such time requirements.

6-13 M-1 Light Industrial.

A. Description of District. This district is composed of certain lands and structures in the City which are suitable for industrial development but where proximity to existing or proposed residential or commercial districts make it desirable to limit the manner and extent of industrial operations and thereby protect the nearby residential or commercial land.

B. Permitted Uses. Within the M-1 Zoning District, the followed Permitted Uses shall be allowed:

1. Ambulance services;
2. Automobile service stations;
3. Automotive equipment rental & leasing;
4. Automobile repair & maintenance except car washes;
5. Automobile parts, accessories & tire stores;
6. Automobile service station;
7. Automobile & other motor vehicle dealers;
8. Building, developing & general contracting;
9. Building material & garden supply dealers;
10. Data Centers; (Amended 8/22/23; Ord. No. 2023-05)
11. Electronic shopping & mail order houses;
12. General rental centers;
13. Fuel dealers;
14. Furniture & home furnishings stores;
15. Mini-warehouse rental or leasing with live-on premises managers;
16. Linen & uniform supply;
17. Light manufacturing:
  - a. Apparel knitting mills;

- b. Beverage manufacturing;
- c. Computer & electronic product manufacturing;
- d. Cosmetic manufacturing;
- e. Electrical equipment, appliance & component manufacturing;
- f. Fabricated metal product manufacturing;
- g. Food manufacturing, except animal slaughtering & processing, seafood product preparation & packaging, sauerkraut manufacturing, vinegar manufacturing and yeast manufacturing;
- h. Furniture & related product manufacturing;
- i. Industrial launderers;
- j. Leather & allied product manufacturing, except leather & hide tanning & finishing;
- k. Metalworking machinery manufacturing;
- l. Millwork;
- m. Other miscellaneous manufacturing including:
  - i. Broom, brush & mop manufacturing;
  - ii. Burial casket manufacturing;
  - iii. Doll, toy & game manufacturing;
  - iv. Fastener, button, needle & pin manufacturing;
  - v. Gasket, packing & sealing device manufacturing;
  - vi. Jewelry & silverware manufacturing;
  - vii. Medical equipment & supplies manufacturing;
  - viii. Musical instrument manufacturing;
  - ix. Office supplies (except paper) manufacturing;
  - x. Sign manufacturing;

- xi. Sporting & athletic goods manufacturing; and
  - xii. Office supplies (except paper) manufacturing.
  
  - n. Nonmetallic mineral product manufacturing;
  - o. Pharmaceutical & medicine manufacturing;
  - p. Plastics & rubber products manufacturing;
  - q. Textile mills; and
  - r. Textile product mills.
- 18. Locksmith;
  - 19. Management of companies & enterprises;
  - 20. Materials recovery facilities;
  - 21. Medical & diagnostic laboratories;
  - 22. Motor vehicle towing;
  - 23. Pest control;
  - 24. Printing & related support activities;
  - 25. Publishing;
  - 26. Public buildings and utilities;
  - 27. Radio & television broadcasting studios;
  - 28. Radio and television towers, provided all buildings, masts and other facilities are located at least 200 feet from the adjacent lot lines of residential and agricultural lots;
  - 29. Railroad or bus passenger station;
  - 30. Railroad freight station;
  - 31. Repair & maintenance of electronic & precision equipment and personal & household goods;

32. Special trade contractors, including the following; plumbing, heating and air conditioning contractor, electrical contractors, masonry/ drywall/ insulation/ tile contractors, carpentry and floor contractors, roofing, siding and sheet metal contractors, concrete contractors, water well drilling contractors, excavation contractors and wrecking & demolition contractors;
33. Taxidermist;
34. Truck transportation;
35. Vending machine operators;
36. Warehousing & storage;
37. Wholesale trade;
38. Ready mix and concrete operations (Adopted 5/15/07, Ordinance 07-14);
39. Couriers & messengers (Adopted 8/21/07, Ordinance 07-18);
40. Used merchandise stores (Adopted 8/21/07, Ordinance 07-18); and
41. Wholesale offices (Adopted 8/21/07, Ordinance 07-18).

C. Conditional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on the compliance of all conditions required herein, the following Conditional Uses shall be allowed:

1. Animal hospital, commercial kennel, veterinary clinic or animal boarding place, provided that they are located at least three hundred (300) feet from the nearest residential district.
2. Car washes, provided:
  - a. Central sanitary sewer is required; and
  - b. A grease, oil and sand interceptor shall be installed.
3. Dry cleaning & laundry services (except coin-operated), provided:
  - a. Dry cleaning plants using clean systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc. Standard of Classification, known as Class I Systems shall be prohibited;
  - b. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but less than 40 according to the Underwriter's Laboratories, Inc.

Standard of Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;

- c. The dry cleaning plant shall be designed to operate in a manner that will not emit smoke or odor objectionable waste materials, and which will not produce noise that will carry beyond the walls of the building occupied by such plant;
  - d. Fuel for operation of equipment shall be smokeless fuel;
  - e. The applicant for the dry cleaning plant shall certify in writing at the time of application that all the above conditions will be met;
  - f. Central water and central sanitary sewage systems are required; and
  - g. There shall be no on-site storage of dry cleaning solvents in separate container apart from the dry cleaning apparatus.
4. Radio and television towers, provided all buildings, masts and other facilities are located at least 200 feet from the adjacent lot lines of residential and agricultural lots.
5. Sawmills & wood preservation; veneer, plywood & engineeredwood product manufacturing, provided that the storage area is enclosed by at least a six (6) foot fence.
6. Sexually oriented business, provided:
- a. It is not located within 1,000 feet of:
    - i. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
    - ii. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
    - iii. A boundary of a residential district as defined in the Zoning Ordinance;
    - iv. A public park or recreational area which has been designated for park or recreational activities included but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation or management of the City parks and recreation authorities;

- v. The property line of a lot devoted to a residential use as defined in the Zoning Ordinance;
  - vi. An entertainment business which is oriented primarily toward children or family; and
  - vii. A licensed premises, licensed pursuant to the alcoholic beverage regulations of the state.
- b. It is not located within 1,500 feet of another sexually oriented business; and
  - c. It is not located within the same building, structure or portion thereof containing another sexually oriented business.
7. Towers & antennas pursuant to the definitions and conditions outlined in ARTICLE III and ARTICLE VIII of this Ordinance.
8. Live on premise manager/security at lumberyards, provided:
- a. Minimum square footage of building is 350 square feet; and
  - b. The building must be constructed of brick or natural materials.
9. Fortune telling, provided:
- a. No outdoor storage shall be permitted.
  - b. Generous amounts of landscaping, that adds curb appeal. General is defined as an *abundant amount* of flowers, shrubs or hedges that are attractive.
  - c. No similar business exists in the shopping center or within 1,500 feet of the proposed business.
  - d. Planted, natural buffer required if the business abuts a residential area or parcel:

Adjacent District	Buffer Width
R-1, R-2, R-3, R-4, R-6, RMD-1, RM, MHP, PUD or OSC	40 feet
O-I, NC, MXD	30 feet

GC, RSC	15 feet
M-1, M-2	5 feet

- e. Fences, walls, or hedges shall not exceed 3 feet in height in a front yard.
- f. If a business is located on a corner no objects such as shrubs, hedges, signs, fences or walls, etc. shall be built or placed where it obstructs or may obstruct in the future the view of automobile drivers.
- g. No external activity such as loudspeakers, pagers or high beam lights shall be permitted that would impact surrounding businesses and/or residents. (Adopted 11/15/05; Ordinance 05-15)

10. Inert waste landfill operations, provided:

- a. The maximum square footage is 25 acres;
- b. The maximum height for the facility cannot extend more than 10 feet above the highest grade of any point of adjacent property or street right-of-way;
- c. All requirements of the Soil Erosion and Sediment Control Ordinance are satisfied and a land disturbance permit obtained; and
- d. Any required state permits are obtained. (Adopted 12/2006; Ordinance 06-81)

D. Dimensional Requirements.

- 1. Lot area: 30,000 square feet;
- 2. Lot width and frontage: 150 feet for initial zoning request;
- 3. Front yard setback, as measured from the right-of-way: 50 feet;
- 4. Rear yard setback: 20 feet;
- 5. Side yard setback: 20 feet;
- 6. Buffer: If the rear yard or side yard abuts a Residential or Agricultural Zoning District, a minimum buffer of 75 feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer;
- 7. Height: up to 75 feet;

8. Lot coverage, including structure and parking area: up to 80% of total lot area; and
9. For screening dimensions for storage areas, loading docks and parking: see Sec. 5-17, Sec. 5-18 and ARTICLE X.

6-14 M-2 Manufacturing and Heavy Industrial.

- A. Description of District. This district is composed of certain lands and structures in the City providing suitable areas for major manufacturing, processing, research and warehousing which require open storage and large amounts of land. These districts should have access to major streets and utilities and discourage uses that are incompatible.
- B. Permitted Uses. Within the M-2 Zoning District, the following Permitted Uses shall be allowed:
1. Ambulance service;
  2. Automobile & other motor vehicle dealers;
  3. Automobile parts, accessories & tire stores;
  4. Automobile service stations;
  5. Automobile repair & maintenance except car washes;
  6. Automotive equipment rental & leasing;
  7. Building material & garden supply dealers;
  8. Building, developing & general contracting;
  9. Data Centers; (Amended 8/22/23; Ord. No. 2023-06)
  10. Electronic shopping & mail order houses;
  11. Fuel dealers;
  12. Furniture & home furnishings stores;
  13. General rental centers;
  14. Gunsmith;
  15. Heavy construction;
  16. Light manufacturing:
    - a. Apparel knitting mills;
    - b. Beverage manufacturing;

- c. Computer & electronic product manufacturing;
- d. Cosmetic manufacturing;
- e. Electrical equipment, appliance & component manufacturing;
- f. Fabricated metal product manufacturing;
- g. Food manufacturing, except animal slaughtering & processing, seafood product preparation & packaging, sauerkraut manufacturing, vinegar manufacturing and yeast manufacturing;
- h. Furniture & related product manufacturing;
- i. Industrial launderers;
- j. Leather & allied product manufacturing, except leather & hide tanning & finishing;
- k. Metalworking machinery manufacturing;
- l. Millwork;
- m. Other miscellaneous manufacturing including:
  - i. Broom, brush & mop manufacturing;
  - ii. Burial casket manufacturing;
  - iii. Doll, toy & game manufacturing;
  - iv. Fastener, button, needle & pin manufacturing;
  - v. Gasket, packing & sealing device manufacturing;
  - vi. Jewelry & silverware manufacturing;
  - vii. Medical equipment & supplies manufacturing;
  - viii. Musical instrument manufacturing;
  - ix. Office supplies (except paper) manufacturing;
  - x. Sign manufacturing;
  - xi. Sporting & athletic goods manufacturing; and

- xii. Office supplies (except paper) manufacturing.
- xiii. Nonmetallic mineral product manufacturing;
- xiv. Pharmaceutical & medicine manufacturing;
- xv. Plastics & rubber products manufacturing;
- xvi. Textile mills; and
- xvii. Textile product mills.
  
- n. Linen & uniform supply;
- o. Locksmith services;
- p. Management of companies & enterprises;
- q. Materials recovery facilities;
- r. Medical & diagnostic laboratories;
- s. Mini warehouses with live-on premises managers;
- t. Motor vehicle towing;
- u. Pest control;
- v. Printing & related support activities;
- w. Public buildings and utilities;
- x. Publishing;
- y. Radio & television broadcasting studios;
- z. Rail transportation & rail transportation support activities;
  
- aa. Repair & maintenance of electronic & precision equipment and personal & household goods;
  
- bb. Special trade contractors, including the following; plumbing, heating and air conditioning contractors, electrical contractors, masonry/drywall/insulation/tile contractors, carpentry and floor contractors, roofing, siding and sheet metal

contractors, concrete contractors, water well drilling contractors, excavation contractors and wrecking & demolition contractors;

cc. Taxidermist;

dd. Truck transportation;

ee. Vending machine operators;

ff. Warehousing & storage; and

gg. Wholesale trade.

C. Conditional Uses. Upon application to and approval by the Zoning Administrator, said approval being based solely on the compliance of all conditions required herein, the following Conditional Uses shall be allowed:

1. Animal slaughtering & processing provided it shall be setback not less than 500 feet from any M-2 Zoning District boundary.
2. Chemical manufacturing, except pharmaceutical & medicine manufacturing and toilet preparation manufacturing provided it shall be setback not less than 500 feet from any M-2 Zoning District boundary.
3. Dry cleaning & laundry services (except Coin-Operated), provided:
  - a. Dry cleaning plants using clean systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc. Standard of Classification, known as Class I Systems shall be prohibited;
  - b. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but less than 40 according to the Underwriter's Laboratories, Inc. Standard of Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;
  - c. The dry cleaning plant shall be designed to operate in a manner that will not emit smoke or odor objectionable waste materials, and which will not produce noise that will carry beyond the walls of the building occupied by such plant;
  - d. Fuel for operation of equipment shall be smokeless fuel;
  - e. The applicant for the dry cleaning plant shall certify in writing at the time of application that all the above conditions will be met;
  - f. Central water and central sanitary sewage systems are required; and

- g. There shall be no on-site storage of dry cleaning solvents in separate container apart from the dry cleaning apparatus.
- 4. Junk or salvage yard as defined in this Ordinance, provided that:
  - a. Said use shall not be located within 800 feet of an arterial thoroughfare; and
  - b. Otherwise, if within 500 feet of a public right-of-way, an eight (8) foot high solid fence or wall shall be erected to screen the storage yard from view from the street.
- 5. Machinery manufacturing provided it shall be set back not less than 500 feet from any M-2 Zoning District boundary.
- 6. Paper manufacturing provided it shall be set back not less than 500 feet from any M-2 Zoning District boundary.
- 7. Petroleum & coal products manufacturing provided it shall be set back not less than 500 feet from any M-2 Zoning District boundary.
- 8. Primary metal manufacturing provided it shall be set back not less than 500 feet from any M-2 Zoning District boundary.
- 9. Sawmills & wood preservation; veneer, plywood & engineered wood product manufacturing, provided that the storage area is enclosed by at least a six (6) foot fence.
- 10. Sexually Oriented Businesses, provided:
  - a. It is not located within 1,000 feet of:
    - i. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
    - ii. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
    - iii. A boundary of a residential district as defined in the Zoning Ordinance;
    - iv. A public park or recreational area which has been designated for park or recreational activities included but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the

City which is under the control, operation or management of the City parks and recreation authorities;

- v. The property line of a lot devoted to a residential use as defined in the Zoning Ordinance;
  - vi. An entertainment business which is oriented primarily toward children or family; and
  - vii. A licensed premises, licensed pursuant to the alcoholic beverage regulations of the state.
- b. It is not located within 1,500 feet of another sexually oriented business; and
  - c. It is not located within the same building, structure or portion thereof containing another sexually oriented business.

11. Transfer station defined as a facility where solid waste is delivered for the purpose of compacting the material into larger vehicles for transport to a final disposal site or processing facility. A transfer station may include the separation and collection of material for the purpose of recycling. A transfer station shall be subject to the following:

- a. Lot area: One acre for every 1,000 square feet of building space (building not to exceed 18,000 square feet) with a five (5) acre minimum. The lot is to be surrounded by an eight (8) foot high fence.
- b. Minimum Setbacks:
  - i. Minimum buffer requirement of 75 feet;
  - ii. A minimum setback requirement from arterial streets of 300 feet, with setbacks to the rear and sides a minimum of 200 feet; and
  - iii. A minimum straight-line distance requirement of 2,500 feet from the on-site compactor to the nearest residential district.
- c. The entire transfer process, which includes unloading, compaction and loading onto the transfer trucks, shall occur in a building of at least three (3) sides with a concrete staging platform. The maximum height allowed for this building is 75 feet. Ventilation of the building shall be under the guidelines of the latest American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc. (ASHRAE) Standard.
- d. Driveways and parking lots shall be fully paved with asphalt or concrete strong enough to handle heavy loads.

- e. All trucks entering or leaving the transfer station shall be completely covered. Any truck driver blowing debris on City or private property shall be fined per City Ordinance.
  - f. Transfer stations shall be of “Direct-load” only whereas collection vehicles empty their waste directly into the vehicles which were transported to the disposal sites or into facilities which compact the waste into transfer trucks.
  - g. Solid waste shall not remain on the site for more than 12 hours.
  - h. At the end of each workday, all solid waste on the site shall be compacted in a transfer container.
  - i. Oversized items and items that cannot be compacted because of their construction shall be stored in the building. These items shall not remain on site for more than five (5) days.
  - j. The operator shall have contingency plans for when the transfer station is shut-down for scheduled maintenance or emergencies.
  - k. Water and/or leachate runoff from solid waste and water used to wash transfer station equipment and the facility-staging platform shall be collected for pre-treatment and disposal to the sanitary systems. Appropriate permits shall be obtained and certified before construction.
  - l. A transfer station shall be under the direction at all times of a responsible individual who is qualified to operate a transfer station.
  - m. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against unauthorized dumping, every transfer station shall be protected by locked barricades, fences, etc.
  - n. Unloading solid waste shall be continuously supervised by a facility operator.
  - o. All hazardous waste this in on the list maintained by the Environmental Protection Division shall not be disposed of in an incinerator.
  - p. The facility must comply with all state laws regulating transfer stations and with Environmental Protection Division licensing requirements.
  - q. The facility shall operate in such a fashion so as to produce no discernible odor to surrounding property owners and other citizens with the area.
12. Transportation equipment manufacturing provided it shall be set back not less than 500 feet from any M-2 Zoning District boundary.

13. Recycling and Rental Services are defined as establishments that are (1) primarily for recycling and sorting materials into distinct categories, such as paper products, wood, concrete, plastics and metals, and/or (2) for renting or servicing of roll off and storage containers, portable toilets, fresh water tanks, waste water holding tanks and hand wash stations, provided:
  - a. Lot area: minimum of five (5) acres. The lot is to be surrounded by a eight (8) foot high fence;
  - b. It is not located within 1,000 feet of a property line of a lot devoted to a residential use as defined in the Union City Zoning Ordinance;
  - c. Materials for recycling processing may only include concrete and wood items. All concrete crushing shall take place within a permanent fully enclosed structure. Wood recycling shall take place in the rear and/or outdoor area of the property. All other operations, such as loading or unloading, shall take place in the rear of the building.
  - d. Hours of operation. Concrete crushing and wood recycling operations shall only take place between the hours of 6:00 AM to 6:00 PM Monday through Friday. All other operations, such as loading or unloading, shall only take place between the hours of 6:00 AM to 6:00 PM Monday through Friday and 8:00 AM to 5:00 PM on Saturday.
  - e. All trucks entering and leaving the facility shall be completely covered. Any truck driver blowing debris on City or private property shall be fined per City Ordinance. (Ord. 09-19; 10/20/09)
14. Towers & antennas pursuant to the definitions and conditions outlined in ARTICLE III and ARTICLE VIII of this Ordinance.

D. Dimensional Requirements. The minimum dimensional requirements within the M-2 Zoning District shall be as follows:

1. Lot area: 30,000 square feet;
2. Lot width and frontage: 150 feet;
3. Front yard setback, as measured from the right-of-way: 50 feet;
4. Rear yard setback: 20 feet;
5. Side yard setback: 20 feet;
6. Buffer: If the rear or side yard abuts a Residential or Agricultural Zoning District, a minimum buffer of 75 feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer;
7. Height: up to 75 feet;

8. Lot coverage, including structure and parking area: up to 80% of the total lot area; and
9. For screening dimensions for storage areas, loading docks and parking, see Sec. 5-17, Sec. 5-18 and ARTICLE X.

[Section 6-15 was revised in its entirety on October 14, 2020]

6-15 TCMU Town Center Mixed Use

- A. Description of District. This district is composed of certain lands and structures intended to allow flexible site planning and building arrangements for uses under a unified plan which fosters natural resource conservation and reduces traffic congestion. Emphasis is on connectivity and uses that generate a high level of activity. The district is intended to provide a pedestrian-friendly mixture of residential and non-residential uses and provide quality developments which enhance the surrounding area using quality urban design regulations. Residential development should emphasize connectivity by accommodating a mix of housing types and sizes, including small-lot single-family, townhomes, and live/work units. Higher intensity residential uses should be located at key intersections and along higher traffic streets to create a transition to less intense residential uses. Access to nearby corridors and centers should be supported with pedestrian and bicycle infrastructure.

Where a development includes more than one distinct use, additional consideration will be given to allow increases in density for each of the uses, where practicable. Uses should support a variety of housing options, retail and commercial services and employment opportunities.

- B. Permitted Uses. The following Permitted Uses shall be allowed:

1. Residential Uses:

- a. Accessory uses and structures;
- b. Single-family attached and detached dwellings;
- c. Multi-family dwellings; and
- d. Townhouse dwellings.

2. Institutional Uses:

- a. Business schools and computer and management training;
- b. Civic and social organizations; business, professional, political and similar organizations;
- c. Museums, galleries, historical sites, and similar institutions, auditoriums, libraries and similar cultural facilities;
- d. Parks;
- e. Parking lots and garages;

- f. Places of worship;
  - g. Recreational facilities; and
  - h. Schools and their customary related uses.
3. Commercial, Retail, and Service Retail Uses:
- a. Amusement facilities, indoor or outdoor;
  - b. Art galleries, and arts and crafts studios;
  - c. Building material and garden equipment and supplies dealers;
  - d. Caterers;
  - e. Commercial banking;
  - f. Clothing and clothing accessories stores;
  - g. Gasoline stations;
  - h. Grocery stores;
  - i. General merchandise stores;
  - j. Electronics and appliance stores;
  - k. Finance and insurance offices;
  - l. Furniture and home furnishing stores;
  - m. Health and personal care services;
  - n. Hospitals, medical centers, and urgent care facilities;
  - o. Hotels;
  - p. Miscellaneous store retailers and non-store retailers;
  - q. Motion picture theaters and studios;
  - r. Offices;
  - s. Personal care services;

- t. Physicians' offices;
- u. Professional, scientific and technical services;
- v. Restaurants;
- w. Retail and other similar uses typically located in shopping centers;
- x. Sporting goods, hobby, book, and music stores; and
- y. Sports arenas, stadiums and amphitheaters.

C. Conditional Uses. (Ordinance No. 2024-Z-06; 12/17/24) Upon application to and approval by the Zoning Administrator, acting in an administrative role and not a quasi-judicial role, said approval being based solely on compliance with all the conditions required herein, the following conditional uses shall be allowed:

1. Commercial, Retail, and Services Uses:

- a. Animal hospitals and veterinary clinics, provided:
  - i. All structures shall be located and activities conducted at least one hundred (100) linear feet from the nearest property zoned and used for residential purposes; and
  - ii. All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.
- b. Carnival, rodeo, horse show, athletic event or community fair provided the event is temporary in nature.
- c. Dry cleaning and laundry services, provided:
  - i. Dry cleaning plants using clean systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc. Standard of Classification, known as Class I Systems shall be prohibited;
  - ii. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but less than 40 according to the Underwriter's Laboratories, Inc. Standard of Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;
  - iii. The dry cleaning plant shall be designed to operate in a manner that will not emit smoke or odor objectionable waste materials, and which will not produce noise that will carry beyond the walls of the building occupied by such plant;
  - iv. Fuel for operation of equipment shall be smokeless fuel;
  - v. Central water and central sanitary sewage systems are required; and

- vi. There shall be no on-site storage of dry cleaning solvents in separate container(s) apart from the dry cleaning apparatus. (Amended 9/19/06, Ord. 2006-47)
- d. Extended stay hotels or extended stay motels, provided:
- i. Each hotel/motel site shall be a minimum of two acres;
  - ii. Each guest room shall have a minimum of three hundred (300) square feet;
  - iii. Guest rooms shall be accessed internally to the building with no direct room access to the outside. The lobby shall be a minimum of one thousand (1,000) square feet in size;
  - iv. Each hotel/motel shall provide a fitness or recreational center with a minimum of four hundred (400) square feet, which is available to all guests;
  - v. The development shall include a minimum one thousand (1,000) square foot meeting facility/conference room dedicated to the exclusive use of business meetings, conferences and seminars. The facility/conference room is not to be subdivided except by movable partitions;
  - vi. No occupation tax certificate shall be issued for conduct of any business from any guest room of the facility;
  - vii. No hotel/motel under this section is to be converted to or used as an apartment or condominium without prior approval of the City Council. Any hotel/motel converted to such use must meet all applicable state and local codes including zoning standards;
  - viii. Each guest room must be protected with a sprinkler system approved by the fire marshal or their designee;
  - ix. A hard-wired smoke detector shall be provided and installed in each guest room;
  - x. No outside storage or permanent parking of equipment or vehicles shall be allowed; and
  - xi. All extended stay hotels and extended stay motels shall have a maximum density of seventy-five (75) guest units per gross acre of development.
2. Institutional Uses:
- a. Child care learning centers, provided:
    - i. Such use must obtain certification and/or licensing from the appropriate state agency and must comply with all applicable state regulations;
    - ii. The minimum size of the outdoor play area must be equal to 100 square feet times one-third (1/3) of the center's licensed capacity for children and said outdoor play area must be located within a side or rear yard;

- iii. There shall be at least thirty-five (35) square feet of usable indoor floor space provided for each child;
  - iv. The outdoor play area shall be enclosed on all sides to a height of at least four (4) feet with a decorative wrought iron or aluminum fence; and (Amended 9/19/06, Ord. 2006-47)
  - v. The exterior appearance of any structure that is residential in nature and which is used as a child care learning center shall be maintained in such a way that it conforms to the residential character of the surrounding neighborhood. (Amended 8/20/24; Ordinance 2024-Z-04)
3. Towers and antennas pursuant to the definitions and conditions outlined in ARTICLE III and ARTICLE VIII of this ordinance. (Ordinance 10-13, 7/20/10)
4. Industrial Uses.
- a. Purpose. Upon detailed analysis and study of: 1) all existing TCMU properties; 2) the intent of the Comprehensive Plan for a mix of uses along the South Fulton Parkway Corridor including residential; 3) the development pattern of primarily industrial uses despite the intent of the Comprehensive Plan; and 4) the impacts resulting from industrial use development on local infrastructure associated with certain freight-truck related industrial development adjacent to residential neighborhoods, including damage to local roads, and periodic violation of truck route restrictions, the City finds additional controls are needed to improve compatibility of this mix of uses, as anticipated by the 2016 Comprehensive Plan. Therefore, prior to the issuance of a land disturbance permit, new industrial uses within the TCMU district are allowed provided that the conditions enumerated in Subparagraph (c) of Paragraph (4) of Subsection (C) of this section, as set out below, are met.
  - b. The conditions set enumerated in Subparagraph (c) of Paragraph (4) of Subsection (C) of this section, as set out below, shall not apply to any property that was rezoned with conditions in settlement of a lawsuit. The terms and conditions of the settlement shall govern the development of such property. Additionally, the conditions shall not apply to all lots with uses and structures in existence as of October 14, 2020, and all lots which have determined to be vested under the TCMU provisions in effect on or before October 14, 2020. New uses and structures developed on these exempt lots shall be treated as conforming uses and structures within the TCMU zoning district.
  - c. Industrial use conditions. Industrial uses listed below shall henceforth be allowed only under the following conditions:
    - 1. Policy Condition. The Comprehensive Plan's Future Development Map shows that the subject parcel is located within a District-Mixed-Use Office/Corporate Campus or Industrial Character Area. Subject properties zoned TCMU prior to October 14, 2020, and located within areas designated as Natural Open Space able to meet the remaining conditions may also be used for industrial uses,

provided development meets all the dimensional zoning requirements, conditions enumerated below and applicable environmental codes.

2. Roadway Conditions. Subject property has direct access to a road designated as State and/or City truck (freight) route (hereafter “Truck Route”). Exceptions shall be approved on construction plans by the City Engineer if one of the following conditions exists:
  - a. Applicant secures agreement(s) with adjacent property(ies) that have direct access to a Truck Route and provides either new public roadway or private inter-parcel connection to a Truck Route. Applicant shall provide documentation of agreement(s) and recorded easements, as applicable. Such roadways must meet construction standards for industrially-used roads per City road specifications or State GDOT.
  - b. Absent direct or inter-parcel access to a Truck Route, applicant may access an industrial use via an existing local road only as provided below:
    - i. Maximum ¼ mile to Truck Route. Curb cuts on a local road shall be no further than ¼-mile distance from the intersection of a Truck Route, as measured from the closest property line; and
    - ii. Road Conditions, Required Improvements and Restrictions. The ¼-mile (or less) segment of the local road leading to a Truck Route intersection shall meet the Union City specifications for Industrial Street Standards (lane widths, materials, etc.); deceleration or acceleration lanes shall be provided; and the design of curb cuts providing freight truck access shall restrict egress and ingress to and from the remaining portion of the local road (i.e., allows vehicle movement only toward and from the Truck Route).
    - iii. Construction and Maintenance. The cost of any improvements required to upgrade the segment of local road to Industrial Street Standards will be determined by the City through third party bids. The developer shall pay the cost to upgrade the road to Industrial Street Standards. Any future maintenance of the upgraded street will be the responsibility of the City.
3. Impact Condition. For developments which qualify as a Development of Regional Impact (DRI), developers shall provide a written response addressing the development’s economic benefits including such topics as: workforce training, local preference for workforce hiring, local preference for small business support services, employee commuter programming, and/or partnerships to address workforce housing needs within the Aerotropolis Alliance subregion of Fulton County.
- d. Industrial Uses Allowed.

1. Upon determination that conditions described above are met, the following conditional uses shall be allowed:
  - a. Apparel manufacturing;
  - b. Assembly plants;
  - c. Bakeries and food manufacturing;
  - d. Computer and electronic parts manufacturing;
  - e. Data centers and computer facilities management services;
  - f. Electrical equipment, appliance, and component manufacturing;
  - g. Furniture and related product assembly and manufacturing;
  - h. Greenhouse, nursery, and floriculture production;
  - i. Machinery manufacturing;
  - j. Medical equipment and supplies, optical instrument, and lens manufacturing;
  - k. Pharmaceutical and medicine manufacturing;
  - l. Printing and related support activities;
  - m. Technology/Business Park;
  - n. Transportation equipment manufacturing;
  - o. Warehousing, distribution and storage, logistics facilities; and
  - p. Wholesale trade of durable goods.
2. Prohibitions:
  - a. Use of heavy drop hammers, punch presses or other machinery or processing methods creating excessive noise or vibration is prohibited in this district; and
  - b. Stand-alone truck parking facilities are explicitly prohibited.

D. Transitional Heights and Buffers.

1. Residential, Institutional, and Commercial/Retail/Service Uses.
  - a. Transitional height restrictions: Where this district adjoins a single-family zoning district, other than this district, height within this district shall be limited to thirty-five

(35) feet within a linear distance of one hundred fifty (150) feet of this district as measured from the district boundary.

b. Transitional Buffers:

i. Where this district adjoins a single-family zoning district, a minimum buffer of at least twenty (20) feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten (10) feet in width. Such buffers shall be undisturbed except to augment with plantings and/or berms and maintained as a landscaped strip.

ii. Screening: In addition to the above transitional yard requirements, permanent opaque walls six (6) feet in height shall be provided and shall be maintained.

c. Zero-lot-line development. Zero-lot-line subdivision is permitted. Separation between structures in single-family dwelling lots shall be governed by the International Residential Code (Section R302.1 Exterior Walls).

2. Industrial Uses.

a. Transitional height restrictions. Where an industrial use adjoins property that is used for single-family residential purposes (other than TCMU), the height of such industrial use shall be limited to forty (40) vertical feet for a horizontal distance of one hundred fifty (150) feet as measured from the common property line.

b. Landscape Strip, Required Buffers.

i. Landscape strip. Where an industrial use adjoins a public road, a planted landscape strip shall be provided adjacent to the dedicated/reserved right-of-way as follows:

a) 50 feet along any primary arterial road; and

b) 20 feet along any collector or local road.

ii. Industrial buffer. All industrial uses shall provide a wooded buffer to the rear as added environmental protection for erosion control, habitat, and air quality (the “Wooded Buffer”). Additionally, where an industrial use adjoins property that is used for residential purposes a buffer shall be required according to the table below. The Wooded Buffer shall be contained within this additional buffer. All buffers shall be provided based upon the scale of the development, as indicated in the table below:

Buffer Width (feet)	Development Size (Sq. ft. all structures)
75	Up to 100,000
100	100,000+ - 500,000

Buffers shall be provided and maintained along the property line, of which the first 50 feet shall remain in an undisturbed, natural state, except for approved access and utility improvements and topography as provided below. No trees, other than dead or diseased trees, shall be removed from such buffer, but additional trees and plant material shall be added in areas where existing vegetation does not meet the standards established below. The remaining buffer may be disturbed and graded, provided replanting is provided to meet the buffer planting standards below. In addition to the standards set forth in Section 5-29 Buffer Areas and Article 9 regarding tree planting standards, buffers shall be established as follows:

- a) **Materials and Specifications.** Plantings and supplemental plantings shall consist of a combination of evergreen and deciduous trees and shrubs adaptable to the region as follows:
  - 1) Deciduous trees shall be a minimum of 2 inches in caliper and evergreen trees shall be a minimum of 6 feet in height at time of planting, and shall be a species which will achieve a height of at least 20 feet at maturity;
  - 2) The tree types shall be from the Tree Species Lists in Article IX Tree Ordinance;
  - 3) All shrubs shall be a large-growing species, shall be a minimum of 3 feet in height at time of planting and shall be a species which will achieve a height of at least 8 feet at maturity;
  - 4) No one species may comprise more than one-third (1/3) of the total buffer. Two-thirds (2/3) of the species must be overstory species and shall be evenly distributed throughout the buffer;
  - 5) The buffer must be in place prior to approval of Certificate of Occupancy for non-residential projects, unless escrowed as provided by Section 9-4; and
  - 6) Trees or shrubs that die within the first three years shall be replaced by the developer or property owner.
  
- b) **Berms or Undulating Mounds.** Per Section 5-29, slope easements may be permitted to address soil erosion. Further, topographic constraints may make a constructed berm or undulating mound appropriate to fulfill the buffer requirements and may be approved by the City Engineer with shrubs instead of tree plantings as follows:
  - 1) One (1) shrub for every ten (10) feet of continuous boundary shall be planted on the mound; and

2) All required shrubs shall measure eighteen (18) inches in height measured from grade at the time of planting.

c) Minimum Rows. The number of rows required within planted buffers is based on the buffer width:

Buffer Width (feet)	Min. Rows
75	5 rows
100	6 rows
150	7 rows

E. Development Controls.

1. Residential, Institutional, and Commercial/Retail/ Service Uses.

a. Density. For the purposes of this section, “net lot area” shall equal the total gross acres multiplied by 43,560 square feet (a gross acre equals 43,560 square feet) less the total combined square footage of street rights-of-way, both public and private, all land located in the 100 year flood plain, all water impoundments, and all lands proposed to be dedicated to a governing authority. The following density requirements shall apply:

i. Non-residential density. For institutional and commercial uses, density shall not exceed an amount equal to one and one-half (1.5) times the net lot area.

ii. Residential density. Residential density shall not exceed an amount equal to one and one-half (1.5) times the net lot area.

iii. Mixed uses. In mixed use developments, the following density requirements shall apply:

a) For commercial and institutional uses, density shall not exceed an amount equal to three (3) times the net lot area; and

b) For residential uses, density shall not exceed an amount equal to three (3) times the net lot area.

b. Maximum building coverage: Eighty-five (85%) percent of the net lot area.

c. Minimum open space requirements.

i. The minimum required open space shall be at least fifteen (15%) percent of gross acreage. For developments with residential units, an additional 500 square feet of contiguous, usable open space (active recreational use) shall be provided for every one (1) dwelling unit proposed; and the area shall be identified as an amenity for residents. Required yards and requirements for sidewalk and supplemental zone widths constructed on private property may be counted towards this requirement. Open space may include roof-top terraces, residential balconies, sidewalks, street furniture and landscape strips, supplemental zones, planted areas, fountains, plazas, hardscape elements related to sidewalks and

plazas, and similar features and shall include all non-impervious surfaces.  
(Amended 9/19/06; Ord. 2006-47)

- ii. Residential balconies: Balconies for residential units, which are enclosed on no more than three (3) sides, may be counted towards open space requirements for a maximum depth of six (6) feet.
- d. Building heights.
  - i. Minimum building façade heights: Buildings shall have a minimum façade height of twelve (12) feet along each façade visible from any public right-of-way; and
  - ii. Maximum building heights: Buildings shall not exceed a maximum building height of twenty (20) stories. (Amended 9/19/06, Ord. 2006-47)
- e. Side or rear yards for non-residential development:
  - i. Side yards: Ten (10) feet; and
  - ii. Rear yards: Twenty (20) feet.
- f. Front yard: See (I) Supplemental Zones.
- g. Side, rear and front yards for single-family attached and single-family detached development:
  - i. Front yard: Twenty (20) feet;
  - ii. Rear yard: Twenty (20) feet;
  - iii. Side yard: Zero (zero) feet; and
  - iv. Supplemental zones shall not apply to single-family attached and single-family detached development. (Amended 9/19/06, Ord. 2006-47)
- h. All developments which are mixed use, i.e., containing two or more uses within the development, shall receive development approval substantially the same as that process is described in Section 7-2 (E) of the Zoning Ordinance pertaining to Planned Unit Developments (“PUD”). It is the intent of this paragraph that mixed use developments will be held to a more flexible standard as set out in the PUD development approval process previously referenced.

## 2. Industrial Uses.

- a. Density. Development shall not exceed a floor area ratio equal to 1.5 times the net lot area. For purposes of this section:
  - i. Floor area ratio shall mean a number which, when multiplied by the total net lot area of any lot within the TCMU and TCMF districts, establishes the total amount of gross floor area space that may be developed on that lot, excluding basement

and garage space and space contained within any accessory structure unless said accessory structure is used as a secondary dwelling unit; and

- ii. “Net lot area” shall equal the total gross area of a lot as measured in square feet less the total combined square footage of street rights-of-way, both public and private, all land located within the 100 year flood plain, and all water impoundments.
- b. Maximum impervious surface area: Eighty-five (85%) percent of the total lot area.
- c. Building heights.
  - i. Minimum building façade heights: Buildings shall have a minimum façade height of ten (10) feet along each façade visible from any public right-of-way.
  - ii. Maximum building heights: Buildings shall not exceed a maximum building height of twenty (20) stories.
- d. Setback Requirements Industrial Uses.
  - i. Side yard setback: 20 feet;
  - ii. Rear yard setback: 50 feet; and
  - iii. Front yard setback: 50 feet.

F. Site Limitations for Residential, Institutional, and Commercial/Retail/Service Uses.

- 1. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street where the primary entrance is located. However, the prohibition for the location of drive-through service windows and drive-in facilities shall apply to South Fulton Parkway for every lot with frontage on South Fulton Parkway. This prohibition may only apply to a maximum of one side of any lot.
- 2. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between the principal structure and the street. However, the prohibition for the location of gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall apply to South Fulton Parkway for every lot with frontage on South Fulton Parkway. This prohibition may only apply to a maximum of one side of any lot.

G. Sidewalks.

- 1. Residential, Institutional, and Commercial/ Retail/Service Uses. Public sidewalks shall be located along all streets and shall have minimum widths as specified herein. Sidewalks shall consist of two zones: a street furniture and tree planting zone and a clear zone. For purposes of this section the following regulations shall apply to all sidewalks:
  - a. Street furniture and tree planting zone requirements:

- i. Said zone shall be located immediately adjacent to the curb;
  - ii. Said zone shall be a minimum width of seven (7) feet and shall be continuous;
  - iii. Said zone shall meet the tree planting requirements of this section; and
  - iv. In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. The Union City Community Development Department shall issue permits therefor.
- b. Clear zone requirements: Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be a minimum width of five (5) feet and shall be hardscape, and unobstructed for a minimum height of eight (8) feet.
  - c. Street tree planting requirements:
    - i. Street trees shall be planted a maximum of fifty (50) feet on center within the street furniture and tree planting zone and shall be equally spaced between street lights;
    - ii. Street trees shall be a minimum of three (3) inches in diameter measured thirty-six (36) inches above ground. These trees shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of eight (8) feet; and
    - iii. Street trees shall have a minimum planting area of thirty-two (32) square feet. All plantings, planting replacement and planting removal shall be approved by the Union City Department of Community Development. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or *liriope spicata* or shall be paved as approved by the Union City Department of Community Development.
  - d. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
  - e. Sidewalks for single-family residential detached, single family residential attached, two-family residences, townhomes, and multi-family residential shall be governed by the same standards applicable in the single family/multi-family regulations of the Union City Development Regulations. (Amended 9/19/06; Ord. 2006-47)
2. Industrial Uses. Public sidewalks shall be located along one side of all public streets and shall have minimum widths of six (6) feet. Prior to the issuance of a Land Disturbance Permit, a Pedestrian Access Plan shall be submitted that shows safe

pedestrian routes from the closest public right of way to the primary building entrance/exit. The following regulations shall apply to all sidewalks:

- a. Street tree planting requirements:
  - i. Street trees shall be planted a maximum of fifty (50) feet on center within seven (7) feet of the curb and shall be equally spaced between street lights.
  - ii. Street trees shall be a minimum of three (3) inches in diameter measured thirty-six (36) inches above ground. The trees shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of eight (8) feet.
  - iii. Street trees shall have a minimum planting area of thirty-two (32) square feet. All plantings, planting replacement and planting removal shall be approved by the Union City Department of Community Development. The area between required plantings shall either be planted with grass or evergreen ground cover such as mondo grass or lirioppe spicata or shall be paved as approved by the Union City Department of Community Development.
- b. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

H. Supplemental Zones for Institutional and Commercial/Retail/Service Uses. The area between any building, parking garage, or parking lot and the required sidewalk shall be defined as the supplemental zone. Supplemental zones shall meet the following requirements. Except as otherwise specified below, the square footage contained within a supplemental zone which meets all the requirements may be counted towards open space requirements.

1. Supplemental zone general requirements:
  - a. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade, unless existing topographical considerations render this requirement unreasonable;
  - b. The supplemental zone shall be no more than twenty-four (24) inches above the adjacent public sidewalk for a minimum linear distance of fifteen (15) feet from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable;
  - c. Any authorized walls, other than retaining walls, surrounding landscaped and grassed areas shall not exceed a maximum height of twenty-four (24) inches; and
  - d. Fencing shall be permitted only when:
    - i. The supplemental zone is located between sidewalk level residential units and the adjacent street; or

- ii. Said fencing is used to separate authorized outdoor dining from the required sidewalk.
- 2. Supplemental zones containing a depth greater than fifteen (15) feet shall be counted towards open space requirements only when the following additional requirements are met:
  - a. They are unobstructed by any elements with the exception of fountains, pedestrian furniture, public art and similar elements;
  - b. When adjacent non-residential ground floor uses are provided, the zone shall be visible and accessible from any point along the adjacent sidewalk; and
  - c. When adjacent residential ground floor uses are provided, the zone shall contain a pedestrian walkway to the adjacent public sidewalk. Said pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be uncovered along its entire length.

I. Relationship of Building to Street.

- 1. Residential, Institutional, and Commercial/Retail/Service Uses.
  - a. The delineation of building floors from the third story above the sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
  - b. The primary pedestrian entrance for access to all sidewalk level uses and business establishments with street frontage:
    - i. Shall face and be visible from the street when located adjacent to such street;
    - ii. Shall be directly accessible and visible from the sidewalk adjacent to such street; and
    - iii. Shall remain unlocked during business hours for non-residential uses.
  - c. A street address number shall be required above each building's primary entrance. The address number shall be clearly visible from the sidewalk and shall be a minimum of eight (8) inches in height.
  - d. Fenestration:
    - i. Street-fronting non-residential uses, with the exception of places of worship, shall meet the following sidewalk level requirements:
      - a) The length of the primary building façade without intervening fenestration or entryway shall not exceed fifty (50) feet;

- b) Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements;
- c) Fenestration shall be provided for a minimum of fifty (50%) percent of the length of all street frontages:
  - 1) Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk; or
  - 2) Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk; or
  - 3) Beginning at a point not more than sidewalk level, to a height not less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
- ii. Fenestration shall be provided for a minimum of twenty-five (25%) percent of the length of the street primary building façade frontage for residential uses. (Amended 9/19/06, Ord. 2006-47)
- e. Buildings with residential uses at the sidewalk level shall meet the following regulations:
  - i. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five (5) feet wide; and
  - ii. All such buildings shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch. Units that are adjacent to each other shall be permitted to share one pedestrian walkway to meet this requirement. All pedestrian walkways providing such access shall be perpendicular to the street, unless prohibited by topography.
- f. Fences and walls shall meet the following regulations:
  - i. For residential uses adjacent to the sidewalk, fences shall not exceed forty-two (42) inches in height when located between the primary building and the street or between any supplemental zone and the adjacent street. For non-residential uses adjacent to the sidewalk, fences are prohibited when located between the building and the sidewalk except where outdoor dining is provided. See Section I for all regulations regarding Supplemental Zones.
  - ii. Retaining walls shall be finished poured concrete or shall be faced with stone, brick or smooth stucco.

- iii. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.
- iv. Fences and walls located between the primary building and the lot line and not exceeding six (6) feet in height may be erected, but shall not be permitted between the primary building and the street.
- g. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.

J. Loading and Mechanical Features.

1. Residential, Institutional, and Commercial/Retail/Service Uses.

- a. Loading areas: Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of way.
- b. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
- c. Building mechanical and accessory features:
  - i. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way;
  - ii. When located on rooftops these features shall be incorporated in the design of the building and screened with building materials similar to the building; and
  - iii. They shall not be permitted between the building and any public street.

2. Industrial Uses.

- a. Dumpsters and loading areas shall be paved with impervious materials. Dumpsters shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor public dining area, public sidewalk or public right-of-way.
- b. Building mechanical and accessory features shall be located on the roof, to the side or to the rear of the principal structure.

K. Curb Cuts and Parking Structures.

1. Residential, Institutional, and Commercial/Retail/Service Uses.

- a. Driveway curb cut widths shall be a minimum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances, unless otherwise permitted by

the Union City Department of Community Development. For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one curb cut provided that each curb cut does not exceed one lane in width.

- b. Driveways for non-residential uses, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street. (Amended 9/19/06, Ord. 2006-47)
  - c. No more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut located on each street frontage. However, developments on properties with a single street frontage greater than three hundred (300) feet shall be permitted two (2) curb cuts along one street frontage.
  - d. Entrances to garages and carports that serve a single residential unit, and are not located behind the principal structure, shall face the front yard, rear yard, or a side yard which has no street frontage.
  - e. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.
  - f. Parking deck façades shall conceal automobiles from visibility from any public right-of-way or private drive or street that is open to the general public, and shall have the appearance of a horizontal storied building.
  - g. A common or joint driveway may be authorized when adjacent lots have direct vehicular access to a street.
  - h. All multi-story developments, including parking decks, shall have sidewalks a minimum width of four (4) feet connecting ground level parking to the public sidewalks and to all building entrances.
2. Industrial Uses.
- a. Driveway curb cut widths shall be a minimum of forty (40) feet for two-way entrances and twenty (20) for one-way entrances. For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one curb cut provided that each curb cut does not exceed one lane in width.
  - b. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that is open to the general public, and shall have the appearance of a horizontal storied building.
  - c. A common or joint driveway may be authorized when adjacent lots have direct vehicular access to a street.

- d. All developments, including parking decks, shall have sidewalks a minimum width of four (4) feet connecting ground level parking to an entrance to the building.

L. Parking Lot Landscaping. The requirements of Article X shall apply to all uses in this district except as modified as follows for Residential, Institutional, and Commercial/Retail/Service Uses:

1. Said parking lot requirements shall apply to all lots regardless of size.
2. All parking bays shall be terminated with a landscaped strip a minimum width of five (5) feet and equal to the length of the parking bay.
3. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of thirty (30) inches.
4. All landscaped buffer areas and strips along sidewalks, drives, private streets and public rights of way shall have a minimum of one (1) tree with a minimum diameter of three (3) inches thirty-six (36) inches above ground level.

M. Vehicular Parking Standards for Residential, Institutional and Commercial/Retail/ Service Uses. The following parking requirements shall apply to all uses:

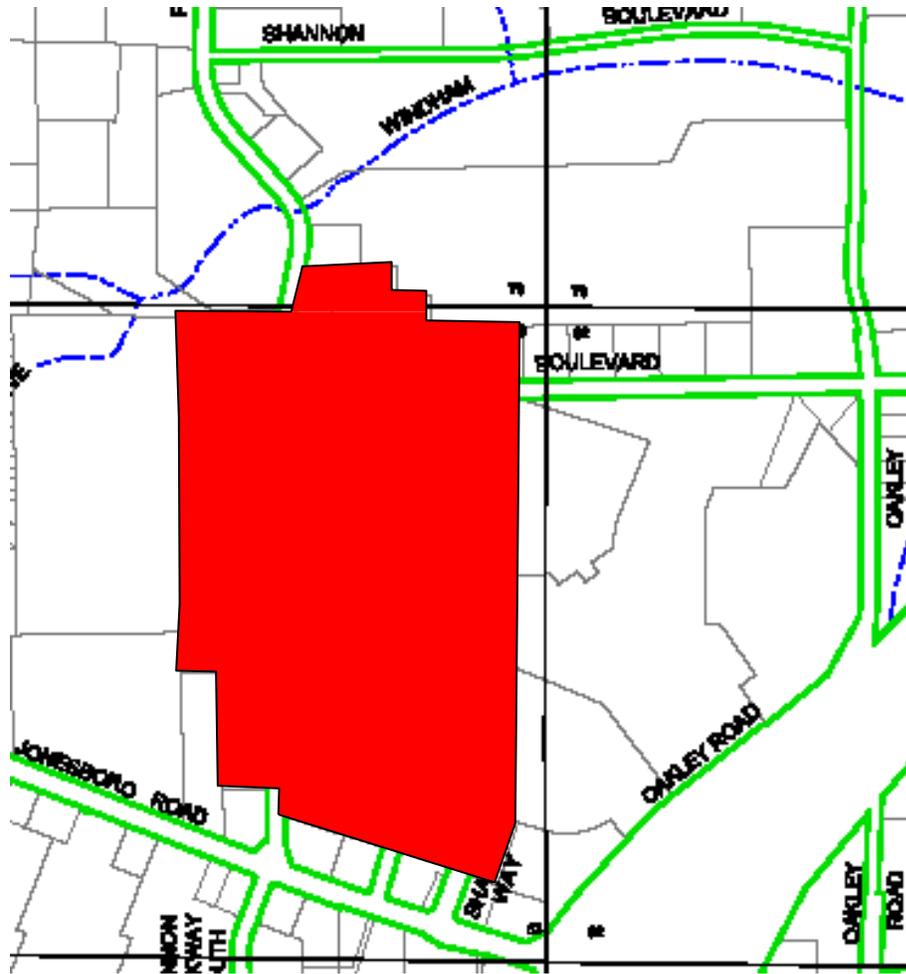
1. Residential. All residential parking shall be governed by Article X of the Zoning Ordinance.
2. Non-residential.
  - a. Off-street surface parking shall not be located between a building and the street.
  - b. All developments which provide automobile parking facilities shall provide bicycle/moped parking facilities at a ratio of at least one (1) bicycle/moped parking space for every twenty (20) automobile parking spaces. No development shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of fifty (50) spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of one hundred (100) feet of the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces.
  - c. Shared or reduced parking arrangements may be permitted by the Union City Department of Community Development subject to a shared parking arrangement under the following criteria:
    - d. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
    - e. All shared parking spaces shall be clearly marked; and
    - f. An applicant for shared parking spaces shall submit the following:

- i. A to-scale map indicating location of proposed parking spaces;
- ii. Hours of business operation of nonresidential parking users;
- iii. Written consent of property owners agreeing to the shared parking arrangement; and
- iv. Copies of parking leases. Renewed leases shall be filed with the Union City Department of Community Development. Lapse of a required lease agreement shall terminate the permission for shared parking. (Amended 9/19/06, Ord. 2006-47)

N. Additional Subarea Regulations. The following additional specific regulations shall only apply to the area defined Exhibit A: Town Center Mixed Use District:

1. Block standards.
  - a. Developments with more than six hundred (600) linear feet of frontage along a single street shall be divided by public or private streets into blocks having a maximum length of four hundred (400) feet, as measured from the back of the sidewalk clear zone.
  - b. Such streets shall function as public streets and shall connect two (2) other public streets or private streets or a physical barrier or natural amenity.
  - c. Pedestrian Streets shall be utilized for the purposes of forming blocks. Said Pedestrian Street shall be a minimum width of sixteen (16) feet and shall meet all of the Supplemental Zone requirements of this Chapter.
  - d. The total perimeter length of the block shall not exceed 1,800 linear feet and the total area of a block shall not exceed three and three-tenths (3.3) acres.
2. Sidewalks. Sidewalk clear zones shall be a minimum width of ten (10) feet.
3. Supplemental zone. Said zone is required and shall be a minimum width of five (5) feet.
4. Relationship of building to street. For all street-fronting buildings, with the exception of places of worship, fenestration shall be provided for a minimum of sixty-five (65%) percent of the length of all street frontages. All other relationship of building to street requirements shall apply.
5. Off street parking. All parking requirements for this subarea shall utilize the figures and ratios as established in Article X except that all figures and ratios shall be calculated as maximum parking requirements rather than the minimum parking requirement calculations as written in Article X.

Town Center Mixed Use District



*(Amended 5/15/12, Ordinance 2012-09; 10/1/20, Ordinance 2020-\_\_)*

6-16 TCMF Town Center Multi-Family.

- A. Description of District. This district is composed of certain lands and structures in the City providing for pedestrian friendly residential uses and accessory non-residential uses complete with quality urban design regulations.

The illustrations in this Chapter are not regulations. They are intended to help the reader visualize the text. The text, not the illustrations, controls in the event of any conflict or discrepancy.

- B. Permitted Uses. Within the TCMF Zoning District, the following Permitted Uses shall be allowed:

1. Accessory uses and structures.
2. Multi-family dwellings.
3. Single-family dwellings and two-family dwellings.
4. All non-residential permitted uses listed below shall be restricted in floor area to a maximum of five (5%) percent of the total development, shall be located within a building that contains street frontage and shall be located on the street-level floor only. No occupancy permit for the following uses shall be issued until a minimum of fifty (50%) percent of the total dwelling units are occupied.
  - a. Bakeries, not to exceed four thousand (4,000) square feet of floor area.
  - b. Commercial banking, not to exceed four thousand (4,000) square feet of floor area.
  - c. Day care centers, nursery schools and kindergartens.
  - d. Grocery stores, not to exceed eight thousand (8,000) square feet of floor area.
  - e. Museums, galleries, museums, historical sites, and similar institutions auditoriums, libraries and similar cultural facilities, not to exceed eight thousand (8,000) square feet of floor area.
  - f. Offices, arts and crafts galleries, and studios, not to exceed eight thousand (8,000) square feet of floor area.
  - g. Restaurants, not to exceed four thousand (4,000) square feet of floor area.
  - h. Retail trade including furniture and home furnishings stores; electronics and appliance stores; building material and garden equipment and supplies dealers; food and beverage stores; health and personal care stores; gasoline stations; clothing and clothing accessories stores; sporting goods, hobby, book, and music stores; general merchandise

stores; miscellaneous store retailers and non-store retailers, not to exceed four thousand (4,000) square feet of floor area.

C. **Conditional uses:** Upon application to and approval by the Zoning Administrator, said approval being based solely on compliance with all the conditions required herein, the following conditional uses shall be allowed:

1. Places of worship.
2. Schools and their customary related uses.

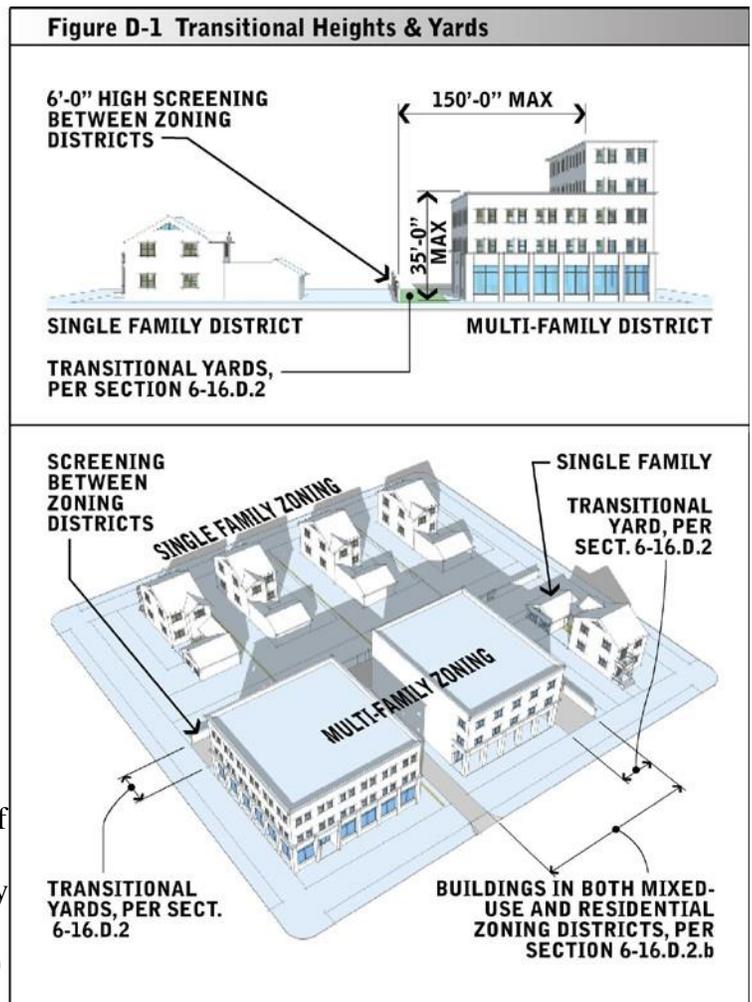
D. **Transitional Heights and Yards.**

1. **Transitional height restrictions:** Where this district adjoins a single-family zoning district without an intervening street, height within this district shall be limited to thirty-five (35) feet for a linear distance of one hundred and fifty (150) feet of this district as measured from the district boundary.

2. **Transitional yards:**

a. Where this district adjoins a single-family zoning district without an intervening street, a minimum of twenty (20) feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten (10) feet in width. Such yards shall be planted and maintained as a landscaped strip.

b. Where this district adjoins a single-family zoning district and contains a building, structure, or use located in both zoning districts, a transitional yard is not required, provided that the portion of the building, structure, or use within twenty (20) feet of such designations shall only contain principal or accessory uses and structures permitted in such district.



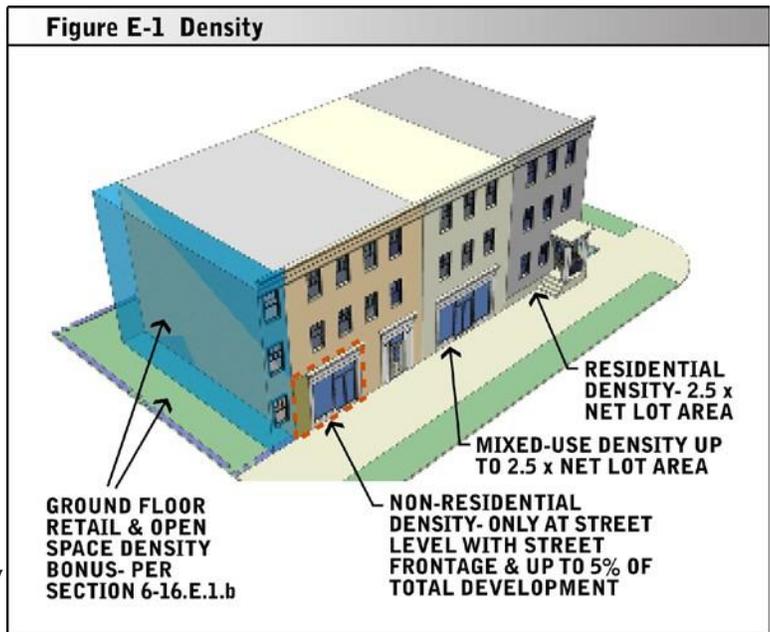
- c. Screening: In addition to the above transitional yard requirements, permanent opaque walls six (6) feet in height shall be provided and shall be maintained.

3. Zero-lot-line development. Zero-lot-line subdivision is permitted.

E. Development Controls.

1. Density. For purposes of this section, “net lot area” shall equal the total gross acres multiplied by 43,560 square feet (a gross acre equals 43,560 square feet) less the total combined square footage of street rights-of-way, both public and private, all land located within the 100 year flood plain, all water impoundments, and all lands proposed to be dedicated to a governing authority. The following density requirements shall apply:

- a. Residential density. For single-family and two-family dwellings, density shall not exceed an amount equal to two and one-half (2.5) units for each acre contained in the net lot area. For multi-family dwellings and townhomes, density shall not exceed an amount equal to ten (10) units for each acre contained in the net lot area.



- b. Non-residential density. For all permitted nonresidential uses, density shall not exceed an amount equal to one (1) unit per 4,200 square feet of net lot area, provided that such nonresidential uses shall be restricted in floor area to a maximum of five one (1) unit per listed below shall be restricted in floor area to a maximum of five (5%) percent of the total development.

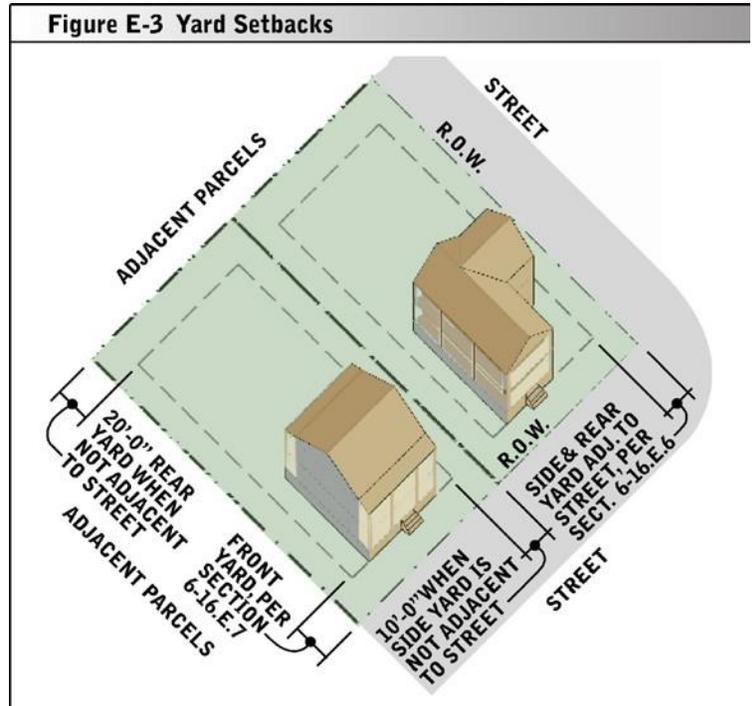
2. Maximum building coverage: Eighty-five (85%) percent of the net lot area.

3. Minimum open space requirements.

- a. For all residential and non-residential uses, a minimum of twenty (20%) percent of the net lot area shall be open space. Required yards and requirements for sidewalk and supplemental zone widths constructed on private property may be counted towards this requirement. Open space may include new streets, roof-top terraces, residential balconies, sidewalks, street furniture and landscape strips, supplemental zones, planted areas, fountains, plazas, hardscape elements related to sidewalks and plazas, and similar features.
- b. Residential balconies: Balconies for residential units, which are enclosed on no more than three (3) sides, may be counted towards open space requirements for a maximum depth of six (6) feet.

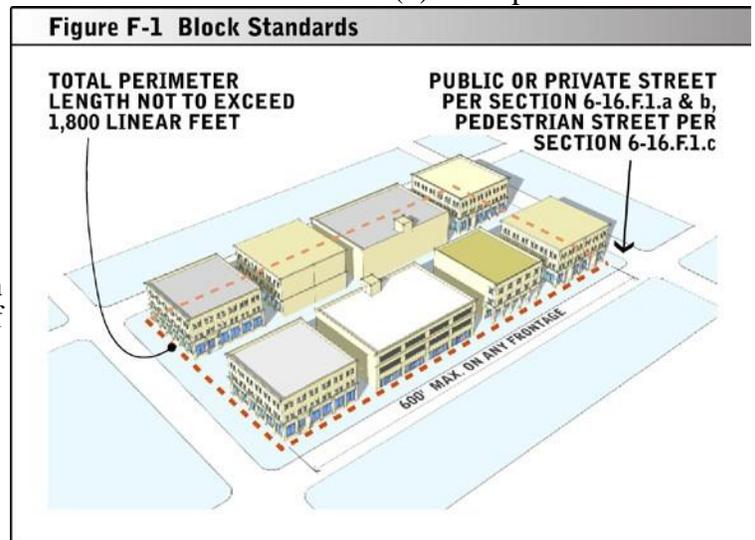
- c. New streets incentive: New public streets, or private streets which function as public streets, may be counted towards open space requirements provided said street:
    - i.) Connects two (2) other public streets or private streets which meet the requirements of this section (c);
    - ii.) Meets the sidewalk requirements of this Chapter;
    - iii.) Has a maximum of two (2) travel lanes;
    - iv.) Does not include gates across said street; and
    - v.) Has components with the following maximum widths, where utilized:
      - a) Travel lanes: 12 feet;
      - b) Bike lanes: 5 feet;
      - c) Parallel parking: 8 feet;
      - d) 45 degree angled parking lane: 19 feet; and
      - e) 60 degree angled parking lane: 20 feet.
  - d. On-street parking incentive: New on-street parking may be counted towards open space requirements provided the following criteria are met:
    - i.) No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought;
    - ii.) The new on-street parking is located where there is no existing street lane;
    - iii.) The on-street parking occupies an entire block face or a minimum distance of two hundred (200) feet;
    - iv.) Sidewalk extensions are provided at street intersections; and
    - v.) All other sidewalk requirements of this Chapter are met.
4. Reserved.
5. Building heights.
- a. Minimum building façade heights: Buildings shall have a minimum façade height of eighteen (18) feet along each façade visible from any public right-of-way.
  - b. Maximum building heights: Buildings shall not exceed a maximum building height building height of seventy-five (75) feet.

6. Side or rear yards.
  - a. Side yards not adjacent to a street: Ten (10) feet.
  - b. Rear yards not adjacent to a street: Twenty (20) feet.
  - c. Side or rear yards adjacent to a street: See (H) Supplemental Zones.
7. Front yard: See (H) Supplemental Zones.



F. Site Limitations.

1. Block standards.
  - a. Developments with more than six hundred (600) linear feet of frontage along a single street shall be divided by public or private streets into blocks having a maximum length of four hundred (400) feet, as measured from the back the of the sidewalk clear zone.
  - b. Such streets shall function as public streets and shall connect two (2) other public streets or private streets or a physical barrier or natural amenity as defined by the Union City Planning Department.
  - c. Pedestrian Streets shall be permitted to be utilized for dividing property for the purposes of forming blocks. Said Pedestrian Street shall be a minimum width of sixteen (16) feet and shall meet all of the Supplemental Zone requirements of this Chapter.
  - d. The total perimeter length of the block shall not exceed 1,800 linear feet and the total area of a block shall not exceed three and three-tenths (3.30) acres.



2. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street.
3. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between the principal structure and the street.

G. Sidewalks. Public sidewalks shall be located along all streets and shall have minimum

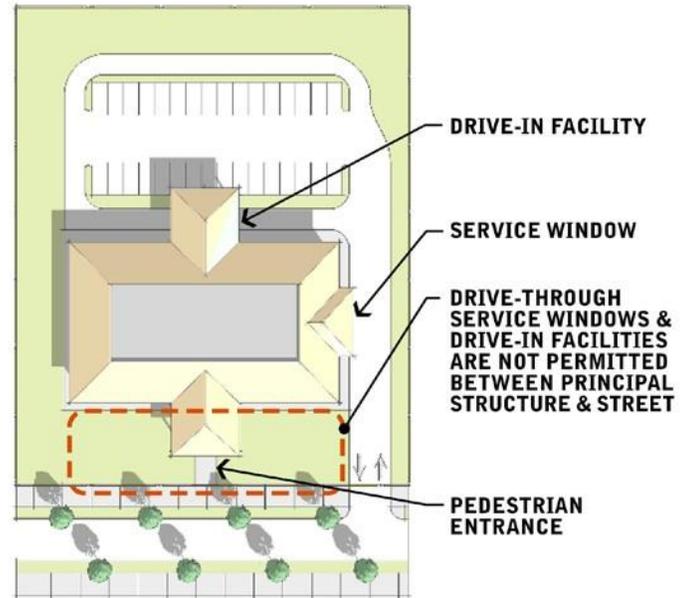
widths as specified herein. Sidewalks shall consist of two zones: a street furniture and tree planting zone and a clear zone. The following regulations shall apply to all sidewalks:

1. Street furniture and tree planting zone requirements:
  - a. Said zone shall be located immediately adjacent to the curb.
  - b. Said zone shall be a minimum width of seven (7) feet and shall be continuous.
  - c. Said zone shall meet the tree planting requirements of this section.
  - d. In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the Union City Planning Department.
2. Clear zone requirements: Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be a minimum width of eight (8) feet and shall be hardscape, and unobstructed for a minimum height of eight (8) feet.

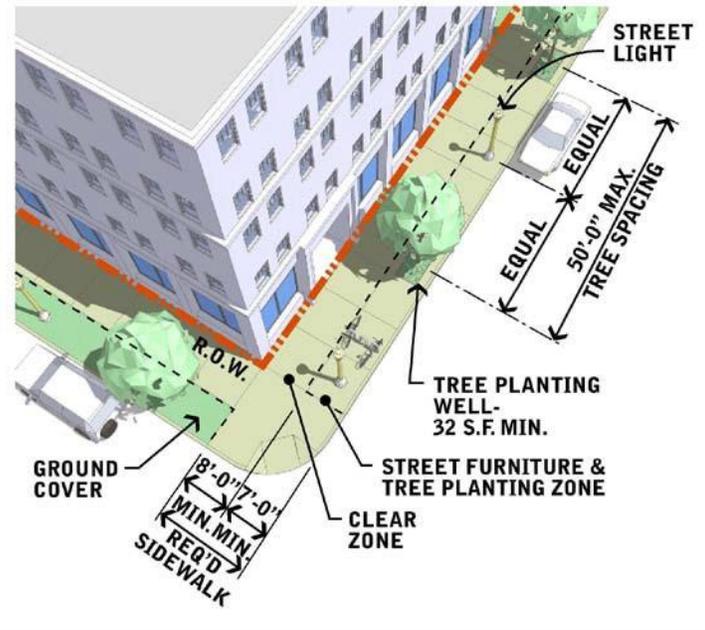
3. Street tree planting requirements:

- a. Street trees are required and shall be planted in the ground a maximum of fifty feet (50) on center within the street furniture and tree planting zone and spaced equal distance between street lights.
- b. All newly planted trees shall be a minimum of three (3) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height,

**Figure F-2 Drive-through Facility**



**Figure G-1 Sidewalks**



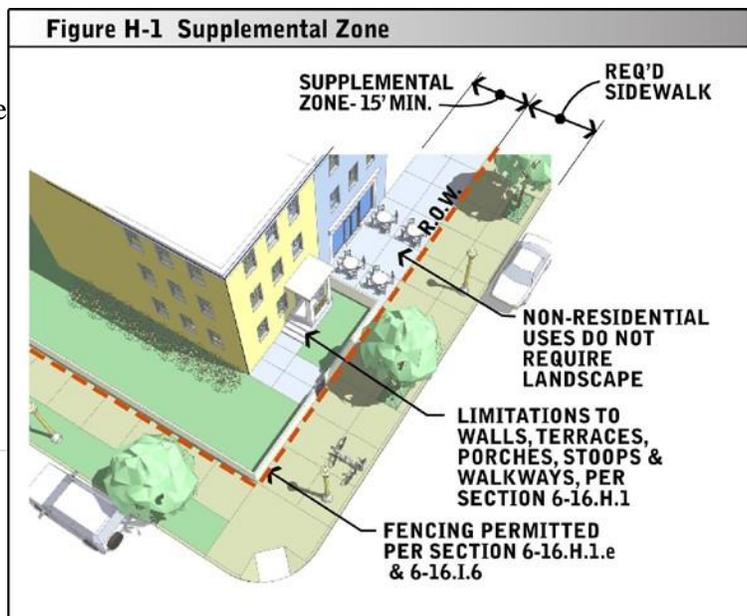
shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of eight (8) feet.

- c. Trees shall have a minimum planting area of thirty-two (32) square feet. All plantings, planting replacement and planting removal shall be approved by the Union City Planning Department. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or liriopse spicata or shall be paved as approved by the Union City Planning Department.
- d. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

H. Supplemental Zones. The area between any building, parking garage, or parking lot and the required sidewalk, when no intervening building exists, shall be defined as the supplemental zone. Supplemental zones shall meet the following requirements. Except as otherwise specified below, the square footage contained within a supplemental zone which meets all the following supplemental zone requirements may be counted towards open space requirements.

1. Supplemental zone general requirements:

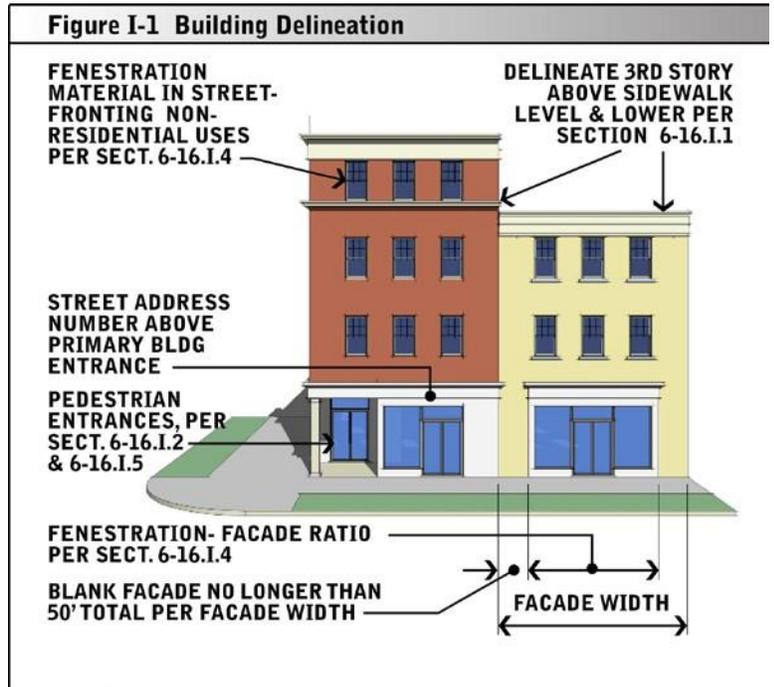
- a. Said zone shall be required and shall be a minimum width of fifteen (15) feet.
- b. When sidewalk level residential units are provided, supplemental zone shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds (2/3) of the supplemental zone area;
- c. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade, unless existing topographical considerations render this requirement unreasonable;
- d. The supplemental zone shall be no more than twenty-four (24) inches above the adjacent public sidewalk for a minimum linear distance of fifteen (15) feet from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable; and
- e. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of twenty-four (24) inches, except retaining walls, which shall not exceed a maximum height of thirty-six (36) inches unless existing topography requires a retaining wall of greater height; and



- f. Fencing shall be permitted only when:
  - i.) The supplemental zone is located between sidewalk level residential units and the adjacent street; or
  - ii.) Said fencing is used to separate authorized outdoor dining from the required sidewalk.

I. Relationship of Building to Street.

1. Delineation of building floors at third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
2. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with public or private street frontage:
  - a. Shall face and be visible from the public street when located adjacent to such street.
  - b. Shall be directly accessible and visible from the sidewalk adjacent to such street.
  - c. Shall remain unlocked during business hours for non-residential uses.
3. A street address number shall be required above each building's primary entrance. The address number shall be clearly visible from the sidewalk and shall be a minimum of eight (8) inches in height.
4. Fenestration:
  - a. Street-fronting non-residential uses, with the exception of places of worship, shall meet the following sidewalk level requirements:
    - i.) The length of the primary building façade without intervening fenestration or entryway shall not exceed fifty (50) feet.
    - ii.) Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
    - iii.) Fenestration shall be provided for a minimum of fifty (50%) percent of the length of all street frontages:

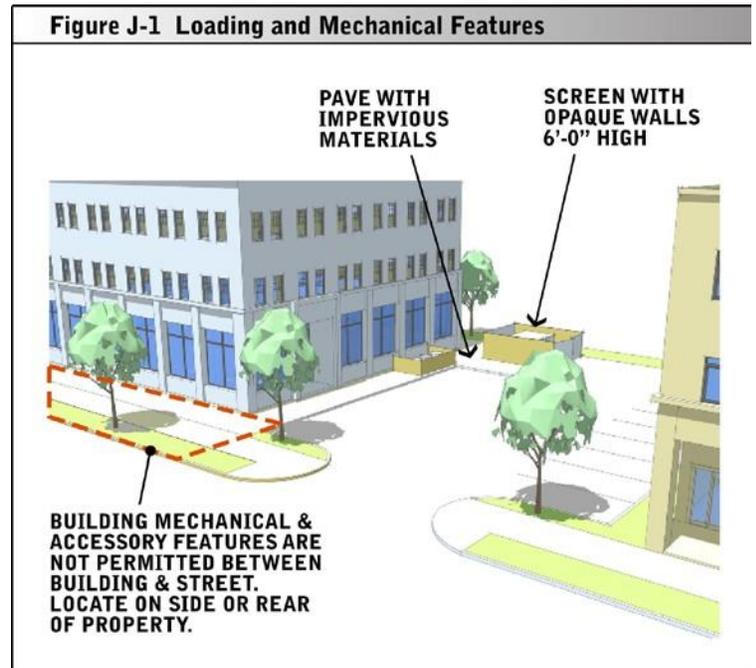


- a) Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk, or
  - b) Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk, or
  - c) Beginning at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
- iv.) Fenestration shall be provided for a minimum of twenty-five (25%) percent of the length of the street primary building façade frontage for residential uses.
5. Buildings with residential uses at the sidewalk level shall meet the following regulations:
- a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five (5) feet wide.
  - b. All such buildings shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. Units that are adjacent to each other shall be permitted to share one pedestrian walkway to meet this requirement. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits.
6. Fences and walls shall meet the following regulations:
- a. For residential uses adjacent to the sidewalk, fences shall not exceed forty-two (42) inches in height when located between the primary building and the street or between any supplemental zone and the adjacent street. For non-residential uses adjacent to the sidewalk, fences are prohibited when located between the building and the sidewalk except where outdoor dining is provided. See Section 7 for all regulations regarding Supplemental Zones.
  - b. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two (2) feet and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five (5) feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be finished poured concrete or shall be faced with stone, brick or smooth stucco.
  - c. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.
  - d. Fences and walls located between the primary building and the lot line and not exceeding six (6) feet in height may be erected, but shall not be permitted between the primary building and the street.

7. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.

J. Loading and Mechanical Features.

1. Loading areas: Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of-way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls six (6) feet in height.
2. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.



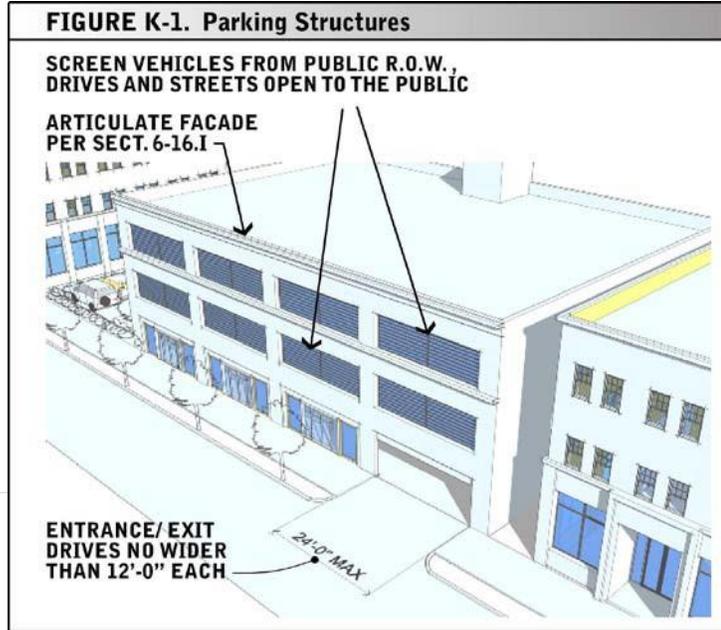
3. Building mechanical and accessory features:
  - a. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.
  - g. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
  - h. Shall not be permitted between the building and any public street.

K. Curb Cuts and Parking Structures.

1. Driveway curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances, unless otherwise permitted by the Union City Planning Department. For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one curb cut provided that each curb cut does not exceed one lane in width.
2. Driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.
3. No more than one (1) curb cut shall be permitted for each development, provided that

properties with more than one (1) street frontage may have one (1) curb cut located on each street frontage. However, developments on properties with a single street frontage greater than three hundred (300) feet shall be permitted two (2) curb cuts along one street frontage.

4. Entrances to garages and carports that serve a single residential unit, and are not located behind the principal structure, shall face the rear yard, or a side yard which has no street frontage.
5. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.

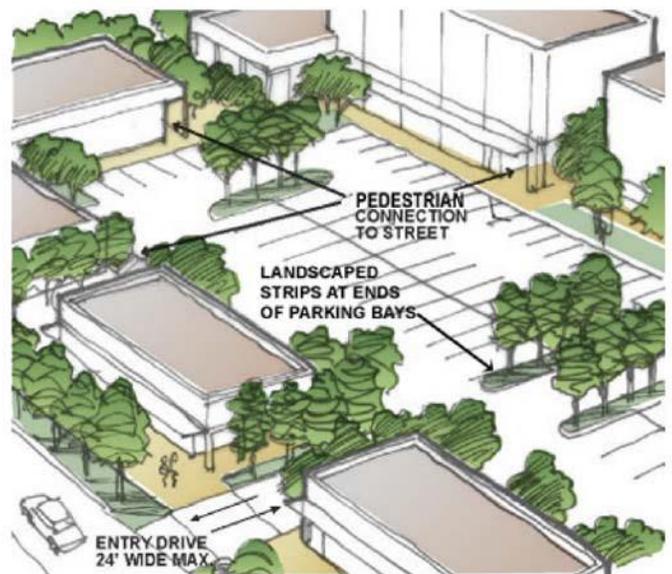


6. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.
7. A common or joint driveway may be authorized by the Union City Planning Department when adjacent lots have direct vehicular access to a street, and a driveway from a private street which functions as a public street may be authorized by the director of the Union City Planning Department, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the Union City Planning Department.

8. All developments, including parking decks, shall have sidewalks a minimum width of four (4) feet connecting ground level parking to the public sidewalks and to all building entrances.

L. Parking Lot Landscaping. The requirements of Article X shall apply to this district except as modified as follows:

**Figure L-1 Surface Parking Lots**

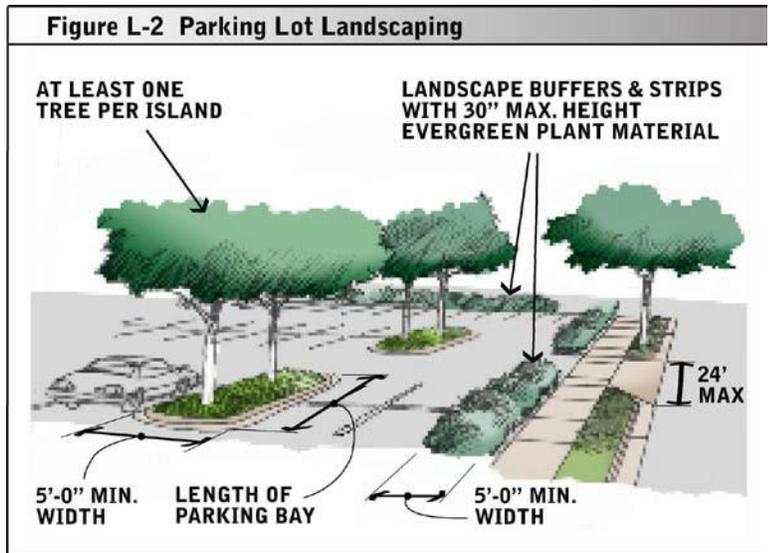


1. Said parking lot requirements shall apply to all lots regardless of size.

2. All parking bays shall be terminated with a landscaped strip a minimum width of five (5) feet and equal to the length of the parking bay.

3. All required landscaped areas shall be planted with evergreen ground cover or shrubs with a maximum height of thirty (30) inches.

4. All landscaped buffer areas and strips along sidewalks, drives, private streets and public rights-of-way shall have a minimum of one (1) tree with a minimum caliper of three and one-half (3.5) inches.



M. Vehicular Parking Standards. The following parking requirements shall apply to all uses:

1. Off-street surface parking shall not be located between a building and the street without an intervening building.

2. All non-residential developments which provide automobile parking facilities shall provide bicycle/moped parking facilities at a ratio of at least one (1) bicycle/moped parking space for every twenty (20) automobile parking spaces. No development shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of fifty (50) spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of one hundred (100) feet of the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces.

3. Shared or reduced parking arrangements may be permitted by the Union City Planning Department subject to a shared parking arrangement under the following criteria:

a. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;

b. All shared parking spaces shall be clearly marked; and

c. An applicant for shared parking spaces shall submit the following:

i.) A to-scale map indicating location of proposed parking spaces;

ii.) Hours of business operation of nonresidential parking users;

iii.) Written consent of property owners agreeing to the shared parking arrangement;

iv.) Copies of parking leases. Renewed leases shall be filed with the Union City Planning Department. Lapse of a required lease agreement shall terminate the permission for shared parking.

---

OVERLAY DISTRICTS

7-1 HD Historic District.

A. Description of District. The Historic Overlay District is intended to conserve and enhance areas of existing or potential scenic value, of historical note, of architectural merit, or of interest to tourists. The Historic Overlay District provides for certain protective restrictions in addition to those found in the underlying zoning district in which the structure is located.

B. General Requirements.

1. All further development of property in Historic Overlay District shall conform to these standards, regardless of any change in ownership.
2. The Mayor and Council, after receiving recommendations from the Planning Commission, giving notice to property owners and holding a public hearing, may establish, alter or abolish the Historic Overlay District, the Mayor and Council or the Planning Commission may initiate such change or the initiation may be by petition of property owners. Any such petition shall include the following information:
  - a. The applicant's name and address;
  - b. The description of the boundaries of the area to be designated;
  - c. A map illustrating those boundaries;
  - d. A statement explaining the following:
    - i. The reason why the area should be designated;
    - ii. The reason why the boundaries are adequate and correct; and
    - iii. The positive and negative effects, if any, which designation of the area would have on the residence of the Overlay District.
  - e. A statement indicating the presence of one or more of the following:
    - i. One or more styles of architecture reflecting one or more of the City's historical periods;
    - ii. One or more buildings of historic interest and architectural merit; and

iii. A distinct historical interest of local, state or national character.

C. Permitted Uses. Within the Historic Overlay District, the following uses shall be allowed:

1. Single family detached dwellings;
2. Single family attached dwellings, including townhouses, row houses and condominiums;
3. Two family dwellings;
4. Banks or financial institutions;
5. Business and professional offices;
6. Cultural facilities;
7. Home occupations;
8. Personal services establishments;
9. Public buildings and uses;
10. Public or private colleges, universities and elementary and secondary schools, but not schools primarily engaged in commercial or industrial trade education;
11. Restaurants;
12. Religious institutions, churches, monasteries, mosques, synagogues and temples; and
13. Retail stores not exceeding 3,500 square feet of gross floor area.

D. Development Standards.

1. All new buildings shall conform to the general façade characteristics and scale of existing structures and shall be of proportions to complement existing structures the site.
2. Additions to existing structures shall be of proportions to complement existing structure and height shall not exceed the existing or previous height of existing structure, unless dictated by building code.
3. Demolition of a designated historic structure shall not be permitted unless the owner can demonstrate that there can be no economic value derived from the structure.
4. No building permit or other permit for construction or alteration of any building or structure or the use of any land shall be issued until proposed plans and elevations are reviewed and

approved in writing as to the location and design by the Planning Commission and Mayor and Council of the City of Union City in accordance with Article XII.

- a. The applicant shall file a petition with the Planning Commission for approval of construction or alteration of any building or structure within a Historic Overlay District. This application shall be supported by three (3) copies of a written summary of the planned additions or changes, known as a Letter of Intent, which shall describe the proposed development in detail and a Site Plan. The Site Plan and Letter of Intent shall present the following information:
  - i. A legal description of subject property;
  - ii. The existing and proposed land uses and the approximate location of all buildings and structures;
  - iii. The location of existing and proposed streets and parking areas;
  - iv. Typical elevation drawings, indicating general architectural style and building exterior materials, if possible, of all permanent buildings and structures to be constructed on the premises; and
  - v. A description of the phases under which construction shall be programmed, depicting the geographical limits of each phase of construction.
- b. Upon approval of the Mayor and Council of the City of Union City, a permit shall be issued for the alteration, construction or demolition of an improvement of real property located within the Historic Overlay District.
- c. A person who is guilty of violating any provisions of the Zoning Ordinance shall be subject to punishment as provided in the Zoning Ordinance of the City of Union City.

E. Dimensional Requirements. Requirements of the underlying zoning district in which a structure is located shall apply.

F. Appeals Procedure. The procedures specified in Article XII, shall apply to the Historic Overlay District.

7-2 PUD Planned Unit Development.

- A. Description of District. It is the intent of this overlay district to encourage the development of large tracts of land as planned developments by use of flexible and creative concepts in site planning. Deviation from strict application of the minimum requirements of the Zoning Ordinance is not intended to allow greater density; but rather to encourage creativity in land planning which results in quality residential patterns that conserve open space, reduce vehicle trips and enhance the surrounding area.
- B. General Requirements. The general requirements within the PUD Overlay District for developments shall be as follows:
1. The underlying zoning of the property shall be residential.
- C. Use, Density and Other Regulations.
1. Permitted Uses. The uses permitted within this district shall be primarily residential in character, and include the following:
    - a. Single-family detached dwellings;
    - b. Townhouses and condominiums comprising no more than 10% of the total dwelling units within the proposed development;
    - c. Churches, schools, community or club buildings, and similar public or semi-public facilities;
    - d. Commercial or retail uses permitted in the NC Zoning District provided they meet the following criteria:
      - i. Their location is appropriate in relation to other land uses;
      - ii. The proposed use is designed so that it will primarily serve the planned development; and
      - iii. The proposed commercial or office uses do not represent more than five (5) percent of the area of the plan.
    - e. Accessory uses to those uses listed above.
- D. Dimensional Requirements. The minimum dimensional requirements within the PUD Overlay District shall be as follows:
1. Maximum density: as specified on development plan and subject to approval by City Council;
  2. Lot area per dwelling unit: as specified on development plan and subject to approval by City Council;
  3. Lot width and frontage: as specified on development plan and subject to approval by City Council;

4. Minimum floor area per dwelling unit: all dwelling units within a development developed under the standards of this district shall have greater than an 1,800 square feet of heated space; 2/3 of all dwelling units shall have a minimum of 2,000 square feet of heated space; and 1/3 of all dwelling units shall have a minimum of 2,200 square feet of heated space;
5. Front yard setback, as measured from the right-of-way: as specified on development plan and subject to approval by City Council;
6. Rear yard setback: as specified on development plan and subject to approval by City Council;
7. Side yard setback: as specified on development plan and subject to approval by City Council;
8. Height: as specified on development plan and subject to approval by City Council; and
9. Minimum greenspace area: 25%.

E. Review and Approval Procedure.

1. Pre-Application Conference. Prior to filing a formal application as a PUD Overlay, the applicant is encouraged to meet with the Zoning Administrator in order to review the general character of the development plan (on the basis of a tentative land use sketch if available), and to obtain information on projected programs and other matters.
2. Submission of Application. All applications for approval of PUD Overlay development plan shall be filed with the city on forms supplied by the Zoning Administrator.
3. Approval. An application for approval of a PUD Overlay development plan will be considered the same as a petition for rezoning, and will be subject to the procedures established in the Zoning Ordinance. Standards for PUD Overlay development plan approval are as follows:
  - a. The relationship between the proposed development and the surrounding uses, and the effect of the plan upon comprehensive planning for Fulton County and the City of Union City.
  - b. The ability of the existing and proposed streets, utilities and other public services sufficient to serve the development.
  - c. The proposed dwelling unit density and minimum dimensional requirements for lot development.
  - d. The amount of developed maintained as open space and/or recreation areas.
4. Revision of PUD Overlay development plan. Any major or substantial change in the approved development plan as determined by the Zoning Administrator which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes shall be treated as a rezoning and

reviewed and approved by the Mayor and Council at a public hearing subsequent to receipt of the recommendation of the Planning Commission after conducting a public hearing. A request for a revision of the development plan shall be supported by an amended development plan and written statement of why the revisions are necessary or desirable.

F. Control of Area Following Completion.

1. After completion of a PUD Overlay project, the use of land and construction, modification or alteration of any buildings or structures within the area covered by the plan shall be regulated by the approved development plan. (New Section –Adopted 7/16/02, Ordinance 02-07)

7-3 MXD Mixed Use Development.

A. Description of District. It is the intent of this overlay district to encourage the development of large tracts of land that allows a mixture of complementary land uses that include housing, retail, offices and commercial services to create economic and social vitality and to encourage the linking of trips. Deviation from strict application of the minimum requirements of the Zoning Ordinance is not intended to allow greater density; but rather to develop commercial and mixed use areas that are safe, comfortable and attractive to pedestrians and provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace.

B. General Requirements. The general requirements within the MXD Overlay District for developments shall be as follows:

- 1. The underlying zoning of the property shall be commercial or industrial.

C. Use, Density and Other Regulations.

1. Permitted Uses. The uses permitted within this overlay district shall be primarily commercial in character, and include the following:

- a. Residential comprising no more than 25% of the total development area the proposed development;
- b. Commercial:
  - i. Retail sales and services;
  - ii. Offices and clinics;
  - iii. Commercial and public parking;
  - iv. Entertainment; and
  - v. Wholesale.
- c. Civic:
  - i. Government;
  - ii. Parks and open space; and
  - iii. Schools.
- d. Industrial:
  - i. Manufacturing and production;

- ii. Warehouse;
- iii. Transportation, freight and distribution; and
- iv. Industrial service.

D. Dimensional Requirements. The minimum dimensional requirements within the MXD Overlay District shall be as follows:

1. Maximum density: as specified on development plan and subject to approval by City Council;
2. Lot area per dwelling unit: as specified on development plan and subject to approval by City Council;
3. Lot width and frontage: as specified on development plan and subject to approval by City Council;
4. Minimum floor area per residential dwelling unit: as specified on development plan and subject to approval by City Council;
5. Front yard setback, as measured from the right-of-way: as specified on development plan and subject to approval by City Council;
6. Rear yard setback: as specified on development plan and subject to approval by City Council;
7. Side yard setback: as specified on development plan and subject to approval by City Council;
8. Height: as specified on development plan and subject to approval by City Council; and
9. Minimum greenspace area: 20%.

E. Review and Approval Procedure.

1. Pre-Application Conference. Prior to filing a formal application as a MXD Overlay, the applicant is encouraged to meet with the Zoning Administrator in order to review the general character of the development plan (on the basis of a tentative land use sketch if available), and to obtain information on projected programs and other matters.
2. Submission of Application. All applications for approval of MXD Overlay development plan shall be filed with the city on forms supplied by the Zoning Administrator.
3. Approval. An application for approval of a MXD Overlay development plan will be considered the same as a petition for rezoning, and will be subject to the procedures

established in the Zoning Ordinance. Standards for MXD Overlay development plan approval are as follows:

- a. The relationship between the proposed development and surrounding uses, and the effect of the plan upon comprehensive planning for Fulton County and the City of Union City.
- b. The ability of the existing and proposed streets, utilities and other public services sufficient to serve the development.
- c. The proposed density and minimum dimensional requirements for lot development for each land use component.
- d. The amount of developed maintained as open space and/or recreation areas.
- e. Revision of MXD Overlay development plan. Any major or substantial change in the approved development plan as determined by the Zoning Administrator which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes shall be treated as a rezoning and reviewed and approved by the Mayor and Council at a public hearing subsequent to receipt of the recommendation of the Planning Commission after conducting a public hearing. A request for a revision of the development plan shall be supported by an amended development plan and written statement of why the revisions are necessary or desirable.

F. Control of Area Following Completion.

1. After completion of a MXD Overlay project, the use of land and construction, modification or alteration of any buildings or structures within the area covered by the plan shall be regulated by the approved development plan. (New Section –Adopted 2/18/03, Ordinance 03-02)

7-4 OSC Open Space Conservation Subdivision.

A. Description of District. The OSC overlay district is established to encourage the preservation of natural resources within residential development. Sensitive natural resources are protected by limiting land disturbance and decreasing the percentage of impervious surface within the planned community, and by adding flexibility to site plan design. Open space design is intended to result in more efficient use of land, lower development and infrastructure costs, and the conservation of land for recreation or aesthetic and environmental enrichment. It is not the intent of this overlay district to increase overall development densities, but to allow for the stipulated densities of the underlying zoning district. It is also the intent of the overlay district to encourage design flexibility, creativity and development complementary to surrounding and existing neighborhoods. Open space community (OSC) plans are approved as site plan specific.

B. General Requirements. The general requirements within the OSC Overlay District for developments shall be as follows:

- 1. The district may be overlaid upon the R-1, R-2, R-3, R-4, R-6 and RMD-1 zoning districts.

C. Use and Density Regulations.

- 1. Permitted Uses. Permitted uses are consistent with uses permitted in the underlying zoning district.
- 2. Density Determination.
  - a. Maximum density: The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:
    - i. Slopes over 25 percent of at least 5,000 square feet contiguous area;
    - ii. The 100-year floodplain;
    - iii. Bodies of open water over 5,000 square feet contiguous area;
    - iv. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act; or
    - v. Anticipated right-of-way needs for roads and utilities.
  - b. Lot area per dwelling unit: shall be no less than 2/3 the size required by underlying zoning and is subject to approval by City Council.
  - c. Lot width and frontage: as specified on development plan and subject to approval by City Council.
  - d. Minimum floor area per dwelling unit: all dwelling units within a development developed under the standards of this district shall have greater than an 1,800 square feet of heated space; 2/3 of all dwelling units shall have a minimum of 2,000 square feet of heated space; and 1/3 of all dwelling units shall have a minimum of 2,200 square feet of heated space.

- e. Front yard setback, as measured from the right-of-way: as specified on development plan and subject to approval by City Council.
- f. Rear yard setback: as specified on development plan and subject to approval by City Council.
- g. Side yard setback: as specified on development plan and subject to approval by City Council.
- h. Height: as specified on development plan and subject to approval by City Council.

D. Open Space. Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument. Standards to determine open space are as follows:

1. The minimum restricted Open Space shall comprise at least 40% of the gross tract area.
2. The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
  - a. The regulatory 100-year floodplain;
  - b. Buffer zones of at least 75 ft width along all perennial and intermittent streams;
  - c. Slopes above 25 percent of at least 5,000 square feet contiguous area;
  - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
  - e. Populations of endangered or threatened species, or habitat for such species; and
  - f. Archaeological sites, cemeteries and burial grounds.
3. The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible.
  - a. Important historic sites;
  - b. Existing healthy, native forests of at least one acre contiguous area;
  - c. Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost dripline;
  - d. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
  - e. Prime agricultural lands of at least five acres contiguous area; and

- f. Existing trails that connect the tract to neighboring areas.
4. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
5. At least 75 percent of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
6. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.
7. Permitted Uses of Open Space. Uses of Open Space may include the following:
  - a. Conservation of natural, archeological or historical resources;
  - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or
  - c. Walking or bicycle trails, provided they are constructed of porous paving materials;
  - d. Passive recreation areas;
  - e. Active recreation areas, provided that they are limited to no more than 10 percent of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space;
  - f. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
  - g. Nonstructural stormwater management practices;
  - h. Easements for drainage, access, and underground utility lines; or
  - i. Other conservation-oriented uses compatible with the purposes of this ordinance.
8. Prohibited uses of Open Space:
  - a. Golf courses;
  - b. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
  - c. Agricultural and forestry activities not conducted according to accepted Best Management Practices; and

- d. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

9. Ownership and Management of Open Space.

- a. Ownership of Open Space. The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner.
- b. Management Plan. Applicant shall submit a Plan for Management of Open Space and Common Facilities (“Plan”) that:
  - i. Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
  - ii. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
  - iii. Provides that any changes to the Plan be approved by the City Council; and
  - iv. Provides for enforcement of the Plan.
- c. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, Union City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner’s Association, or to the individual property owners that make up the Homeowner’s Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

10. Legal Instrument for Permanent Protection.

- a. The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
  - i. A permanent conservation easement in favor of either:
    - b) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
    - c) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the city,

then a third right of enforcement favoring the city shall be included in the easement;

- d) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
- e) An equivalent legal tool that provides permanent protection, if approved by the City.

- b. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

G. Review and Approval Procedure.

1. Pre-Application Conference. Prior to filing a formal application as a OSC Overlay, the applicant is encouraged to meet with the Zoning Administrator in order to review the general character of the development plan (on the basis of a tentative land use sketch if available), and to obtain information on projected programs and other matters.
2. Submission of Application. All applications for approval of OSC Overlay development plan shall be filed with the city on forms supplied by the Zoning Administrator.
3. Approval. An application for approval of an OSC Overlay development plan will be considered the same as a petition for rezoning, and will be subject to the procedures established in the Zoning Ordinance. Standards for OSC Overlay development plan approval are as follows:
  - a. The relationship between the proposed development and surrounding uses, and the effect of the plan upon comprehensive planning for Fulton County and the City of Union City.
  - b. The ability of the existing and proposed streets, utilities and other public services sufficient to serve the development.
  - c. The proposed density and minimum dimensional requirements for lot development for each land use component.
  - d. The amount of developed maintained as open space and/or recreation areas.
4. Revision of OSC Overlay development plan. Any major or substantial change in the approved development plan as determined by the Zoning Administrator which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes shall be treated as a rezoning and reviewed and approved by the Mayor and Council at a public hearing subsequent to receipt of the recommendation of the Planning Commission after conducting a public hearing. A

request for a revision of the development plan shall be supported by an amended development plan and written statement of why the revisions are necessary or desirable.

F. Control of Area Following Completion.

1. After completion of a OSC Overlay project, the use of land and construction, modification or alteration of any buildings or structures within the area covered by the plan shall be regulated by the approved development plan.

7-5 UD Urban Design Overlay District.

A. Description of District. The regulations set forth in this chapter, or set forth elsewhere in this part, when referred to in this chapter, are the regulations in the Union City Urban Design Overlay District. These regulations shall supplant existing districts or portions of existing districts as shown on the attached map. Whenever the following regulations conflict with provisions of the Union City Zoning Ordinance, the more stringent regulation shall apply. The intent of this District is to establish a pedestrian-friendly mixed-use commercial and residential district complete with quality urban design regulations and place-making principles.

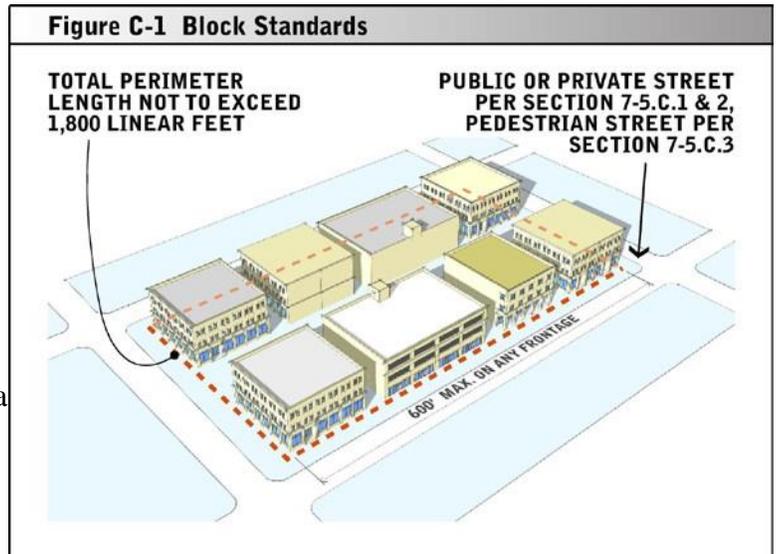
B. General Requirements. The district may be overlaid upon any existing zoning district.

C. Site Limitations.

1. Developments with more than six hundred (600) linear feet offfrontage along a single street shall be divided by public or private streets into blocks having a maximum length of four hundred (400) feet, as measured from the back the of the sidewalk clear zone.

2. Such streets shall function as public streets and shall connect two (2) other public streets or private streets or a physical barrier or natural amenity as defined by the Union City Planning Department.

3. Pedestrian Streets shall be permitted to be utilized for dividing property for the purposes of forming blocks. Said Pedestrian Street shall be a minimum width of sixteen (16) feet and shall meet all of the Supplemental Zone requirements of this Chapter.



4. The total perimeter length of the block shall not exceed 1,800 linear feet and the total area of a block shall not exceed three and three-tenths (3.30) acres.

D. Sidewalks. Public sidewalks shall be located along all streets and shall have minimum widths as specified herein. Sidewalks shall consist of two zones: a street furniture and tree planting zone and a clear zone. The following regulations shall apply to all sidewalks:

1. Street furniture and tree planting zone requirements:

a. Said zone shall be located immediately adjacent to the curb.

b. Said zone shall be a minimum width of five (5) feet and shall be continuous.

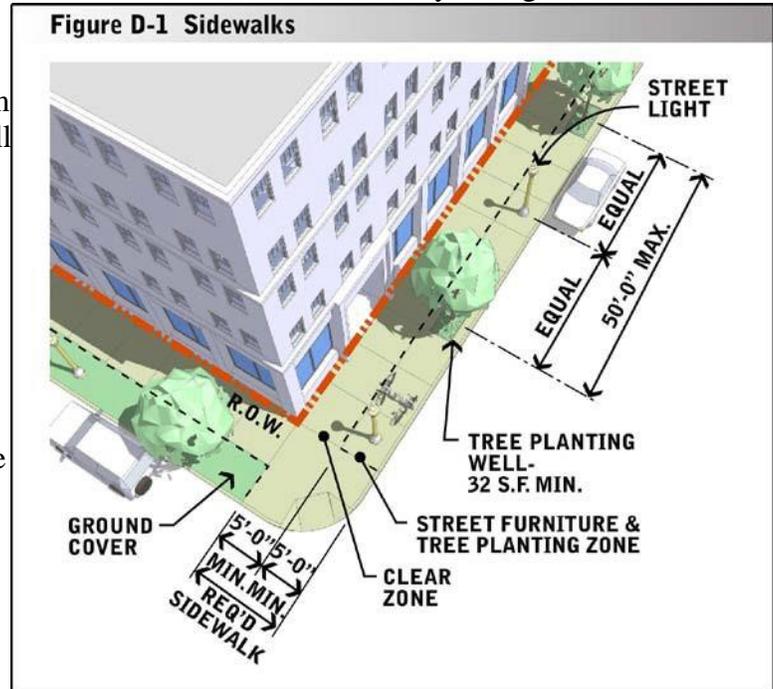
c. Said zone shall meet the tree planting requirements of this section.

- d. In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the Union City Planning Department.

- 2. Clear zone requirements: Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be a minimum width of five (5) feet and shall be hardscape, and unobstructed for a minimum height of eight (8) feet.

- 3. Street tree planting requirements:

- a. Street trees are required and shall be planted in the ground a maximum of fifty feet (50) on center within the street furniture and tree planting zone spaced equal distance between street lights.



- b. All newly planted trees shall be a minimum of three (3) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of seven (7) feet.
- c. Trees shall have a minimum planting area of thirty-two (32) square feet. All plantings, planting replacement and planting removal shall be approved by the Union City Planning Department. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or liriopie spicata or shall be paved as approved by the Union City Planning Department.
- d. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

E. Supplemental Zone. For purposes of these regulations, the area between any building, parking garage, or parking lot and the required sidewalk, when no intervening building exists, shall be defined as the supplemental zone. Supplemental zones shall meet the following requirements. Except as otherwise specified below, the square footage contained within a supplemental zone which meets all the following supplemental zone requirements may be counted towards open space requirements.

- 1. Supplemental zone general requirements:

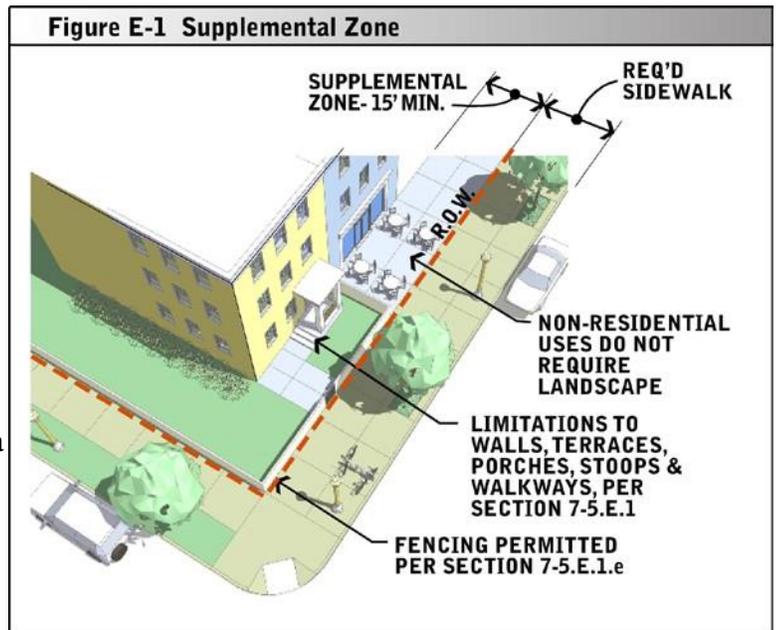
- a. When sidewalk level residential units are provided, supplemental zone shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds (2/3) of the supplemental zone area;
- b. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade, unless existing topographical considerations render this requirement unreasonable;
- c. The supplemental zone shall be no more than twenty-four (24) inches above the adjacent public sidewalk for a minimum linear distance of fifteen (15) feet from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable; and
- d. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of twenty-four (24) inches, except retaining walls, which shall not exceed a maximum height of thirty-six (36) inches unless existing topography requires a retaining wall of greater height.

2. Fencing permitted only when:

- a. The supplemental zone is located between sidewalk level residential units and the adjacent street; or
- b. Said fencing is used to separate authorized outdoor dining from the required sidewalk.

3. Supplemental zones containing a depth greater than fifteen (15) feet shall be counted towards open space requirements only when the following additional requirements are met:

- a. Shall be unobstructed by any elements with the exception of fountains, pedestrian furniture, public art and similar elements.
- b. When adjacent non-residential ground floor uses are provided, shall be visible and accessible from any point along the adjacent sidewalk.
- c. When adjacent residential ground floor uses are provided, shall provide a pedestrian walkway from said space to the adjacent public sidewalk. Said pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be uncovered and open to the sky along its entire length.



## H. Relationship of Building to Street.

1. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with public or private street frontage:
  - a. Shall face and be visible from the public street when located adjacent to such street.
  - b. Shall be directly accessible and visible from the sidewalk adjacent to such street.
  - c. Shall remain unlocked during business hours for non-residential uses.
  - d. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.

## I. Loading and Mechanical Features.

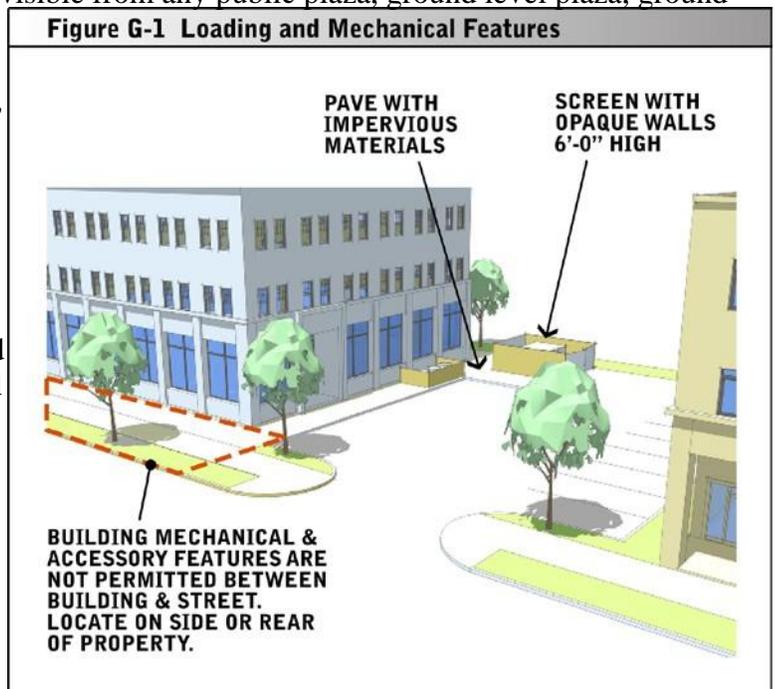
1. Loading areas: Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground level plaza, ground

level or sidewalk level outdoor dining area, public sidewalk or public right-of-way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls six (6) feet in height.

2. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.

3. Building mechanical and accessory features:

- a. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.



- b. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.

- c. Shall not be permitted between the building and any public street.

J. Off-Street Parking.

- i. Off-street surface parking shall not be located between a building and the street without an intervening building.

7-6 RHC Roosevelt Highway Corridor Overlay District.

- A. Description of District. The Roosevelt Highway Corridor is a 15-mile portion of Roosevelt Highway (US 29) from the Fulton County line in Palmetto to Camp Creek Parkway in College Park. The corridor spans several governing jurisdictions, and includes portions of the City of Palmetto, the City of Fairburn, the City of Union City, the City of College Park, the Red Oak Community and unincorporated Fulton County.

Through architectural form, landscape, hardscape, signage and graphics, this Overlay District seeks to reflect the history of the highway corridor, to accommodate modes of transportation other than the automobile such as bicycling, walking and transit through pedestrian oriented street design and circulation patterns and to improve the aesthetics of the corridor.

The purpose and intent of the Roosevelt Highway Corridor Overlay District is to unify the Corridor with aesthetic design elements while protecting the separateness and individualities of the communities of Palmetto, Union City, Red Oak and College Park. Moreover, this district seeks to maintain Roosevelt Highway's function as a viable transportation facility that is not encumbered by endless commercial sprawl. This is accomplished by segmenting the corridor within each community into three Development Districts: Core, Primary and Secondary Development Districts, which are defined below.

The Core Development District (CDD) allows for the development of a pedestrian oriented commercial village center with a mix of uses for residents to live, work and relax. The Core District includes residential uses combined with retail, service commercial, office and institutional uses in the same buildings. The Core District supports and promotes commercial vitality and is a pedestrian oriented environment. Road frontage encourages vehicles to slow down and streetscape features are designed for traffic calming and pedestrian safety. Preservation of the existing historical character of the area is critical in the Core District.

The Primary Development District (PDD) occurs outside the Core District and transitions the more highly developed Core to a more automobile friendly concept. A mix of commercial, residential and community uses inhabit the less densely developed Primary District but are not permitted to be mixed into the same structure. Pedestrian use is not as high in this district, and road frontage is geared to pedestrian safety. The Primary District promotes a unified architectural style in terms of density, spacing and massing of buildings.

The Secondary Development District (SDD) is the parkway that links the Primary Districts and serves to protect rural land and natural resources of the Roosevelt Highway Corridor. The secondary District is even more automobile and truck oriented and generally limited to industrial and corporate complexes with natural barriers screening the development off each side of the road. While pedestrian use is lower here, road frontage continues to address safety associated with transit and school bus activities.

This Overlay is adopted for the purpose of advancing community development goals, promoting economic development and promoting and protecting health, safety, order, prosperity and general welfare of the citizens of Union City, Georgia.

B. General Requirements. The 15-mile Roosevelt Highway Corridor is a multi-jurisdictional corridor and includes portions of the City of Palmetto, the City of Union City, The City of College Park, the Red Oak Community and unincorporated Fulton County between the Fulton/Coweta County line and Camp Creek Parkway. Core, Primary and Secondary Development Districts have been delineated with the Roosevelt Highway Overlay District.

Specifically for the City of Union City, the Overlay District applies to all properties zoned or developed for nonresidential and residential uses (except single family detached dwelling units), and shall adhere to specific design guidelines for each development district set forth and detailed in the *Design Guidelines for the Roosevelt Highway Corridor*.

Parcels identified in the City of Union City's Core Development District are specifically delineated. In the Primary and Secondary Districts, only parcels fronting Roosevelt Highway shall comply with the regulations.

Whenever provisions of this section conflict with any other article or section in the Zoning Ordinance of the City of Union City or any other City ordinances, regulations or resolutions, these standards shall prevail.

C. Permitted Uses. The Core Development District (CDD) shall utilize the Mixed-Use District (MXD) regulations of the City of Union City Code. The MXD District is intended to integrate work places, shopping, entertainment services, and housing and community facilities in a pedestrian friendly, village-like environment. Where provisions of the Mixed-Use District conflict with any articles of this resolution, the provisions of this article and guidelines detailed in the *Design Guidelines for the Roosevelt Highway Corridor* shall prevail.

The Primary Development District (PDD) and the Secondary Development District (SDD) shall be comprised of land uses designated by The City of Union City and zoned accordingly, but shall be in compliance with the regulations of this overlay district and shall comply with guidelines detailed in the *Design Guidelines for the Roosevelt Highway Corridor*.

D. Development Standards.

1. Development Standards for the Core District.

a. Landscaping:

- i. Street trees shall be planted on non-railroad side of the corridor, and planted on the railroad side of the corridor if possible.
- ii. Street trees shall be 40 feet on center, and planted in tree pits with ground cover. Tree pits shall be excavated trenches with prepared backfill and drainage system.
- iii. Minimum caliper for street trees shall be four inches, with two trees planted equidistant between themselves and lighting fixtures.

- iv. Street trees shall be placed back from the curb to meet GDOT clear zone requirements, (typically three feet on a 25 mph roadway).
- b. Screening and Fencing:
- i. All unsightly areas such as outside service areas, accessory site features, refuse areas and receptacles, and storage areas shall be screened from Roosevelt Highway with walls, fences, landscape or a combination providing 100% screening. Brick, stone or wood shall be acceptable for screening and shall be a minimum of eight feet tall.
  - ii. Accessory site features are prohibited in the front yard of any property.
  - iii. Opaque fences are prohibited adjacent to public streets.
  - iv. A parapet shall screen accessory site features on a roof or other architectural feature.
  - v. Brick, stone, wood are permitted fencing materials.
  - vi. Chain link fences are prohibited.
- c. Pedestrian Paths:
- i. Sidewalks shall be constructed on both sides of Roosevelt Highway.
  - ii. Sidewalks shall consist of brick pavers, or materials which imitate brick pavers, and be eight feet in width.
  - iii. Sidewalks shall extend from the building fronts to the parking edge.
  - iv. Were possible, sidewalks shall be constructed to facilitate pedestrian safety at railroad crossings located in the Core District.
  - v. Sidewalks shall be connected to applicable signalized crosswalks and with bus stops.
  - vi. Pedestrian paths and sidewalks shall be illustrated on the site plan submitted for permitting purposes.
  - vii. Street furniture shall be located outside the specified width of any pedestrian path, and shall be placed back from the curb to meet GDOT clear zone requirements.
  - viii. Sidewalk connector paths, as well as driveways crossing sidewalks shall be constructed across the entire length of all concrete aprons and shall be textured to match the appearance of sidewalk materials in color, texture, and

design. Sidewalk connector paths shall comply with all applicable standards of the Americans with Disabilities Act (ADA).

- ix. Internal walkways (paths) are required from the public sidewalk to the main entrance of the principle use of the property and shall meet applicable ADA standards.
  - x. Intra-parcel walkways crossing parking lots shall be distinguished from parking lots by the use of colors, textures (use of different materials), differences in rise above the parking lot or a combination of these methods, to minimize auto-pedestrian conflict.
  - xi. Paths shall be direct and convenient routes between points of origin (such as a bus stop) and destination (such as a shop, bank, etc.).
  - xii. Pedestrian connectivity between residential and nonresidential developments is required.
- d. **Lighting.** All outdoor lights shall be shielded to ensure that light and glare are limited to the premises and are directed away from adjacent properties. Lights shall be low intensity. If a facility abuts a residentially zoned property, outdoor lighting shall be limited to a maximum height of 15 feet.
- e. **Building Materials and Architectural Treatment.**

Size, Setback, Orientation:

- i. All buildings shall be oriented to face the street and built up to the property line along the sidewalk.
  - ii. No building shall be more than three stories in use or 40 feet in height of the structure.
  - iii. The first floor shall have ceiling height of 12 feet and shall be greater in height than the upper floors.
  - iv. Residential use shall be permitted on the second or third floor of commercial and office buildings. Residential use shall not be permitted in a one-story commercial or office building in the Core.
  - v. Buildings shall not end abruptly at a corner. Corner buildings shall demonstrate focal points, which anchor the corner. Corner buildings shall have functional extensions around any corner.
- f. **Materials and Colors:**

- i. For new construction or infill building in the Core, masonry construction shall be used and shall consist of brick, pre-cast rusticated concrete block, natural building stones, tiles, stucco, pre-cast window sills and terra cotta.
  - ii. Any type of exterior insulating foam siding (EIFS) systems shall be avoided.
  - iii. Exterior finishes for accessory structures shall be consistent with the principal structure.
  - iv. Building paint colors shall be reviewed by the Design Review Committee. Building colors are encouraged to be compatible with the era and style of subject building.
- g. Windows, Doors, Awnings:
- i. Display windows shall be street facing and at street level.
  - ii. Display windows shall conform and custom fit between the framed ledge and sill created by flanking storefront bulkheads to the entry and fit to the horizontal dividing frame running beneath storefront transoms.
  - iii. Display windows shall be of the greatest amount of single glass panes as possible and the multi-paned “colonial” design of display windows shall be avoided.
  - iv. Transom windows above the display windows are encouraged and shall continue in a repeated organization of glass panes across the entire storefront opening including over the entry, broken only by vertical framing or columns that frame the width of the entry area.
  - v. Decorative stained glass, multi-pane or leaded glass transoms are permitted.
  - vi. Upper facade windows shall be uniformly spaced across each building.
  - vii. Doors shall be customized to each storefront.
  - viii. Awnings may/shall be used and shall have an eight-foot vertical clearance from the sidewalk and shall project horizontally no more than one-half the width of the sidewalk.
  - ix. Awnings shall have a 35 to 40 degree angled shed form and shall be of square hollow aluminum bar and “Steel Stitch” construction.
  - x. Quarter barrel and dome forms of awnings shall only be used in the Core District if fitted appropriately into arched window openings.
  - xi. Mid-20th century rigid canopies may be used only on structures of original mid-20<sup>th</sup> century architecture.

- h. Architectural Features:
  - i. All primary entrances shall be street facing and at street level; entry areas may contain single or double door entries.
    - i. The size and scale of storefront openings shall be uniform.
    - ii. Roofs may be used for decks or additional public space upon approval.
    - iii. Elevators shall be required if the second floor use is for an office with a larger number of people (generally greater than six) or are to be publicly accessible offices or professional offices with public clientele.
    - iv. The front facade shall have zero to four feet of vertical area above the front facade edge for building attractive decorative upper cornices.
    - v. Party wall construction shall be used to obtain proper height density; setback and thrust facades are not permitted.
    - vi. Original historic storefronts shall be retained.
    - vii. Unsightly, non-used, non-contributing historic structures that do not conform to the zero-lot-line construction, storage buildings, fenced junk yards and sheds shall be removed.
    - viii. To the extent any rear or side of any building is visible from any public street or single family residence, architectural treatment shall continue through the rear or side.
    - ix. Flat roofs and roof-mounted equipment shall be screened from the view of public and private streets by a parapet. No parapet shall be required to be greater than four feet above roof.
    - x. Vending machines shall be located inside a building.
    - xi. Burglar bars, steel gates, metal awnings and steel roll down curtains are prohibited on the exterior and interior of a structure except at the structure's rear.
  - j. Parking:
    - i. Parallel, reverse angled, or traditional angled parking shall be used on one or both sides of the roadway in the Core District, upon approval from GDOT. The width of the parking lane shall be eight feet.
    - ii. All off-street parking for non-residential buildings, townhouses, and multi-family buildings shall be located to the rear.

- iii. On-street surface parking spaces located adjacent to the front property line shall be counted toward the minimum number of parking spaces required for that lot.
  - iv. The required number of off-street parking spaces may be reduced as approved.
  - v. Shared parking shall be permitted as approved.
  - vi. When surface parking located to the rear is along a (side) street right-of-way, the parking may occur along such frontage for a maximum of 120 linear feet.
  - vii. Access lanes and additional curb cuts (other than the primary access drive) shall be located to the side or rear of the property. The maximum width of the access lane and/or driveway is 18 feet.
  - viii. Loading areas shall be located in the rear or side yards.
  - ix. Parking decks shall be constructed to conceal vehicles, and shall include architectural detailing and finish compatible with surrounding buildings.
- k. Street Standards:
- i. Speed limit through the Core District shall be 25 miles per hour upon approval from GDOT.
  - ii. All intersections and Core District boundaries shall be marked with pedestrian crosswalks, pedestrian markings, and handicap ramps.
  - iii. Intersections with traffic signals shall have pedestrian signal buttons and lights and shall conform to ADA requirements.
  - iv. All roadways in Core District shall have curb and gutter.
  - v. Pedestrian refuge islands shall be used if the roadway has four lanes or more.
  - vi. Bicycle lanes shall be constructed on both sides of the roadway and shall be five feet wide and striped.
- l. Streetscape Features:
- i. All streetscape features shall be placed back from the face of the curb to meet GDOT clear zone requirements (typically three feet on a 25 mph roadway).
  - ii. Benches shall be of heavy cast iron materials and shall be anchored to the pavement.
  - iii. Benches shall be placed parallel to the street facing the building fronts.

- iv. Trash receptacles shall be located at the ends of blocks and in pedestrian gathering places, but not near seating.
  - v. Trash receptacles shall be black, 38”h by 29” in diameter.
  - vi. Trash receptacles shall be anchored per manufacturer specifications.
  - vii. A bicycle rack shall be installed in each Core District.
  - viii. Bike docks are encouraged for bike racks and shall be constructed of black color coated tubular steel for securing bikes 3 foot in length.
  - ix. A transit shelter shall be installed in each Core District and shall be a MARTA standard transit shelter, and shall be lit and furnished according to MARTA specifications.
  - x. A small trash receptacle shall be attached to each transit shelter.
  - xi. Newspaper dispensers shall be consolidated rather than spread out along the sidewalk.
  - xii. Newspaper dispensers shall be black color-coated to match street furniture, and shall be either a pedestal mounted frame style or custom built from steel tubing.
- m. Miscellaneous Provisions:
- i. Height of cell towers shall not exceed 199 feet.
  - ii. Stealth design is required for all cell towers.
- n. Signage. Refer to Section XI of the Zoning Ordinance for sign requirements.

2. Development Standards for the Primary District.

- a. Landscaping:
- i. A ten-foot landscape strip shall be planted along the length of the non-railroad side of the roadway adjacent to the pedestrian sidewalk.
  - ii. An eight-foot landscape strip shall be planted along the railroad side of the corridor if proper GDOT setback and railroad buffer requirements can be met.
  - iii. Street trees shall be planted in the landscape strip and shall be 40 feet on center with a minimum caliper of four inches. Street trees shall be set back from the curb to meet GDOT clear zone requirements (typically eight to ten feet on a 35-45 mph roadway).

- iv. A low evergreen hedge shall be planted behind the street trees to screen automobiles from Roosevelt Highway.
- v. Trees shall be planted in a single row and treeform evergreens shall be planted in a staggered row.
- vi. The lawn shall be maintained between the hedge and back of curb.
- vii. Shade or flowering trees shall be planted within or adjacent a 4-foot buffer along the railroad if proper GDOT setback and railroad buffer requirements can be met.
- viii. There shall be a minimum of one street tree for every 25 feet of property frontage.
- ix. There shall be a minimum of one overstory tree for every 40 feet of frontage.
- x. The maximum spacing between any two overstory trees shall be 50 feet.
- xi. The maximum spacing between flowering trees shall be 20 feet.
- xii. The minimum caliper for street trees shall be two inches per ten-foot height for multi-stemmed material.
- xiii. Hedges shall have a minimum of two rows of evergreen shrubs, 24" tall, two feet between rows and two and a half feet on center spacing.

b. Screening and Fencing:

- i. All unsightly areas such as outside service areas, accessory site features, refuse areas and receptacles, and storage areas shall be screened from Roosevelt Highway with walls, fences, landscape or a combination providing 100% screening. Brick, stone or wood shall be acceptable for screening and shall be a minimum of eight feet tall.
- ii. Accessory site features are prohibited in the front yard of any property.
- iii. Opaque fences are prohibited adjacent to public streets.
- iv. Accessory site features on a roof shall be screened by a parapet or other architectural feature or as approved.
- v. Wood, stone, and brick are permitted fencing materials.
- vi. Chain link fences are prohibited.

c. Pedestrian Paths:

- i. Concrete sidewalks shall be constructed on the non-railroad side of the road and shall be five feet wide.
- ii. These sidewalks shall have a two foot wide grass buffer between the curb and the sidewalk on the non-railroad side of the road.
- iii. A ten-foot wide, concrete, multiuse trail shall be constructed on the railroad side, beyond an eight-foot landscape strip, provided GDOT setback and railroad buffer requirements can be met.
- iv. Pedestrian paths and sidewalks shall be illustrated on the site plan submitted at the time of application for a Land Disturbance Permit.
- v. Internal (paths) are required from the public sidewalk to the main entrance of the principal use of the property and shall meet applicable ADA requirements.
- vi. Intra-parcel walkways crossing parking lots shall be distinguished from parking lots by the use of colors, textures (use of different materials), differences in rise above the parking lot or a combination of these methods, to minimize auto-pedestrian conflict.
- vii. Sidewalks shall be connected to applicable signalized crosswalks and with bus stops.
- viii. Paths shall be direct and convenient routes between points of origin (such as a bus stop) and destination (such as a shop, bank, etc.).
- ix. Pedestrian connectivity between residential and nonresidential developments is required.
- x. Sidewalk connector paths, as well as driveways crossing sidewalks shall be constructed across the entire length of all concrete aprons and shall be textured to match the appearance of sidewalk materials in color, texture, and design.

d. **Lighting.** All outdoor lights shall be shielded to ensure that light and glare are limited to the premises and are directed away from adjacent properties. Lights shall be low intensity. If a facility abuts a residentially zoned property, outdoor lighting shall be limited to a maximum height of 15 feet.

e. **Building Materials and Architectural Treatment.**

Size, Setback, Orientation.

- i. The building setback in the Primary District shall be a maximum of 75 feet from the right of way, but may be built up to the property line along sidewalks.
- ii. Buildings shall be on a pedestrian scale along sidewalks that will front shallow parking lots and driveways.

- iii. New commercial development shall conform in size, scale, and materials as the existing structures.
  - iv. No building shall be more than three stories in use or 40 feet in height or the structure, however, developments with multiple rows shall have single story buildings in front and are encouraged to have multi-story, closely spaced buildings to the rear.
  - v. Residential use shall be permitted on the second or third floor of commercial and office buildings. Residential use shall be permitted as a secondary use in a one-story commercial or office building in the Primary District upon approval by the Zoning Administrator and the Design Review Committee.
  - vi. The front facade or entrance shall be oriented to the public right of way.
- f. Materials and Colors.
- i. Differing roof types are permitted and shall be constructed from composite shingles, tile, slate or standing seam metal.
  - ii. Building materials shall consist of brick, wood shakes, cementitious fiberboard, rusticated concrete block, natural building stones, tiles, or stucco.
  - iii. Building paint colors shall be reviewed by the Design Review Committee. Building colors are encouraged to be compatible with the era and style of subject building.
- g. Windows, Doors, Awnings.
- i. Residential doors shall not be permitted on commercial structures.
  - ii. Entry doors may contain single or double door entries.
  - iii. Residential windows are permitted on residential structures zoned for nonresidential uses.
  - iv. Awnings are permitted and may be used for both functional and decorative purposes, and may include quarter barrel and dome forms.
  - v. Awnings shall be of square hollow aluminum bar and “Steel Stitch” construction.
- h. Architectural Features.
- i. Historic facades shall be retained, restored or repaired.
  - ii. House forms may be utilized for businesses.

- iii. To the extent any rear or side of any building is visible from any public street or single family residence, architectural treatment shall continue through the rear or side.
- i. Parking:
    - i. One double bay of parking shall be allowed between the building and the road.
    - ii. There shall be a landscape island for 150 linear feet of parking and at the ends of all parking bays.
    - iii. The landscape islands shall be a minimum of ten feet wide and extend the length of the parking space and shall contain one shade tree.
    - iv. Shared parking shall be permitted as approved.
    - v. Loading areas shall be located in the rear and side yards.
    - vi. Parking decks shall be constructed to conceal vehicles, and shall include architectural detailing and finish compatible with surrounding buildings.
  - j. Street Standards:
    - i. Speed limit through the Primary District shall be 35 miles per hour, not to exceed 45 miles per hour.
    - ii. All traffic-lighted intersections and the Primary District boundaries shall be marked with pedestrian crosswalks, pedestrian markings and handicap ramps to ADA standards.
    - iii. Intersections with traffic signals shall have pedestrian signal buttons and lights.
    - iv. All roadways in Primary District shall have curb and gutter.
    - v. Pedestrian refuge islands shall be used when the roadway is four lanes or greater.
    - vi. Curb cuts shall be minimized with the maximum curb cut of 30 feet wide.
    - vii. Marta crosswalks shall be painted for every Marta stop with a shelter.
    - viii. Bicycle lanes shall be constructed on both sides of the corridor and shall be five feet wide and shall be paved.
  - k. Streetscape Features:

- i. Transit shelters shall be installed in the Primary District according to Marta ridership standards. They shall be MARTA standard transit shelters and shall be lit and furnished according to Marta specifications.
    - ii. A small trash receptacle shall be attached to each transit shelter.
  - l. Miscellaneous Provisions:
    - i. Height of cell towers shall not exceed 199 feet.
    - ii. Stealth design is required for all cell towers.
  - m. Signage. Refer to Section XI of the Zoning Ordinance for sign requirements.
3. Development Standards for the Secondary District.
- a. Landscaping:
    - i. A minimum 25-foot landscape strip shall be planted along the length of the non-railroad side of the roadway adjacent to the pedestrian sidewalk.
    - ii. A minimum of one tree for every 20 feet of frontage shall be planted in the landscape strip, and shall be planted to meet GDOT clear zone requirements for speed limits between 45 and 55 miles per hour provided GDOT setback and railroad buffer requirements can be met.
    - iii. A minimum of 50% of the total number of trees shall be overstory trees in the landscape strip.
    - iv. Maximum spacing between any two trees in the landscape strip shall be 50 feet.
    - v. Maximum spacing between understory trees in the landscape strip shall be 20 feet.
    - vi. Minimum caliper for overstory trees shall be three inches and for understory trees shall be two inches or ten-foot height for multi-stem material.
    - vii. The lawn shall be maintained from the landscape strip and the edge of pavement on both sides of the roadway.
    - viii. Where possible, shade or flowering trees shall be planted in a single row parallel to the edge of the roadway along the railroad, with spacing of an overstory tree every 40 feet and one understory tree every 20 feet, in accordance with GDOT setback and railroad buffer requirements.
    - ix. Natural screening of new development shall be accomplished by maintaining and preserving mature trees, and by creating land berms with large trees.

b. Screening and Fencing:

- i. All unsightly areas such as outside service areas, accessory site features, refuse areas and receptacles, and storage areas shall be screened from Roosevelt Highway with walls, fences, landscape or a combination providing 100% screening. Brick, stone or wood shall be acceptable for screening and shall be a minimum of eight feet tall.
- ii. Accessory site features are prohibited in the front yard of any property.
- iii. Opaque fences are prohibited adjacent to public streets.
- iv. Accessory site features on a roof shall be screened by a parapet or other architectural feature or as approved.
- v. Wood, stone and brick are permitted fencing materials.

c. Pedestrian Paths:

- i. Sidewalks are optional, but if constructed shall be five feet wide and shall be constructed on the non-railroad side of the roadway.
- ii. Sidewalks shall have a 30-foot wide grass buffer between the edge of the pavement and the sidewalk.
- iii. Pedestrian paths and sidewalks shall be illustrated on the site plan submitted for permitting purposes.

d. Lighting:

- i. All outdoor lights shall be shielded to ensure that light and glare are limited to the premises and are directed away from adjacent properties. Lights shall be low intensity. If a facility abuts a residentially zoned property, outdoor lighting shall be limited to a maximum height of 15 feet.

e. Building Materials and Architectural Treatment.

- i. The building setback in the Secondary District shall be a minimum of 100 feet from the right of way.
- ii. No building shall be more than seven stories in use.
- iii. House forms and farmhouses may be rehabilitated and utilized for businesses.
- iv. Residential use may be permitted in one-story commercial and office buildings upon approval from the Zoning Administrator and Design Review Committee.

- v. Building colors shall be reviewed by the Design Review Committee. Building colors are encouraged to be compatible with the era and style of subject building.

f. Parking:

- i. There shall be a landscape island for 150 linear feet of parking and at the ends of all parking bays.
- ii. The landscape islands shall be a minimum of ten feet wide and extend the length of the parking space and shall contain one shade tree.

g. Street Standards:

- i. Speed limit through the Secondary District shall be 45 miles per hour, not to exceed 55 miles per hour.
- ii. All traffic-lighted intersections in the Secondary District boundaries shall be marked with pedestrian crosswalks, pedestrian markings, and handicap ramps.
- iii. Intersections with traffic signals shall have pedestrian signal buttons and lights.
- iv. Pedestrian refuge islands shall be used.
- v. MARTA crosswalks shall be painted for every MARTA stop with a shelter.
- vi. Bicycle lanes shall be constructed on both sides of the corridor and shall be five feet wide and shall be paved.

h. Streetscape Features:

- i. Transit shelters shall be installed in the Secondary District according to Marta ridership standards. They shall be MARTA standard transit shelters, and shall be lit and furnished according to MARTA specifications.
- ii. A small trash receptacle shall be attached to each transit shelter.

i. Miscellaneous Provisions:

- i. Height of cell towers shall not exceed 199 feet.
- ii. Stealth design is required for all cell towers.

j. Signage. Refer to Section XI of the Zoning Ordinance for sign requirements.

E. Review and Approval Procedure. The Union City Roosevelt Highway Corridor Design Review Board (RHDRB) shall review all plans for development in the Roosevelt Highway Corridor, including Core, Primary and Secondary developments, and make

recommendations for compliance with the standards herein and *The Design Guidelines for the Roosevelt Highway Corridor*.

- F. Control of Area Following Completion. After completion of a Roosevelt Highway Corridor Overlay project, the use of land and construction, modification or alteration of any buildings or structures within the area covered by the plan shall be regulated by the approved development plan.

## ARTICLE VIII

---

### TOWERS AND ANTENNAS

#### 8-1 Applicability.

- A. District height limitations. The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, any existing height limitations of any other zoning ordinances of the City. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
- B. Public property. Antennas or towers located on publicly owned property shall be exempt from the requirements of this Ordinance, provided a license or lease authorizing such antenna or tower has been approved by the City Council.
- C. Amateur Radio: Receive-Only Antenna. This Ordinance shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.
- D. Grandfathered Towers and Antennas. Any tower or antenna existing on the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance, other than the requirements of 8-2.E and 8-2.F. Any such towers or antennas that fail to meet the requirements of this Ordinance shall be referred to in this Ordinance as “grandfathered towers” or “grandfathered antennas”.

#### 8-2 General Guidelines and Requirements.

- A. Purpose and Goals. The purpose of this Ordinance is to establish guidelines for the siting of towers and antennas. The goals of this Ordinance are to:
  - 1. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;
  - 2. Encourage strongly the joint use of new and existing tower sites;
  - 3. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
  - 4. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
  - 5. Discourage, specifically, the location of towers in residential areas and, generally, the proliferation of towers throughout the community.

- B. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.
- C. Inventory of Existing Sites. Each applicant for an administrative approval or a special use permit shall provide the Planning and Zoning Department with an inventory of its existing towers, including specific information about the location, height and design of each tower. The Planning and Zoning Department may share such information with other applicants applying for administrative appeals or special use permits under this Ordinance or other organizations seeking to locate antennas within the jurisdiction of the City.
- D. Aesthetics and Lighting. The guidelines set forth in 8-3.D shall govern the location of all towers, and the installation of all antennas, governed by this Ordinance; provided, that the City may waive these requirements if, in its sole discretion, it determines that the goals of this Ordinance are better served thereby.
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted sky blue or gray, so as to reduce visual obtrusiveness.
  2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
  3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Council may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- E. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- F. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable

local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City inspection department concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such codes and standards. If the owner fails to bring such tower into compliance within said 30 days, the governing authority may remove such tower at the owner's expense.

### 8-3 Conditional Uses.

A. General. The uses listed in this section are deemed to be conditional uses and shall require administrative review. Nevertheless, all such uses shall comply with 8-2.D, 8-2.E and 8-2.F of this Ordinance and all other applicable Ordinances, and prior to the installation of any antenna or tower pursuant to this section, the owner of such antenna or tower shall send written notice to the Planning and Zoning Department, which notice shall include the location, size and configuration of such antenna or tower.

B. Specific Conditional Uses. The following uses are conditionally permitted:

1. Locating a tower in an M-1 or M-2 Zoning District or within any property located within 1,000 feet of either side of the right-of-way of a collector, arterial or interstate road on property zoned TCMU (added 7/20/10, Ordinance 10-13); provided, however, that such tower shall be setback from any existing off-site residential structure a distance equal to the height of the tower, plus 50 feet;
2. Installing a tower in a GC Zoning District, provided that the applicant has demonstrated a gap in coverage that cannot be remedied by placing such a tower on property zoned M-1, M-2 or TCMU districts and provided that such tower shall be set back from any existing off-site residential structure a distance equal to the height of the tower, plus 50 feet. (Ordinance No. 2018-\_\_\_; 9/18/18)
3. Installing an antenna in an M-1 or M-2 Zoning District or within any property located within 1,000 feet of either side of the right-of-way of a collector, arterial or interstate road on property zoned TCMU (added 7/20/10, Ordinance 10-13) on an existing structure that is 50 feet in height or greater, so long as said additional antenna adds no more than 20 feet to the height of said existing structure, such structures to include buildings, signs, light poles, water towers and other free-standing non-residential structures; and
4. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than 20 feet to the height of said existing tower and said existing tower is not a grandfathered tower.

### 8-4 Administrative Approvals.

A. General.

1. The Planning and Zoning Department may administratively approve the uses listed in this section.
2. Applicants for administrative approval shall apply to the Planning and Zoning Department, providing the information set forth in 8-5.B and 8-5.D of this Ordinance.
3. The Planning and Zoning Department shall respond to each such application within 30 days of receiving it by either approving the application, denying the application, or requesting further information from the applicant. If the Planning and Zoning Department fails to respond to the applicant within said 30 days, then the application shall be deemed to be approved.
4. In connection with any such administrative approval, the Planning and Zoning Department may, in order to encourage shared use, administratively waive any district setback requirement by up to 50%.

B. Reserved. (Ordinance No. 2018-\_\_\_; 9/18/18)

#### 8-5 Conditional Use Permits.

A. General. The following provisions shall govern the issuance of conditional use permits:

1. A conditional use permit shall be required for the construction of a tower or the placement of an antenna.
2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical or radio-frequency, shall be certified by a qualified professional engineer.

B. Site Plan. Applicants requesting a conditional use permit under this ordinance shall submit a scaled site plan, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and other information necessary to access compliance with this Ordinance.

C. Factors Considered in Granting Conditional Use Permits. The City shall consider the following factors in determining whether to issue a conditional use permit, although the City may waive or reduce the burden on the applicant of one or more of these criteria, if, in the sole discretion of the City, the goals of this Ordinance are better served thereby:

1. Height of the proposed tower;
2. Proximity of the tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;

5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
7. Availability of suitable existing towers and other structures as discussed in Section 8-3 of this Ordinance.

D. Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
4. Applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structure;
5. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed unreasonable;
6. Property owners of existing towers or structures are unwilling to accommodate reasonably the applicant's needs; and
7. Applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

E. Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the City may, in its sole discretion, reduce the standard setbacks and separation requirements if the goals of this Ordinance would be better served thereby.

1. Towers must be set back a distance equal to the height of the tower plus 50 feet from any off site residential structure;
2. Towers, guys and accessory facilities must satisfy the minimum district yard setback requirements; and

3. Towers over 70 feet in height shall not be located within one-quarter of a mile from any existing tower that is over 70 feet in height.

F. Security Fencing. Towers shall be enclosed by security fencing not less than six (6) feet and shall be equipped with an appropriate anti-climbing device; provided, however, that the City may, in its sole discretion, waive such requirements if the goals of this Ordinance would be better served thereby.

1. Tower facilities shall be landscaped with a buffer that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound;
2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether; and
3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

8-6 Removal of Abandoned Towers and Antennas. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the City notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

## ARTICLE IX

---

### TREE PRESERVATION AND LANDSCAPE ENHANCEMENT

9-1 Purpose. The purpose of this ordinance is to create and maintain a structure of standards that will preserve and conserve the rural and urban wooded environment of Union City now and into the future. There is great value in trees and they are a resource that belongs to the whole community. Because trees are a resource that is like any other valuable resource, they will be maintained and protected. Union City will plant tree species that are best suited for this environment (hardy, durable and highly adaptable) and encourage private citizens to do the same. Union City will require replanting of trees by construction companies, developers, and other businesses that remove trees in our community.

Furthermore, trees generate public benefits including:

1. The purification of air;
2. The moderation of the micro-climate;
3. The reduction of noise and glare;
4. The conservation of energy in terms of heating and cooling;
5. The prevention of soil erosion;
6. Reduced costs in terms of stormwater management;
7. The minimization of flood potential;
8. Improve water quality;
9. The enhancement and stabilization of property values;
10. Improved aesthetics; and
11. The preservation of rural character.

9-2 Applicability.

- A. This ordinance shall apply to any activity that requires a Land Disturbance Permit.
- B. Exemptions from the City of Union City Tree Protection and Landscape Enhancement Ordinance are:

1. Trees found to be dead, diseased, insect-infested, or severely damaged by storms or wind as determined by the Zoning Administrator or his or her designee, an Arborist, a Registered Forester or the Georgia Forestry Commission.
2. Orchards and tree nurseries in active commercial operations;
3. All property involved in a viable agricultural operation (establishment, cultivation, or harvesting of fields) or livestock operation;
4. Playgrounds, golf courses, athletic fields or courts approved by the City; and
5. The removal, replacement, planting, pruning, or transplanting of trees on an existing single-family or duplex residential property that has formerly received a Certificate of Occupancy and remains in residential use.

C. Non-conforming Uses. This Ordinance shall not apply to any portion of a property included within the limits of a valid land disturbance permit issued prior to the effective date of this Ordinance, subject to all time constraints relating the permit issued and provided that all requirements of Chapter 5-34 that were in effect upon the date of issuance of the land disturbance permit shall be met, except requirements duly varied as provided by Article XIII of the Union City Zoning Ordinance.

### 9-3 Procedure.

A. Application Procedure. A Tree Protection Plan (TPP) must be submitted to the Zoning Administrator or his designee upon application for a Land Disturbance Permit. For purposes of the Tree Protection and Landscape Enhancement Ordinance the Zoning Administrator's designee is the City Engineer. The TPP may be combined with required Construction Plans or Site Plans when possible. The TPP must be prepared by a qualified Landscape Architect, Registered Forester or Arborist except when the land disturbing activity is for a detached single-family development or lot within such development. In the case of a detached single-family development or lot within such development, the TPP may also be prepared by the owner, developer or contractor applying for a Land Disturbance Permit.

### B. Application Requirements.

1. Tree Survey. A tree survey shall be submitted along with a Tree Protection Plan in the construction plan and site plan approval process. The tree survey shall be prepared in the field by an Arborist, Registered Landscape Architect or Registered Forester and recorded on a site plan using a scale of not greater than 1"=50'. It shall identify the location, size, and species (common name) of all trees existing on the site. All trees 12 inches and larger shall be shown on the Tree Survey. Trees larger than two (2) inches shall be identified if they are to be counted toward required tree density for the Tree Protection Plan. Trees other than specimen trees that are outside the protected zone are not required to be counted, but shall be identified as a stand, with information concerning the approximate number, size, and species noted on the survey drawing.

2. Tree Protection Plan (TPP). Three (3) copies of a TPP shall be submitted with other documents required for construction plan or site plan approval before any land disturbance occurs. The TPP shall be prepared by an Arborist, Registered Landscape Architect or Registered Forester. The TPP shall be submitted on a current topographic survey of the site, and drawn to the same scale as the Tree Survey, but not less than 1"=50'. The TPP shall clearly show all of the information listed below:
- a. The identity of the tract of land upon which trees sought to be removed are located, including land lot, land district, adjacent streets and all boundaries of the tract.
  - b. The name, address, and phone number of the owner of the land and of the applicant, if not the owner.
  - c. The type, location, and size of specimen trees, significant trees, and other trees being protected and preserved. Only trees designated on the TPP shall count toward required density.
  - d. The location, size, species, and critical root zone of any specimen trees, including those intended to be removed.
  - e. All protected areas, natural areas, landscape areas, zoning buffer areas, stream buffer areas, and areas of tree replacement.
  - f. Locations, details and specifications for tree protection measures, including tree fencing, erosion control, retaining walls, tunneling for utilities, aeration systems, transplanting, staking and signage.
  - g. Limits of clearing and land disturbance such as grading, cut and fill, indicating where these disturbances may affect tree protection zones.
  - h. Locations of all existing and proposed utility lines or easements.
  - i. Indicate staging areas for parking, material storage, burn pits and other areas where tree protection may be affected.
  - j. Calculations showing compliance with the required tree density using existing trees, replacement trees, and alternative methods of compliance. Existing trees or stands of trees to be counted in the density requirements must be indicated and tabulated. Only existing trees with a DBH of two (2) inches or greater may be counted toward the minimum tree density.
  - k. Site Improvements and Structures including but not limited to buildings, canopies, retaining walls, signs, parking, driveways, utility lines and poles, dumpster enclosures, fences, detention ponds, walkways, and other paved surfaces.
  - l. Other information required by the City Engineer.

3. TPP Review and Approval. The City Engineer will review the TPP for conformance with the applicable requirements of this ordinance and will either approve the TPP or return it for revisions. The review will normally be completed within fifteen (15) working days after it was received. Required revisions will be stated in writing.
4. Final Inspection. No building permit or Certificate of Occupancy shall be issued with respect to any development or individual lot unless the Zoning Administrator or his or her designee shall have inspected the appropriate areas of the site and determined that all existing trees to remain are in healthy condition and all replacement trees are acceptable and have been planted in accordance with this section.
5. Compliance and Enforcement. Issuance of a Land Disturbance Permit shall be contingent on approval of the TPP. The Zoning Administrator shall have the authority to revoke, suspend, or void any Land Disturbance Permit, stop all work on a site or any portion thereof, or withhold a Certificate of Occupancy when there has been a violation or failure to comply with any of the provisions of Article IX.
6. Appeals and Variances. Any applicant who is aggrieved by the decision of the Zoning Administrator or City Engineer shall have the right to appeal said decision as provided under Article XIII of the Union City Zoning Ordinance. Any final decision of the City or courts in the case of an appeal which provides for limitations on the property of a tree owners, shall be recorded so the at record notice of the decision is given to successors in interest of the tree owner's property.
7. Violation and penalty. Any person, firm, or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor. Each tree cut, damaged, or poisoned shall constitute a separate offense and each day's continuance of a violation shall be considered a separate offense. The Municipal Court shall have jurisdiction to try offenses of these regulations.

9-4 Standards of Tree Preservation and Replacement.

A. Tree Preservation.

1. It shall be the policy of the City of Union City that preserving existing native species of trees is preferred to replacing them with newly planted trees. Tree removal may be disallowed where reasonable accommodations can be made to alter the proposed project to save significant trees and such accommodation has not been made in the grading plan, site plan, or building plan.
2. Specimen trees shall be preserved wherever feasible except for trees that are diseased, structurally unsound, or damaged to such a degree that they are unlikely to survive and may pose a threat to human safety or cause serious property damage.
3. Specimen trees that are in good health and condition shall not be removed from any proposed right of way or from the protected area of any private property without approval from the City Engineer. The City Engineer may authorize removal of a healthy, sound

specimen tree only if he or she finds the location of the tree is clearly within the buildable area of the lot or street right-of-way and the relocation of necessary permanent buildings or site improvements to save the tree would not be feasible. Removal of any other specimen tree from private property shall be prohibited.

4. Tree removal shall be disallowed if severe soil erosion or runoff problems will result due to topography, soil type, or proximity to flood plain or stream buffer, and the removal will substantially alter the existing soils and increase runoff and erosion.
5. Trees shall not be removed from the floodplain, except as follows:
  - a. Trees found to be diseased or insect infested by the Zoning Administrator, County Extension Service, the Georgia Forestry Commission, an Arborist, or a Registered Forester; or
  - b. As necessary for construction, repair or maintenance of public roads, utilities or drainage systems; or
  - c. As part of a Corp of Engineers approved wetland mitigation plan.
6. Existing trees to be preserved on a lot or site which is the subject of a permit allowing land disturbance shall be protected from damage due to physical root damage, indirect root damage, and trunk and crown damage. Protective measures should be defined in the TPP for trees that are not to be removed. Protection measures shall include but are not limited to:
  - a. Approved protective fencing installed to encircle critical root zones of trees to be preserved. All protective measures shall remain in functioning condition until completion of the project or until the Certificate of Occupancy is issued.
  - b. No person engaged in the construction of any structure(s) or improvement(s) or any activity shall encroach or place solvents, material, construction machinery or temporary soil deposits within six (6) feet of the area outside the critical root zone, as defined herein, of any existing tree that is subject to preservation in accordance with this section.
  - c. Increasing the grade by adding soil layers onto the tree's root system or trenching below a tree's roots shall only be done with the approval of the City Engineer.

B. Tree Density Requirements.

1. Property subject to Article IX shall be developed so as to provide a minimum tree density of 100 inches per acre of the entire tract being developed. The tree density shall be calculated as a collective measurement of tree trunk diameter of existing and replacement trees. Existing trees to be preserved shall be given density credit based on their size measured in DBH. The size of replacement trees shall be measured according to nursery standards using tree caliper.

2. Within the protected areas of the site at least 50 percent of all significant trees shall be preserved.
3. Replacement trees required to be planted on the site may include street trees.
4. Parking Lot Landscaping. Off-street parking lots, which contain more than five (5) off-street parking spaces on any single lot, shall contain landscaping and plantings along streets as provided in Article X. Such trees may be counted toward tree density requirements.
5. If landscaping is not established, the Zoning Administrator or his/her designee may approve issuance of a Certificate of Occupancy conditioned on provision of cash, cashier's check or money (Cash Deposit) order to be deposited in an escrow account in the amount of 110 percent of the City Engineer's estimate of the cost of completing all required work. The Cash Deposit shall be held for a period of 18 months. In the event that the landscaping work is not completed prior to the date on which said 18 months expires, the City shall be entitled to use said Cash Deposit to complete the landscape work on behalf of the property owner. At the time of the acceptance of the Cash Deposit, the permittee, builder or ownershall sign a document informing him or her of the provisions necessary to complete the landscape work. The document referred to herein shall be signed by the permittee, builder or owner prior to the time a certificate of occupancy is issued. (Ordinance 11-08, 6/21/11)

C. Tree Bank. The intent of the requirements of this subsection is to ensure that a minimum number of trees are replaced and/or preserved on newly developed or redeveloped sites. The Tree Bank is an alternative option and may be used only in the event the site tree density or recompense tree requirement cannot be met on-site due to hardship. Hardship must be documented by the developer and presented to the Zoning Administrator before the Tree Bank may be used. Where the City Engineer determines that the minimum tree density cannot be met due to the natural site constraints, the number of trees to be planted on a site or lot shall be determined by the City Engineer based on site review.

1. Monetary Compensation for Trees. A developer may choose to provide the City with monetary compensation for trees. If this alternative for the development is chosen, then the following criteria shall be observed:
  - a. Provide tree density calculations on the Tree Preservation and/or Tree Replacement Plan. Show the total amount inches in DBH that cannot be met on-site.
  - b. Multiply the number of inches that cannot be met on-site by the Monetary Compensation Value. The product of those two numbers shall be provided on the Tree Preservation and/or Tree Replacement Plan. Contact the City Engineer for the current Monetary Compensation Value.
  - c. Provide a certified check made payable to the City of Union City in the amount of the product as listed in item 1 above and as provided on the Tree Preservation and/or Tree Replacement Plan. Submit the certified check to the Zoning Administrator along with a copy of the approved Tree Preservation and/or Tree Replacement Plan.

- d. The monies collected for the Tree Bank Option may be used by the City for the planting of trees at parks, greenways, fire stations, libraries, and other similar community facilities. Alternate planting locations may be approved by the Zoning Administrator.
2. Standards for Administering Alternative Compliance Methods. The Zoning Administrator must review and approve all requests for alternative compliance. In no instance shall the alternative compliance option be used to comply with any ordinance requirement other than the tree density requirement. The site development permit shall be issued after the Zoning Administrator has approved the request for either compliance option and received the necessary documentation and funds.
3. Exclusions. Trees used to meet requirements for parking lots, landscape strips, street frontage buffers, or buffer replanting must be planted on site and are excluded from the Tree Bank procedures. (Amended 8/22/23; Ord. No. 2023-04)

D. Tree Planting Standards.

1. Replacement trees must meet the standards of *American Standards for Nursery Stock* (ANSIZ60.1, latest edition) and be quality specimens free of disease, injury, or infestation and planted in accordance with standards established by the International Society of Arboriculture.
2. Tree Species List:
  - a. The following trees are suitable as replacement overstory trees:

OVERSTORY TREES								
Common Name	Botanical Name	Native	Street Tree	Parking Lot	Buffer	Evergreen	Avg. Height	Avg. Width
Florida Maple	Acer barbatum	Y		Y			60	35
Sugar Maple	Acer saccharum	Y	Y	Y			50	35
River Birch	Betula nigra	Y					50	40
Pecan	Carya illinoensis						100	70
Hickory	Carya Spp.	Y	Y	Y			100	70
Sugar Hackberry	Celtis laevigata	Y	Y				70	50

American Yellowwood	Cladrastis kentuckea	Y	Y				50	40
Japanese Cryptomeria	Cryptomeria japonica				Y	Y	60	20
American Beech	Fagus grandifolia	Y					70	40
White Ash	Fraxinus Americana	Y	Y				80	60
Green Ash	Fraxinus pennsylvanica	Y	Y				60	25
Ginkgo, Maidenhair Tree	Ginkgo biloba (Male)		Y	Y			50	30
Eastern Red Cedar	Juniperus virginiana	Y			Y	Y	50	20
Sweetgum	Liquidambar styraciflua	Y					70	45
Yellow Poplar	Liriodendron tulipifera	Y	Y	Y			90	40
Southern Magnolia	Magnolia grandiflora	Y			Y	Y	80	40
Dawn Redwood	Metasequoia glyptostroboides						80	25
Blackgum	Nyssa sylvatica	Y		Y			80	45
Loblolly Pine	Pinus taeda	Y			Y	Y	100	25
American Sycamore	Platanus occidentalis	Y	Y				100	45
London Plane Tree	Platanus x acerifolia		Y	Y			100	80
White Oak	Quercus alba	Y					80	60
Southern Red Oak	Quercus falcata	Y	Y	Y			80	45
Yellow Oak	Quercus muehlenbergii	Y	Y	Y			100	50
Water Oak	Quercus nigra	Y	Y	Y			80	40
Willow Oak	Quercus phellos	Y	Y	Y			60	35
Northern Red Oak	Quercus rubra	Y	Y	Y			70	45

Shumard Oak	Quercus shumardii	Y	Y	Y			80	60
Post Oak	Quercus stellata	Y		Y			50	40
Bald Cypress	Taxodium distichum	Y	Y	Y			70	25
Carolina Basswood	Tilia americana var. caroliniana	Y	Y	Y			60	30
Japanese Zelkova	Zelkova serrata		Y	Y			70	50

b. The following trees are suitable as replacement for understory trees:

UNDERSTORY TREES								
Common Name	Botanical Name	Native	Street Tree	Parking Lot	Buffer	Evergreen	Avg. Height	Avg. Width
Trident Maple	Acer buergerianum		Y	Y			30	20
Japanese Maple	Acer palmatum		Y				20	20
Red Maple	Acer rubrum	Y	Y	Y			50	35
Serviceberry	Amelanchier arborea	Y	Y				25	20
Hornbeam	Carpinus caroliniana	Y	Y				25	25
Eastern Redbud	Cercis canadensis	Y	Y				25	25
White Fringetree	Chionanthus virginicus	Y	Y				25	25
Flowering Dogwood	Cornus florida	Y	Y				20	20
Green Hawthorn	Crataegus spathulata	Y					20	20
Lusterleaf Holly	Ilex latifolia				Y	Y	25	20
American Holly	Ilex opaca	Y			Y	Y	30	15
Winterberry	Ilex verticillata	Y			Y	Y	15	10

Yaupon Holly	<i>Ilex vomitoria</i>	Y			Y	Y	20	10
Foster Holly	<i>Ilex x attenuata</i> 'Fosteri'				Y	Y	25	10
Savannah Holly	<i>Ilex x attenuata</i> 'Savannah'				Y	Y	25	10
Nellie R. Stevens Holly	<i>Ilex x</i> 'Nellie R. Stevens'				Y	Y	30	10
Star Magnolia	<i>Magnolia stellata</i>						20	15
Crabapple	<i>Malus angustifolia</i>	Y	Y				25	20
Wax Myrtle	<i>Myrica cerifera</i>	Y			Y	Y	25	20
Hop hornbeam	<i>Ostrya virginiana</i>	Y	Y				40	25
Sourwood	<i>Oxydendrum arboreum</i>	Y	Y				30	20
Virginia Pine	<i>Pinus virginiana</i>	Y			Y	Y	40	20
Plum	<i>Prunus americana</i>	Y					25	25
Cherry	<i>Prunus</i> spp.		Y				30	20
Sassafras	<i>Sassafras albidum</i>	Y					30	15
City Sprite Zelkova	<i>Zelkova serrata</i> 'JFS-KWI'		Y	Y			25	35

c. The following trees are unsuitable trees for replacement:

- i. Eastern Hemlock;
- ii. Eastern White Pine;
- iii. Lombardy Poplar;
- iv. Mimosa;
- v. Norway Pine;
- vi. Paper Birch;
- vii. Silver Maple;

- viii. Spruce;
  - ix. Box Elder;
  - x. Willow;
  - xi. Royal Paulownia; and
  - xii. Tree of Heaven.
3. Replacement trees shall be a 50/50 mix of overstory and understory trees.
  4. Overstory replacement trees shall be at least four (4)-inch caliper DBH and twelve (12) feet high at the time of planting.
  5. Understory trees shall be at least one (1)-inch caliper DBH and six (6) feet high at time of planting.
  6. On sites that require more than ten (10) trees to be planted for recompense, no more than 30% of trees shall be of any one genus.
  7. Street trees placed on the same side of the right-of-way as overhead utilities must be selected from the list of acceptable understory trees.
  8. Overstory trees shall be planted a minimum of 30 feet apart and understory trees shall be planted a minimum of 20 feet apart.
  9. Trees shall be planted no closer than 15 feet from any building.
  10. The distance trees may be planted from driveways, curbs or curblines and sidewalks will be in accordance with the tree species size classes listed, and no trees may be planted closer to any curb or sidewalk than the following: understory trees – three (3) feet; overstory trees – five (5) feet.
  11. No trees shall be planted closer than 15 feet from any street intersection with another public street or commercial driveway corner, measured from the intersection of the extended lines tangent to the nearest curbs or curb lines of the intersecting street(s) or driveway.
  12. No trees may be planted under or within seven (7) lateral feet of any overhead utility wire, utility pole, streetlight standard, or within five (5) lateral feet of any fire hydrant, standpipe, valve, underground waterline, sewer line, transmission line or other utility.

13. Underground utilities shall not be run through existing street trees unless they are tunneled at a depth of at least twenty-four (24) inches in a manner that will minimize damage to the root system.

14. Trees that are planted pursuant to the requirements of this section that do not survive after the first year after issuance of a Certificate of Occupancy shall be replanted at the expense of the developer/builder. (Amended 8/22/23; Ord. No. 2023-04)

E. Trees and Landscaping in Public Areas. (Amended 8/22/23; Ord. No. 2023-04)

1. The City of Union City shall prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, parks, and public grounds, as may be necessary.

2. No significant tree on public land shall be removed, except in an emergency situation without the approval of the City Administrator.

3. Newly planted trees shall be selected from native species consistent with trees on adjacent property and selected from the acceptable species found in the City's Tree Species list.

9-5 Severability. Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

9-6 Repeal of Conflicting Provisions. The provisions of any City ordinances or resolutions or parts of ordinances or resolutions in conflict herewith, other than duly enacted conditions of zoning and variance approval, are hereby repealed.

9-7 Effective Date. This section shall become effective upon its adoption by the City Council of Union City.

## ARTICLE X

---

### OFF-STREET PARKING AND SERVICE REQUIREMENTS

- 10-1 Scope of Provisions. Except as provided in this Article, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plat plan showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.
- 10-2 Parking Spaces Shall Not be Reduced. Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.
- 10-3 Street Access - Curb Cuts in Other Than Residential Districts. Curb cuts for service drives, entrances, exits and other similar facilities on public streets in other than Residential Districts shall not be located within 50 feet of any intersection or within 40 feet of another curb cut. A curb cut shall be no greater than thirty 30 feet in width and no closer than 20 feet to any property line.
- 10-4 Department of Transportation Approval. All entrances or exits of any street or drive, public or private, from or to any state highway shall be approved by the Department of Transportation prior to the construction of such street or drive, or the issuance of any development permit for any improvement to be served by such street or drive, but permit approval shall not be held longer than 30 days.
- 10-5 Corner Visibility Clearance. In any District no fence, structure, sign, planting or other obstruction above a height of three (3) feet shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two (2) streets, or of a street intersection with a railroad right-of-way.
- 10-6 Off-Street Automobile Parking. Off-street automobile parking shall be provided in accordance with all applicable provisions of this Section.
- A. Design Standards. All parking facilities, including entrances, exits and maneuvering, shall comply with the following provisions:
1. Shall have access to a public street;
  2. Shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control;
  3. Shall have all spaces marked with paint lines, curbstones or other similar designations;
  4. Parking Area.

- a. Parking stalls shall have a minimum width of eight and one-half (8½) feet and length of 18 feet;
- b. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way;
- c. Interior driveways shall be:
  - i. at least 24 feet wide where used with 90° angle parking;
  - ii. at least 18 feet wide where used with 60° angle parking;
  - iii. at least 12 feet wide where used with 45° angle parking;
  - iv. at least 12 feet wide where used with parallel parking, or where there is no parking;
  - v. at least 12 feet wide for one-way traffic movement; and
  - vi. at least 24 feet wide for two-way traffic movement.
5. Curb return radii shall not exceed 10 feet or be less than five (5) feet; (Revised Ordinance 10-12, 7/20/10)
6. Shall be drained so as to prevent damage to abutting properties or public streets;
7. If a parking area is established within a Residential District for a non-residential use permitted in a Residential District, a continuous visual buffer at least four (4) feet in height between the parking area and the abutting Residential property shall be provided on a strip of land at least 10 feet wide adjoining the lot used for residential purposes;
8. Adequate lighting shall be provided if the facilities are to be used at night. Such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties or streets;
9. No parking or loading area shall be established within the required front yard of any Residential Zoning District, provided, however, that governing authority may at the time of consideration of the application for rezoning include within the zoning or rezoning ordinance provisions for parking and loading in the front yard of such Districts upon a finding of fact that such front yard parking or loading would not adversely affect the safety of traffic upon the adjoining streets or detract from the appearance and aesthetic conditions and values of the particular property upon a further finding of fact that such front yard parking is necessary. Said governing authority shall have the authority to determine the number of front yard parking or loading areas to be allowed in each particular case based upon the space available, safety, aesthetic conditions and any other provisions of this Ordinance to the contrary notwithstanding;
10. No parking or loading area shall be established in the required front yard of any Residential District except for a single-family residential use; no more than 35% of the required front yard may be used for parking in such cases; and

11. The provisions of 2, 3, 7, 9, and 10 above shall apply to single-family residential uses where three (3) or less spaces are required.
12. Notwithstanding anything else to the contrary herein, in industrial zoning districts, the establishment of unpaved parking lots for storage may be permitted by the Zoning Administrator provided:
  - a. The parking lot and drives are packed and covered with aggregate gravel and confined by concrete curbing, landscaping timbers, railroad cross-ties, brick or rock wall; and
  - b. A minimum six foot screening, opaque fence or enclosure made of wood, metal, shrubbery or trees shall be constructed and maintained to conceal from public view parking area; and
  - c. The parking lot shall not be located in the front yard of the building or visible from the main roadway. (Added Ordinance 10-12, 7/20/10)

B. Location. All parking facilities shall be located in accordance with the following provisions:

1. The required space shall be provided on the same plot with the use it serves, except as provided herein;
2. If vehicular parking or storage space required cannot be reasonably provided on the same lot on which principal use is conducted, the Planning Commission may permit such space to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principal use. Such vehicular parking space shall be associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner; and (Ordinance No. 2023-01, 05/16/23)
3. The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one may not be assigned to another use at the same time, except that one-half (½) of the parking space required for churches, theaters or assembly halls whose attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

C. Landscaping Requirements. Whenever off-street parking are required, excepting areas serving single-family or single-family attached, they shall conform to the minimum landscaping requirements hereinafter provided.

1. Applicability.

- a. In a Landscape Strip at least 10 feet wide in which adjacent to any street right-of-way abutting the property and running the length of the entire property frontage; and
- b. In areas adjacent or internal to off-street parking lots that are required by the Zoning Ordinance to contain more than 5 off-street parking spaces.

2. Landscape Strip Planting Requirements.

- a. Landscape Strips which are required to be 10 feet shall contain landscaping and plantings within said strip as follows:

- i. Two (2) overstory trees and five (5) understory trees for each 100 linear feet of strip length shall be provided, three of which shall be evergreen. Overstory trees shall be a minimum of three (3)-inch caliper DBH and understory trees shall be a minimum of two (2)-inch caliper DBH when planted.
  - ii. Fifteen (15) shrubs for each 100 linear feet of strip length shall be provided, five of which shall be evergreen. Shrubs shall be a minimum of five (5) gallons when planted.
  - iii. For developments that hve 50 linear feet or less right-of-way frontage, every 50 linear feet of landscape buffer must include a minimum of one (1) overstory tree, three (3) understory trees; two of which must be evergreen, and eight (8) shrubs; three of which must be evergreen.
  - iv. Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the City Engineer as long as the total number of plantings is achieved.
  - v. The remaining ground area shall be sodded, seeded or hydro seeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.
- b. Required Landscaped Strips shall not be encroached upon by parking spaces or stormwater detention facilities except that driveway crossings may traverse such strip as near to a perpendicular alignment as practical.

3. Off-Street Parking Lot Planting Requirements.

- a. Off-street parking lots which are required to contain more than 5 off-street parking spaces shall contain landscaping and plantings as follows:
  - i. One (1) tree for each 5 spaces around the perimeter of the parking lot.
  - ii. One (1) tree for each 10 spaces on the interior of the parking lot.
  - iii. Each tree shall be at least two (2)-inch caliper DBH and 8 feet in height at time of planting and shall be a species native or suitable to this region.
  - iv. The minimum planting area or space for each tree shall be at least 25 square feet.
  - v. Trees shall be planted in areas surrounding the perimeter of the parking lot and/or shall be planted in planting areas or islands internal to the parking lot. Trees may be planted and spaced singly or in groups.
  - vi. Ground areas shall be sodded, seeded or hydro seeded with grass and/or planted with groundcover species, and/or provided with other landscaping material, or any combination thereof. (Amended 8/22/23; Ord. No. 2023-04)

10-7 Number of Parking Spaces. In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this Ordinance, to relieve traffic effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule, the requirements shall be the same as a similar use as

mentioned herein. Parking requirements for additions to existing uses shall be based upon the new addition even if the existing use is deficient.

- A. Apartments and multi-family dwellings. 2 spaces per dwelling unit plus 1 space for each 200 square feet of clubhouse, etc.
- B. Automobile fueling station; convenience store. 1 space per 200 square feet of floor area plus 1 space for each employee during shift of greatest employment.
- C. Automobile sales and maintenance facilities. 1 space per regular employee plus 1 space for each 150 square feet of floor area.
- D. Churches, theaters, auditoriums, funeral homes, gymnasiums, stadiums and other places of assembly. 1 space per 4 seats in the main auditorium (18 inches per bench seat).
- E. Club or lodge. 1 space per 100 square feet of gross floor area.
- F. Combined uses. Parking spaces shall be the total of the spaces required for each separate use established by this schedule.
- G. Dance school. 1 space per employee plus 1 space per 150 square feet of gross floor area plus safe and convenient loading and unloading of students.
- H. Day care centers and nursery schools. 1 space per employee, plus safe and convenient loading of students.
- I. Grocery and food stores. 1 space per 200 square feet of gross floor area.
- J. Data centers. 1 space per 600 square feet of gross floor area of the data center's office component. (Amended 2/18/25; Ordinance 2025-Z-\_\_)
- K. General retail or personal service establishment. 1 space per 200 square feet of gross floor area.
- L. Hospitals, care homes and similar institutions. 1 space per 2 beds plus 1 space for each staff member or visiting doctor, plus 1 space for each employee, including nurses.
- M. Hotels and motels. 1 space for each 1 guest rooms, suites or unit, plus 1 space for each 200 square feet of accessory uses such as convention halls, banquet rooms, lounges, restaurants and the like.
- N. Industrial or Manufacturing Establishment. 1 space for each employee on shift of greatest employment, plus 1 space for each vehicle used directly in the conduct of the business.
- O. Manufactured Homes Park. 2 spaces per lot.
- P. Office, Professional Building or similar use. 1 space for each 300 square feet of gross floor area. (Ordinance 2005-02, 2/15/05)

- Q. One-and Two-Family Dwellings. 2 spaces per dwelling unit.
- R. Personal service establishment. See general retail and personal service.
- S. Places of amusement and assembly without fixed seats. 1 space for each 100 square feet of floor space devoted to patron use. Examples include but are not limited to bowling alleys, skating rinks, drive-in theaters, paintball facilities, water slides, miniature golf courses, driving ranges, arcades, shooting ranges, etc.
- T. Public and private elementary schools. 1 space per employee, and 1 space for each classroom plus safe and convenient loading and unloading of students.
- U. Public and private high schools, trade schools, exam preparation and tutoring, colleges and universities. 1 space for each employee, and 10 spaces for each classroom plus safe and convenient loading of students. (Amended 5/20/03, Ordinance 03-09)
- V. Restaurant or place dispensing food, drink or refreshments providing patron use area. 1 space for each 75 square feet of gross floor area.
- W. Restaurant, drive-in without area provided for patron use. 1 space per employee of greatest shift of employment plus 2 spaces for each 100 square feet of gross floor area, but not less than 10 spaces.
- X. Shopping centers. 1 space for every 200 square feet of gross floor area.
- Y. Wholesale establishment and warehousing. 1 space for each employee plus 1 space for each company vehicle operating from the premises.
- 10-8 Off-street Loading Requirements. Where required, off-street loading spaces shall be provided on the same or adjoining lot with the facility it serves, either inside or outside a building. A loading berth shall have a minimum dimension of 12 feet by 35 feet by 14 feet overhead clearance. Such facilities must be designed so that no truck or vehicle maneuvering occurs on the public right-of-way nor in areas designated for the parking of vehicles.
- A. Required loading spaces. The number of loading spaces shall be as follows:
1. Bus and Truck Terminals. Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.
  2. Hospitals, Nursing Homes and Similar Institutions. 1 off-street loading and unloading space at least 10 feet wide and 30 feet long for each 5,000 square feet of gross floor area or fraction thereof.
  3. Industrial, manufacturing, warehouse and distribution uses. 1 per 50,000 square feet of gross floor area (or fraction thereof).

4. Office buildings and hotels. 1 per 100,000 square feet of gross floor area (or fraction thereof).

5. Retail operations, including accessory uses within hotels or office buildings. 1 per 20,000 square feet of gross floor area (or fraction thereof).

B. Ingress and Egress. Ingress to off-street loading spaces shall conform to driveway entrance regulations of the Union City Subdivision Regulations.

1. Along State Highways, ingress and egress may be limited in order to provide for safe access to the development and to provide for maintenance of adequate sight distances. Where frontage drives are required, these may be extended to the side property line in order to permit joint use by adjacent properties.

## ARTICLE XI

---

### SIGN ORDINANCE (Ordinance No. 2016 – 02, May 17, 2016)

- 11-1 Preamble. In order to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of Union City (the “City”), to protect the public investment in streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, and to provide for the orderly and reasonable display of advertising for the benefit of all its citizens, the Mayor and Council of Union City hereby determines that the public health, safety and welfare require the adoption of this Ordinance.
- 11-2 Name. This Ordinance shall be known and cited as “The Sign Ordinance of Union City, Georgia” and is hereafter referred to as “The Sign Ordinance”.
- 11-3 Purpose. The City Council of Union City understands that signs are an integral part of the ability of every person to exercise their right to freedom of speech. It is however important to understand that here is a fundamental need to protect Union City as a whole from the unchecked proliferation of unregulated signage. It is with this understanding in mind that the City Council of Union City provides the following purposes for the regulation of signage:
- A. To encourage the effective use of signs as a means of communication in the City;
  - B. To maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth;
  - C. To improve pedestrian and traffic safety;
  - D. To minimize the possible adverse effects of signs on nearby public and private property;  
and
  - E. To enable the fair and consistent enforcement of these sign restrictions.
- 11-4 Violations; Penalties.
- A. No person shall erect on any premises owned or controlled by him/her any sign which does not comply with the provisions of the Sign Ordinance.
  - B. No person shall maintain or permit to be maintained on any premises owned or controlled by him/her any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided in the Sign Ordinance.

- C. Each sign installed, created, erected or maintained in violation of the Sign Ordinance shall be considered a separate violation when applying the penalty portions herein.
- D. Any violation of the Sign Ordinance is hereby declared to be a public nuisance.
- E. In case any sign or other device covered by the Sign Ordinance is, or is proposed to be erected, constructed, altered, converted or used in violation of any provision of the Sign Ordinance, a citation will be issued. Additionally, the City may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion or to use to correct or abate such violation. Any violation of the Sign Ordinance shall subject the violator to a fine of up to \$1,000.00.

11-5 Prohibited Signs and Devices. The following signs shall be prohibited:

- A. Roof signs;
- B. Signs or other advertising structures that contain obscene or indecent material.
  - 1. Material is obscene if all of the following apply:
    - a. To the average person, applying contemporary community standards, taken as a whole, it predominately appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; and
    - b. The material depicts or describes, in a patently offensive way, sexual conduct specifically defined in subparagraphs 1 through 5 of this paragraph: (1) acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (2) acts of masturbation; (3) acts involving excretory functions or lewd exhibition of the genitals; (4) acts of bestiality or the fondling of sex organs of animals; or (5) sexual acts of flagellation, torture or other violence indicating a sadomasochistic sexual relationship.
  - 2. Material is indecent if the sign depicts the following portions of human anatomy: (1) Any portion of the female breast below the top of the areola; (2) Any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva or genitals.
- C. All signs attached to light poles, power poles or trees when such are located within or partially within the road right-of-way;
- D. Any privately owned sign located within or partially within a road right-of-way.
- E. The Sign Ordinance is intended to complement O.C.G.A. § 16-7-58 which provides for the regulation of posters, signs and advertisements in the State of Georgia. O.C.G.A. § 16-7-58 is set out in its entirety in Exhibit “A” which is attached hereto and is made a part of the Sign Ordinance by this reference. The Sign Ordinance shall be enforced giving full effect to O.C.G.A. § 16-7-58.

11-6 Signs which Require No Permit; Exemptions.

- A. Signs erected by a public officer in the performance of his/her duties shall not require a permit.
- B. The following types of signs shall be exempt from the permit requirements of Section 11-8.B and shall not count toward the maximum aggregate sign area limits provided in Sections 11-10.D and 11-10.E:
  - 1. Numeral displayed for the purpose of identifying property location not to exceed 8” in height.
  - 2. Seasonal displays located outside the public right-of-way.
  - 3. Flags (see Sections 11-10.D.5 and 11-10.E.7);
  - 4. Window signs (see Sections 11-10.D.3 and 11-10.E.3);
  - 5. Signs at the rear entrance of a business (see Section 11-10.E.2(a)(iii)); and
  - 6. Out of store marketing devices (see Section 11-10.E.5).

11-7 Removal of Unlawful or Dangerous Signs.

- A. Removal. The City may order the removal of any sign in violation of the Sign Ordinance by written notice to the permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice shall operate to revoke the permit.
- B. Procedure Following Removal Order. If the sign is not removed within 14 days after the order of removal (or 14 days after the date any appeal becomes final), the City shall remove, or cause to be removed, the sign and to collect the costs thereof as provided below.
- C. Removal without Notice. The City shall remove any sign in violation of the Sign Ordinance, without giving notice to any party, if:
  - 1. Said sign is upon the public right-of-way or upon other public property; or
  - 2. Said sign poses an immediate safety threat to the life or health of any members of the public.
- D. Reclamation/fees. Following such removal or repair, the City may collect the costs as set by the Mayor and Council for any reclaimed signs. Signs not claimed will be destroyed after 14 days.

11-8 Administration and Enforcement.

- A. Powers and Duties of Personnel.

1. Generally. The Zoning Administrator is hereby authorized and directed to administer the Sign Ordinance. Unless otherwise specifically provided by resolution of the Mayor and Council, the enforcement of the Sign Ordinance shall be within the jurisdiction of the Union City Code Enforcement Officer.
2. Specific powers and duties.
  - a. Issuance or denial of permits. It shall be the duty of the Zoning Administrator, upon receipt of a completed application for a sign permit, to examine the plans and specifications and other data. If the proposed structure is in compliance with the requirements of all applicable provisions of the Sign Ordinance, a written permit shall be issued to the applicant by the Zoning Administrator. If said structure is not in compliance with the requirements of all applicable provisions of the Sign Ordinance, a written denial of permit shall be issued to the applicant by the Zoning Administrator. In no case shall any process of application review extend for a period of time exceeding thirty days from the date of the Zoning Administrator's receipt of application to the date upon which a denial is mailed. Should the process exceed thirty days, it shall be deemed that the application is approved and a permit shall be issued to the applicant by the Zoning Administrator. Issuance of a permit shall in no way prevent the City from later declaring the sign to be illegal if the structure fails to substantially comply with the specifications submitted in the application or some new information of illegality is discovered (amended September 16, 2003, Ordinance 2003-11).
  - b. Revocation of permits. The Zoning Administrator may revoke a sign permit in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material facts in the application or plans upon which the permit of approval was based.
  - c. Suspension of permits. The Zoning Administrator may suspend a sign permit where an administrative determination has been duly made that an error or omission on the part of either the permit applicant or a government agency existed in the issuance of the permit. A new permit shall be issued in place of the incorrect permit after correction of the error or omission.

B. Permits; Inspection.

1. Issuance of permits. No sign, except for those signs in Section 11-6 herein, shall be erected, hung, placed or structurally altered without a permit. Failure to obtain a permit prior to placing or erecting a sign shall, assuming the sign is permissible, result in a double fee. The fees for all permits shall be set by the Mayor and Council and a fee schedule shall be kept for public inspection by the Zoning Administrator.
2. Filing procedure. Application for permits to erect, hang or place a sign shall be submitted on forms provided by the Zoning Administrator. Each application shall be accompanied by plans and sign elevations showing the area, size, character and method of illumination of the sign, if any; the exact location proposed for the sign; in the case of a projecting sign, the proposed method of fastening said sign to the building structure; the vertical and horizontal distance between such sign and the

finished grade; the horizontal distance between such sign and the street right-of-way; and a written list describing all other signs located on the lot indicating the sign type, size and placement.

3. Time period. Once authorized to erect the sign, the applicant has six (6) months to complete the work following the date the permit is issued.
4. Inspection. A representative of the City shall inspect each sign or other advertising structure regulated by the Sign Ordinance from time to time for the purpose of ascertaining whether such structure is safe and lawful. If a sign is deemed to be in need of repair, the owner shall have 14 days from the date of written notice from the City, in which to repair or remove such sign. Missing letters from a raised letter or changeable copy sign, missing panels, peeling paint from a painted sign, etc., shall constitute a need for repair.
5. Lapse of sign permit. A continuing sign permit shall lapse automatically if the occupational tax certificate for the premises lapses, is revoked or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of six (6) months or more and is not renewed within 60 days of notice from the City to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.
6. Billboard Construction. All applications for new billboard construction shall be treated as an application for a principal structure.

C. Nonconforming Signs.

1. Nonconforming existing signs. A ground or wall sign for which a sign permit was issued which was in existence on or before May 17, 2016, or which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of the Sign Ordinance, shall be considered a nonconforming sign. Such a sign shall be allowed to remain in place and be maintained (provided that no action is taken which increases the degree or extent of the nonconformity) until there is a change of business name (single business), a change of complex name (multi-business), or the sign and/or supporting structure is totally destroyed as a result of any cause not within the control of the owner. In the case of a change of ownership where the business name and existing signage (face and structure) remain the same, said sign shall be allowed to remain in place.
2. Lapse of nonconforming sign permit. A nonconforming sign permit shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

11-9 Measurement; Construction and Maintenance Standards.

- A. Measurement of Sign Area. The area of a sign face (which is also the area of a wall sign or other sign with only one face) shall be computed by means of the smallest geographic measurement that will encompass the extreme limits of the writing, representation,

emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

B. Measurement of Sign Height. The height of a sign shall be computed as to the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. The decorative façade, including posts and/or columns, shall not exceed 25 feet in height. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is greater. Where the normal grade is below the normal grade of a public street, the sign base can be raised to the elevation of the normal grade of the street before the height limitations are applied (surveyor's certificate required).

C. Sign Location.

1. Obstructions to doors, windows or fire escapes. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.
2. Signs not to constitute traffic hazard. No sign or part thereof, except authorized traffic signs, shall be located in any state, county or city right-of-way. No sign may be located any closer than 15 feet from an intersection as measured from the intersection of the two (2) rights-of-way.

D. Construction Standards.

1. Face of sign shall be smooth. No sign shall be constructed so as to have nails, tacks or tacks or wires protruding therefrom.
2. Illumination of signs. Signs, when illumination is permitted, may be illuminated internally or externally.

E. Maintenance and Appearance.

1. All signs shall be maintained in good condition in order to present a neat appearance. The City may remove, after due notice, any sign which shows neglect or becomes dilapidated.
2. Ground signs shall have base landscaping. Landscaping, weeds and grass shall be kept cut in front of, behind, underneath and around the base of ground signs. No weeds, trees, vines, or other growing vegetation shall be permitted on signage for a period of more than thirty (30) successive days.

3. Internally illuminated signs shall be allowed to stand with only partial illumination for a period of no more than thirty (30) successive days. For purposes of the Sign Ordinance, “partial illumination” means more than 50% of the lighting components of the sign are not functioning.

#### 11-10 Restrictions Based on Location.

- A. Sign standards apply to all zoning districts in the City. The zoning districts are defined by the Union City Zoning Ordinance and official zoning map.
- B. Residential zoning districts allow for both residential and non-residential uses and as such will be governed by the respective sections of the Sign Ordinance based on the approved use. For all unimproved residential property the residential sign regulations shall apply. For all nonresidential uses permitted in residential zoning districts, the signage allowances for those uses shall be determined to under §11-10.E of the Sign Ordinance.
- C. Nonresidential zoning districts allows for both nonresidential and residential uses and as such will be governed by the respective sections of the Sign Ordinance based on the approved use. For all unimproved nonresidential property the single business sign regulations shall apply (see §11-10.E.1(a)). For all residential uses permitted in the nonresidential zoning district, the signage allowances for those uses shall be determined to be under §11-10.D of the Sign Ordinance.
- D. Signs Allowed within Residential Zoning Districts and for all allowed residential uses in all other Zoning Districts.
  1. Ground Signs.
    - a. Lots located in a residential zoning district shall be allowed no more than three (3) ground signs not to exceed six (6) square feet each. Signs shall not exceed four (4) feet in height as measured from the grade level of any adjacent street. Sign structures shall not exceed five (5) feet in height. No permit shall be required. Banners shall be exempt from this section. (Amended 3/20/12, Ordinance 2012-04)
    - b. Notwithstanding anything herein to the contrary, the sign area of signs at the entrance of a subdivision shall be limited to thirty-five (35) square feet and five (5) feet in height. If used in conjunction with a wall, the wall shall not exceed four (4) feet in height. The decorative façade, including post and/or columns, shall not exceed six (6) feet in height. No more than two (2) signs shall be allowed to be placed at each entrance of a subdivision. Such signs shall be placed on common property under the ownership of the Home Owners Association (HOA) and shall not be allowed to be on private property. Such signs shall not be internally illuminated. A permit shall berequired.
    - c. A banner shall not be more than twenty-four (24) square feet in size and cannot be displayed more than 30 days in a calendar year. No banner shall be mounted as to extend above the horizontal plane of the roof where the building wall and roof

meet and shall not extend more than four (4) feet above grade when mounted on the ground. A permit shall be required.

- d. For any multi-family residential property, the number of allowable ground signs shall not exceed six (6) signs not more than six (6) square feet in area each. Such developments shall also be entitled to two (2) permanent entrance signs at the entrance to the development as regulated in Section 11-10.D.1.b. The property owner shall be responsible for all signage posted on the property.
2. Wall Signs. Wall signs in residential districts shall be prohibited.
  3. Window Signs. Window signs shall be allowed in all residential districts and shall not cover more than twenty-five (25) percent of the area of each window in which a sign is placed.
  4. Temporary signage during construction.
    - a. One (1) temporary sign shall be allowed on construction sites. Such sign shall not be internally illuminated. A permit will be required.
      - i. Duration. Such sign shall be allowed beginning with the issuance of a Land Disturbance Permit and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first.
      - ii. Size. Such sign shall not exceed twelve (12) square feet in area nor five (5) feet in height.

This is in addition to those signs allowed in Section 11-10.C.1.

5. Flags. Every parcel may display no more than three (3) flags and/or flagpoles. Flagpoles shall not exceed thirty-five (35) feet in height. Flag dimensions shall be proportional to the pole such that the hoist side of the flag is not more than fifty (50) percent of the vertical height of the flagpole.
  6. Conditional Uses within Residential Zoning Districts. One (1) ground-mounted sign shall be allowed per parcel for conditional uses (excluding single-family residences and home occupations) in all residential zoning districts. Such sign shall not exceed five (5) feet in height as measured from grade. The total surface area shall not exceed 16 square feet. Such sign shall not be internally illuminated. A permit shall be required.
- E. Signs Allowed within Nonresidential Zoning Districts and all for all allowed nonresidential uses in all other Zoning Districts.

1. Ground signs.

- a. Each parcel is allowed one (1) permanent ground sign not to exceed 150 square feet in area and 25 feet in height.

- b. Each parcel containing multi-businesses shall be entitled to display one (1) permanent ground sign not to exceed 150 square feet in area and shall not exceed 25 feet in height. Individual business names are included in the total square footage.
- c. Ground signs may be internally or externally illuminated. A permit shall be required.
- d. Temporary signage. Each parcel containing a single business shall be allowed not more than eight (8) aggregate square feet of temporary signage. Each parcel containing multiple businesses shall be allowed not more than twelve (12) aggregate square feet of temporary signage. A permit shall be required. (Amended 3/20/12, Ordinance 2012-04)
- e. Notwithstanding anything herein to the contrary, the area of signs at the entrance of a subdivision shall be limited to thirty-five (35) square feet and five (5) feet in height. If used in conjunction with a wall, the wall shall not exceed four (4) feet in height. The decorative façade, including posts and/or columns, shall not exceed six (6) feet in height. No more than two (2) signs shall be allowed to be placed at the entrance of a subdivision. Signs shall be placed on common property under the ownership of a Property Owner's Association (POA) and shall not be allowed to be on private property. Such signs shall not be internally illuminated. A permit shall be required.
- f. Freestanding signage in the TCMU, TCMF and UDO Zoning Districts.
  - i. Shall be permitted when located within eighty (80) feet of the intersection of two (2) or more streets.
  - ii. Shall not be permitted within any clear zone or supplemental zone.
  - iii. Shall have a maximum height of twenty-five (25) feet.
  - iv. Shall have a maximum area of fifty (50) square feet.
  - v. Only externally illuminated signage shall be permitted. Internally illuminated signage shall be prohibited.
- g. Each parcel containing a business that has drive-thru for the motoring public shall be allowed five (5) accessory signs provided they are not legible from public thoroughfares. Such signs shall not exceed 35 square feet in area or five (5) feet in height. A permit shall be required.

## 2. Wall signs.

- a. Wall signs shall be located on the exterior of the building (including windows and doors) and may be internally illuminated. A permit shall be required. (Amended 3/20/12, Ordinance 2012-04)

- i. Size. Signage equivalent to 1 square feet per linear foot of the front entrance façade including doors and windows shall be permitted per building. The façade for each business shall be used to calculate the size of wall signs for buildings that contain multi-businesses. (Amended 3/20/12, Ordinance 2012-04)
    - ii. Location. Permitted signage may be located on any side of the building. No wall sign shall be placed on any roof or on top of any structure. In addition, no part of a wall sign shall be at an elevation higher than 25 feet above the average ground level elevation along the side of the building on which the wall is installed.
    - iii. Rear Entrance Signs. Businesses with rear entrances for delivery purposes may have one (1) sign not to exceed one (1) square foot mounted on or next to the rear entrance door. The sign may not be illuminated. No permit shall be required.
    - iv. Erection. All wall signs shall be safely and securely attached to the building wall, subject to the approval of the Building Official.
    - v. Size/calculation. No wall sign shall project more than six (6) inches from a surface area. On a building with multiple street-facing walls (any change in direction or degree), wall signs will be measured per the wall surface area only on which the sign is mounted. If the sign is a panel or box, the total area including the background is included. If a sign consists of individual letters, each attached directly to a building or structure, the area of the sign shall be measured by the area of the smallest rectangle or series of contiguous rectangles which enclose all the letters.
  - b. Murals. Mural graphics shall be permitted. Such signs may not be internally illuminated. Murals are allowed in lieu of wall signage but cannot cover more area than would be allowed in Section 11-10.E.2.(a)(i). A permit shall be required.
  - c. Awning signs. Awning signs shall be securely fastened by metal supports to the building surface and meet all applicable building codes. Awning signs shall be not less than eight (8) feet above the ground when erected over pedestrian walkways and 14 feet above areas of vehicle service access at the lowest extremity of the sign. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.
3. Window signs. Any visible sign inside a building within ten (10) feet of a window is considered a window sign. No more than 20 percent or 35 square feet, whichever is less, of the total available advertising space (glass area) shall be used to display window signs. Such signs may be illuminated. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein tenants have primary access from the space to the outside. This access must include outside walkways and stairways properly designed for public use. In no case shall any window signs be

installed above the level of the second floor windows. No permit shall be required. (Amended 3/20/12, Ordinance 2012-4)

4. Projecting signs. Projecting signs shall be located on the principal structure only. Such signs may be internally illuminated. A permit shall be required.
  - a. Number. One (1) projecting sign shall be permitted per primary entrance.
  - b. Location. No projecting sign shall be placed on any roof or on top of any structure. In addition, no part of a projecting sign shall be at an elevation higher than 25 feet above the average ground level elevation along the side of the building on which the projecting sign is installed.
  - c. Erection. All projecting signs shall be safely and securely attached to the building marquee, subject to the approval of the Building Official.
  - d. Size/calculation. No projecting sign shall project more than 12 inches from a surface area nor shall it have area exceeding 75 square feet. On a building with multiple street-facing walls (any change in direction or degree), projecting signs will be measured per the wall surface area only on which the sign is mounted. If the sign is a panel or box, the total area including the background is included. If a sign consists of individual letters, each attached directly to a building or structure, the area of the sign shall be measured by the area of the smallest rectangle or series of contiguous rectangles which enclose all the letters.
5. Out-of-Store Marketing Devices. One (1) sign shall be allowed on an out-of-store marketing device. Such sign shall not exceed two (2) square feet. The height of the sign shall not be more than two (2) feet above the device. Such signs shall not be illuminated except for illumination intrinsic to the device. No permit shall be required.
6. Suspended Signs. In a multi-tenant commercial or office building, in addition to all other permitted signs, one (1) suspended non-illuminated sign per entrance used shall be allowed to identify the location of each tenant's premises, provided such sign:
  - a. Does not exceed three (3) square feet in area.
  - b. Is uniform in size, material, color and shape and is placed in an equivalent location to other such signs located in the same building.
  - c. Is suspended from the eave or soffit of the building.
  - d. Maintains a minimum of seven (7) foot clearance between the bottom of the sign and the walkway below.
  - e. A permit shall be required.
7. Flags. Every parcel may display no more than three (3) flags without obtaining a permit. Flagpoles shall not exceed seventy (70) feet in height. Flag dimensions shall

be proportional to the pole such that the hoist side of the flag is not more than fifty (50) percent of the vertical height of the flagpole.

F. Master Sign Plan.

1. Master Sign Plan Required – The Master Sign Plan is intended to promote consistency among signs within a development and enhance the compatibility of signs with architectural and design features within the development. A Master Sign Plan will be required for all commercial and Mixed Use projects which are required to file a Land Disturbance Permit or site plan.
2. Contents of Master Sign Plan shall provide:
  - a. General location and type of signs;
  - b. Materials – listing of materials proposed for all signs, structures and surfaces;
  - c. Size and number of signs – indicate the maximum number and size of proposed signs;
  - d. Style, color and illumination; and
  - e. Ornamental structures and landscaping.

G. Temporary Signage.

1. Banners.
  - a. Banners shall not be allowed for a period not exceeding sixteen (16) days not more than once per quarter.
  - b. Banners shall be not more than twenty-five (25) square feet. A permit shall be required.
  - c. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or and shall not extend more than five (5) feet above grade when on the ground.
  - d. Light Pole Banners. Banners shall be permitted to be placed on light poles not located within or partially within a public right-of-way. Such signs may not be internally illuminated. A permit shall be required.
    - i. Number. Banners are permitted on 50% of lighting poles with no more than two banners located on any one pole.
    - ii. Size. Such signs shall not exceed 18 inches by 36 inches in area.

2. Attention getting devices, such as inflatable air signs that are inflated with helium or other gaseous elements, portable or trailer signs, rotating, animated signs, or any sign which produces movement achieved by wind currents or give the appearance of movement, and search lights, beacons or similar devices.
  - a. Attention getting devices shall be allowed for a period not exceeding sixteen (16) days with not more than once per quarter.
  - b. A permit shall be required.
3. Pennant, streamer. Pennants and streamers shall be allowed. A permit shall be required.
4. Each new development shall be allowed one (1) temporary sign and shall not exceed thirty-two (32) square feet in size, or ten (10) feet in height and shall be at least thirty (30) feet from the edge of any street, public or private. The sign shall be removed when 85% of the lots are built upon not later than five (5) years unless an extension is granted by the Planning Commission.

#### H. Billboards Allowed within Interstate 85 Corridor.

1. Billboards are permitted on properties that are located within the Interstate 85 corridor in NC, GC, M-1 and M-2 zoning districts. No billboard shall be located in any property zoned RSC.
2. Electronic Billboards – are permitted on properties that are located within the Interstate 85 corridor in the NC, GC, M-1 and M-2 zoning districts.
  - a. No more than six (6) displays per minute shall be allowed and each display shall not change more frequently than once every ten (10) seconds.
  - b. Displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions or other subtle transition that does not have the appearance or illusion of movement (flashing or varying light intensity).
  - c. Code Enforcement and the Fire Marshal shall be provided with an on-call contact person (with the authority to make immediate modifications to the display) and phone number in case of emergency or if the sign poses a threat to public safety.
3. Location and Spacing.
  - a. No billboard shall be placed within 300 feet of a residence, church, school, park or cemetery.
  - b. Billboards located in the Interstate 85 corridor shall be no closer than 1,500 feet from another billboard.
  - c. Billboards may be erected 50 feet from the right-of-way line.

4. No billboard shall exceed 700 square feet or 14 feet in height or 52 feet in length inclusive of any border and trim, but excluding the base, apron, supports and other structural members. However, additional size and dimensional allowance for extensions or protrusions from the basic geometric shape of the sign may be permitted up to a maximum of 50% of the basic sign area.
5. No billboard shall contain more than two faces not to exceed 700 square feet per face, exclusive of the allowance permitted for extensions and protrusions, visible from the same direction on the main traveled street or road. Double faced and back-to-back construction signs shall, for the purpose of determining compliance with size and spacing limitations, be considered one sign.
6. The height of all billboard signs at their highest point above the level of ground shall not exceed seventy (70) feet. (Amended 2/21/06, Ordinance 06-2)

11-11 Severability. Should any article, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid, it being the intent of the Mayor and Council of Union City that each article, clause and provision hereof be severable. (Amended 12/20/05, Ordinance 05-19)

## ARTICLE XII

---

### ADMINISTRATION, ENFORCEMENT & PENALTIES

- 12-1 Zoning Administrator. An administrative official designated as the Zoning Administrator by the Mayor and Council shall administer and enforce the provisions of this Ordinance.
- 12-2 Remedies. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this Ordinance, the Zoning Administrator, or any other appropriate authority of the City, may, in addition to other remedies provided by law, and after due notice to the person in violation, issue a citation for the violation of this Ordinance, requiring the presence of the violator is a specially called hearing before Municipal Court of Union City. The Court shall determine the extent and nature of the violation and the appropriate penalty. Where a violation of this Ordinance has been determined to exist with respect to a building, structure or premises, the Court may, in addition to other remedies provided by law, require that public utility service be withheld therefrom until such time as the building, structure or premises is no longer in violation. The decision of the Municipal Court may be appealed as provided by law. Further, upon determination that a use is in violation of this Ordinance, any appropriate authority of the City may bring action in the Superior Court seeking an injunction to prohibit said use.
- 12-3 Penalties. Any firm, person or corporation that shall do or fail to do anything prohibited or required by this Ordinance shall, upon conviction, be guilty of a violation of this Ordinance and shall be fined not more than 1,000 or imprisoned for no more than 30 days or both for each offense. Each day a violation continues shall be deemed as a separate offense.
- 12-4 Permits and Licenses Void when Issued in Conflict. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.
- 12-5 Appeals. Appeals from the decision of the Zoning Administrator with regard to interpretation, administration and enforcement shall be made to the Planning Commission. (Ordinance No. 2023-01, 05/16/23)
- 12-6 Construction Progress. Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue or if the work is authorized by it is suspended or abandoned for a period of six (6) months.

ARTICLE XIII. APPEALS, VARIANCES AND OTHER MATTERS.

13-1. Jurisdiction over Appeals, Variances and Other Matters. In addition to those matters described in Article XV of this Ordinance, the Union City Planning and Zoning Commission shall have exclusive jurisdiction and shall make the final decision with respect to the following:

- A. Appeals from actions of the Zoning Administrator;
- B. Requests for a variance;
- C. Requests for extension or enlargement of the nonconforming use of a structure;
- D. Requests for continuance of a nonconformance; and
- E. Requests to locate required vehicular parking or storage space on property other than the lot on which principal use is conducted, as provided in Section 10-6(B) of this Ordinance.

The provisions of this Article shall apply only to those matters described above. Any other matters placed under the jurisdiction of the Planning Commission by this Ordinance or any other ordinance of the City shall be conducted in the manner described therein.

13-2. Rules and Procedures. The Planning Commission shall be organized in the manner described in Article XV of this Ordinance. The Planning Commission shall have the authority to adopt rules of procedure. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of said Planning Commission and shall be a public record. The decisions of the Planning Commission shall contain a statement of the subject matter being considered by the Planning Commission, the decision of the Planning Commission, and the grounds of its decision reduced to written form. No appeal or request for the same relief in regard to the same property shall be received or heard by the Planning Commission for a period of 12 months following the date of said decision, except that this limitation shall not affect the right of the Planning Commission to grant a rehearing as provided in rules of procedure as may be adopted by the Planning Commission.

13-3. Public Hearing.

- A. Notice of Hearing Shall be Given. Before making its decision on an appeal, request for a variance, or any other matter within the Planning Commission's purview that is the subject of this Article, said Planning Commission shall hold a public hearing thereon. Public hearings shall be conducted during regularly scheduled meetings of the Planning Commission as provided in Article XV of this Ordinance. At least 30 days' notice of the time and place of such

hearing shall be sent to the appellant or petitioner by U.S. Mail to his last known address. Such notice shall contain the names of the appellant or petitioner, the date, time and place set for the hearing, and a brief statement of the nature of the hearing.

- B. Public Notice in Newspaper. The Planning Commission shall give public notice of the hearing in the legal organ of Union City at least 30 days prior to the date of the public hearing.
- C. Public Notice by Posting. When the Planning Commission is considering a request for Variance, the notice of the date, time, place and nature of the Planning Commission's hearing shall also be afforded by the erection of a sign in a conspicuous place on the subject property. The sign shall be erected at least 30 days prior to the date of the Planning Commission's meeting.
- D. Who May Appear. Any party may appear at the public hearing in person or by agent or attorney.
- E. Time Limit on Planning Commission's Decisions. The Planning Commission shall reach a decision following a public hearing within 30 days. The decision of the Planning Commission shall be made by a public vote and shall not be final until the resolution of the decision has been duly adopted and approved by the Planning Commission.

#### 13-4. Powers and Duties.

- A. Appeals from Actions of Zoning Administrator. The Planning Commission shall hear and decide upon appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations.
  - 1. Who May Appeal. Appeals to the Planning Commission may be taken by any person aggrieved or by an officer, department, board or bureau of the governing authority affected by any decision of the Zoning Administrator. Such appeals shall be filed no later than 30 days after the date of notification of the decision appealed from the filing with the Zoning Administrator and with the Planning Commission a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken.
  - 2. Legal Proceedings Stayed. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Planning Commission that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Planning Commission or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.
  - 3. Extent of Planning Commission Power. The Planning Commission may, in conformity with the provisions of these regulations, reverse or affirm the requirement, decision or determination of the Zoning Administrator. The Planning Commission may direct the issuance of a permit. It shall be the duty of the Zoning Administrator to carry out the decisions of the Planning Commission.

B. Request for a Variance. The Planning Commission may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing the special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this Ordinance in the District in question. A variance may be granted in an individual case upon a finding by the Planning Commission that the following exists:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The application of these regulations to this particular piece of property would create a practical difficulty of unnecessary hardship;
3. Such conditions are peculiar to the particular piece of property involved;
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and
5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed.

In addition, the Planning Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhoods; and provided that wherever the Planning Commission shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, said Planning Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a hearing. In exercising the above powers, the Planning Commission shall not consider any non-conforming use of neighboring lands, structures of buildings in the same District, and no permitted use of lands, structures or buildings in other Districts as grounds for the issuance of a variance.

C. Request for Extension or Enlargement of the Nonconforming Use or Nonconforming Structure. The Planning Commission may authorize upon appeal in specific cases an extension of an existing nonconforming use or nonconforming structure which the Planning Commission is specifically authorized to pass on under the terms of this Ordinance. Said extension may be granted in an individual case upon a finding by the Planning Commission that:

1. The use or structure is a non-conformance as defined in these regulations;
2. The use or structure is in full compliance with all requirements of these regulations applicable to non-conformances; and

3. The extension of said use or structure will not further injure a permitted use on adjacent property in the same District.
- D. Continuance of Nonconformance. The Planning Commission may allow a non-conformance to be reestablished after discontinuance for 12 consecutive months where it is deemed by the Planning Commission that:
1. The design, construction and character of the land, building or structure is not suitable for uses permitted in the District in which the non-conformance is situated;
  2. Undue hardships to the property owner would result in not allowing the continuance of a non-conformance;
  3. Adjacent property would not be unduly damaged by such continuance; and
  4. The use is to be identical to the prior non-conformance.
- E. Compliance with Standards. Where an application to the Planning Commission is initiated due to an existing violation of the Ordinance and said application is denied, the violation shall be required to be corrected within 10 days of such denial or as specified by the Planning Commission if a greater time period is necessary. The maximum extension of the time shall not exceed 30 days.
- F. Forms. Forms shall be filed with the Zoning Administrator for the Planning Commission, and the appellant shall pay the Zoning Administrator for expenses incidental to the appeal. No form shall be accepted by the Zoning Administrator unless it contains all pertinent information and is accompanied by the required fee to defray expenses. Appeals, requests for variance, and requests for extension or continuance of non-conformance must contain the following information:
1. Appeal from Action of Zoning Administrator;
    - a. Name and address of appellant;
    - b. Name and address of property owner;
    - c. Location and legal description of property;
    - d. Present zoning of property;
    - e. Description of action taken by Zoning Administrator from which appeal is being made;
    - f. Appeal must be signed by appellant and be duly notarized. If the property owner and applicant are not the same person, a "Property Owner's Authorization" form must be completed.
    - g. Appropriate filing fee.

2. Request for Variance:
  - a. Name and address of applicant;
  - b. Name and address of property owner;
  - c. Location and legal description of property;
  - d. Present zoning of property;
  - e. Specific Variance (state exactly what is proposed to be done on the property in question which does not conform with existing zoning regulation requirements);
  - f. Copies of plat, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract(s), prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. His/her seal shall be affixed to the plat;
  - g. A sketch plan or preliminary plan indicating the intended use of the property, including, but not limited to, proposed streets and lot layouts, access and egress routes, buffer areas, parking, etc. In general, the plat should contain sufficient data so as to clearly indicate proposed land uses. A sketch plan, with a scale not less than 1" per 200' shall be acceptable; however, should the applicant prefer, a preliminary plat meeting all the requirements of the Union City Subdivision Regulations shall be submitted;
  - h. A letter of intent indicating specifically how the property is to be used. Said letter shall be detailed as necessary to clearly describe the proposed site development. Existing uses and zoning of nearby property.
  - i. The applicant's responses to the following questions:
    - i. What are the extraordinary and exceptional conditions pertaining to the particular use or development proposed, or to the piece of property in question because of its size, shape, topography or other condition, which justifies the variance requested?
    - ii. How would the strict application of the ordinance requirements to the use or development proposed, or to this particular piece of property, result in great practical difficulties or unnecessary hardship?
    - iii. In what way are the extraordinary and exceptional conditions, identified above, peculiar to the use or development proposed or to the particular piece of property involved?
    - iv. What conditions, factors and/or circumstances give assurance that if the requested variance were granted that such variance would not cause substantial detriment to other property owners or tenants, or to the public good and would not impair the purpose and intent of the ordinance?

- v. Does a literal interpretation of this Ordinance deprive the applicant of any rights that others in the same District are allowed?
  - j. Application must be signed by applicant and be duly notarized. If the property owner and applicant are not the same person, a “Property Owner’s Authorization” form must be completed.
  - k. Names and addresses of owners of all property within 250 feet of the subject property (from County Tax Assessors Office). Applicants must also demonstrate that all property owners within 250 feet of the subject property have been notified of the Public Hearing (see sample letter).
  - l. Appropriate filing fee.
3. Requests for Extension of Non-Conformance:
- a. Name and address of applicant;
  - b. Name and address of property owner;
  - c. Location and legal description of property;
  - d. Present zoning of property;
  - e. Specific Extension of a Non-Conformance (state exactly what nonconformance is proposed to be extended or enlarged);
  - f. Copies of plat, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract(s), prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. His/her seal shall be affixed to the plat.
  - g. The applicant’s responses to the following questions:
    - i. Why is the use a non-conformance as defined in these regulations?
    - ii. Is the use in full compliance with all requirements of these regulations applicable to non-conformances?
    - iii. Will the extension of said use further injure a permitted use on adjacent property?
  - h. Application must be signed by applicant and be duly notarized. If the property owner and applicant are not the same person, a “Property Owner’s Authorization” form must be completed.
  - i. Names and addresses of owners of all property within 250 feet of the subject property (from County Tax Assessors Office). Applicants must also demonstrate that all property

owners within 250 feet of the subject property have been notified of the Public Hearing (see sample letter).

- j. Appropriate filing fee.
4. Requests for Continuance of Non-Conformance:
- a. Name and address of applicant;
  - b. Name and address of property owner;
  - c. Location and legal description of property;
  - d. Present zoning of property;
  - e. Specific Continuance of a Non-Conformance (state exactly what nonconformance is proposed to be extended or enlarged);
  - f. Copies of plat, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract(s), prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. His/her seal shall be affixed to the plat.
  - g. The applicant's responses to the following questions:
    - 1. Is the design, construction and character of the land, building or structure suitable for uses permitted in the District in which the nonconformance is situated?
    - 2. Would undue hardships to the property owner result in not allowing the continuance of a nonconformance?
    - 3. Would adjacent property owners be unduly damaged by such a continuance?
    - 4. Is the use identical to the prior nonconformance?
  - h. Application must be signed by applicant and be duly notarized. If the property owner and applicant are not the same person, a "Property Owner's Authorization" form must be completed.
  - i. Names and addresses of owners of all property within 250 feet of the subject property (from County Tax Assessors Office). Applicants must also demonstrate that all property owners within 250 feet of the subject property have been notified of the Public Hearing (see sample letter).
  - j. Appropriate filing fee.
- 13-5. Appeals from the Planning Commission. Decisions of the Planning Commission made pursuant to this Article shall be subject to appellate review by the superior court

pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided in Title 5 of the Official Code of Georgia Annotated. Such matters shall be reviewed on the record which shall be brought to the superior court as provided in said Title 5. Such appeals shall be brought within 30 days of the written decision of the appealed action. The Zoning Administrator shall have authority, without additional action of the Planning Commission, to approve or issue any form or certificate necessary to perfect any petition required by Title 5 of the Official Code of Georgia Annotated for review of lower judicatory bodies. Service of any such petition shall be effected on or accepted by the Zoning Administrator on behalf of the Planning Commission, during normal business hours, at the offices of the Department of Community Development. Service of any such petition on the mayor and council for the City may be effected on or accepted by the Mayor, or his or her designee, at City Hall during normal business hours.

ARTICLE XIV

---

SCHEDULE OF FEES

- 14-1 Fees. A schedule of fees shall be established by the Mayor and Council. The schedule shall be open to the public and shall be kept in the office of the Zoning Administrator. (Ordinance No. 15 - \_\_\_\_, 9/21/15)
  
- 14-2 Waiver of Fees. No fees required under this Zoning Ordinance shall be waived under any circumstances except by majority vote of the Mayor and Council of Union City.
  
- 14-3 Established Fees. The schedule of fees for this Ordinance is on file with the City Clerk and maybe altered or amended by the City Council to help defray the costs of administration. (Ordinance No. 15 - \_\_\_\_, 9/21/15)

ARTICLE XV. PLANNING COMMISSION.

- 15-1. Creation. In order to guide and accomplish a coordinated and harmonious development of the municipality which will, in accordance with existing and future needs, best promote the public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, the Union City Planning and Zoning Commission, hereinafter referred to as the Planning Commission, is hereby created and established as authorized by state laws. The Planning Commission shall be organized and empowered as set out in this article.
- 15-2. Membership.
- A. Membership. The Planning Commission shall consist of five (5) members, who shall be residents of the city appointed by the mayor and council of the city.
  - B. Terms. The terms of the members shall be for four (4) years, except that in the appointment of the first Planning Commission under the terms of this section, the first member shall be appointed for a term of one (1) year, the second member shall be appointed for a term of two (2) years, the third member shall be appointed for a term of three (3) years, and the remaining members shall be appointed for terms of four (4) years each.
  - C. Vacancies. Any vacancy in membership shall be filled for the unexpired term by the mayor and council of the city, who shall also have the authority to remove any member for cause, on written charges, after a public hearing.
  - D. Compensation. The Planning Commission members shall receive compensation for their service as determined by the Mayor and Council of Union City.
- 15-3. Rules and Procedures. The Planning Commission shall elect a chairperson and vice-chairperson from among its members. The terms of the chairperson and vice-chairperson shall be one (1) year with eligibility for reelection. The chairperson shall preside over all meetings of the Planning Commission. The vice-chairperson shall have the authority to act as the chairperson in the chairperson's absence. The chairperson can make and/or second motions and can vote on any matter presented to the Planning Commission. The Planning Commission shall appoint a secretary, who may be an officer or employee of the municipality. The Planning Commission shall make its own rules of procedure and determine its time of meeting. All meetings of the Planning Commission at which official action is taken shall be open to the public and all records of the Planning Commission shall be a public record. The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with the state Planning agency, city planners and other consultants for such services as it may require. The expenditures of the planning commission, exclusive of gifts received, shall be within the amounts appropriated for the purpose by the mayor and council of the city.

- 15-4. Powers and Duties. From and after the time when the Planning Commission shall have organized and selected its officers and shall have adopted its rules of procedure, the planning commission shall have all the powers, duties and responsibilities set forth in the General Planning and Zoning Enabling Act of 1957. In addition to the jurisdiction provided by this Article or the Subdivision Regulations of the city, the Planning Commission shall have exclusive jurisdiction over all those matters provided for in Article XIII of this Ordinance.
- 15-5. Initiation of Amendments. Applications to amend this Ordinance may be in the form of proposals to amend the text or proposals to amend the Official Zoning Map. An application to amend the text may be initiated by the Planning Commission or be submitted to the Planning Commission by the Mayor and Council or by any person having a property interest in the City. An application to amend the Official Zoning Map may be initiated by the Planning Commission, by the Mayor and Council or by any person who owns property within the zoning jurisdiction of the City. Unless submitted by the Mayor and Council or the Planning Commission, all applications for map amendments must be submitted by the owner of the subject property or the authorized agent of the owner. Such authorization shall be notarized and attached to the application.
- 15-6. Limitation on Re-Applying. Any application for a zoning amendment which is denied by the Mayor and Council shall not be reconsidered for a period of six (6) months. This limitation shall not apply to applications initiated by the Mayor and Council or the Planning Commission.
- 15-7. Application for Amendment. Each application to amend the text of this Ordinance or the Official Zoning Map shall be filed with the Zoning Administrator. Application for rezoning shall be made to the Planning Commission and the applicant shall file the information required by the planning department in keeping with this Ordinance and rules and regulations. Application may be made by the owner, agent, owner's agent, or his attorney in fact or at law; provided, however, that if any person other than the owner makes said application, he shall sign an affidavit setting forth his position with relationship to the owner, provide the planning department with the current, accurate address of the owner and furnish any other documents that may be required by the Planning Commission so as to insure the owner receiving notice of the application to rezone. The Planning Commission shall furnish notice to the owner, by certified mail, of the application having been made and no hearing shall be had on the application no sooner than 10 days from the mailing of notice to the owner of the property. Applications shall be submitted in compliance with the following regulations:
- A. Text and Map Amendment Applications. All text and map amendment applications must include the following information:
1. Text Amendments:
    - a. Name and address of appellant;
    - b. Current text provision to be affected by amendment;
    - c. Proposed text amendment;
    - d. Reason for text amendment request;

- e. Application must be signed by appellant and be duly notarized; and
  - f. Appropriate filing fee.
2. Map Amendments:
- a. Name and address of applicant;
  - b. Name and address of property owner;
  - c. Location and legal description of property;
  - d. Present zoning of property;
  - e. Proposed zoning of property;
  - f. Copies of plat, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract(s), prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. His/her seal shall be affixed to the plat.
  - g. A sketch plan or preliminary plan indicating the intended use of the property, including, but not limited to, proposed streets and lot layouts, access and egress routes, buffer areas, parking, etc. In general, the plat should contain sufficient data so as to clearly indicate proposed land uses. A sketch plan, with a scale not less than 1" per 200' shall be acceptable; however, should the applicant prefer, a preliminary plat meeting all the requirements of the Union City Subdivision Regulations shall be submitted.
  - h. A letter of intent indicating specifically how the property is to be used. Said letter shall be detailed as necessary to clearly describe the proposed site development. Existing uses and zoning of nearby property.
  - i. The applicant's explanation of how the following criteria apply to his or her request:
    - i. The extent to which property values are diminished by the particular zoning restrictions.
    - ii. The extent to which the destruction of property values of the applicant promotes health, safety, morals or general welfare of the public.
    - iii. The relative gain to the public as compared to the hardship imposed upon the individual property owner.
    - iv. The suitability of the subject property for the zoned purposes.
    - v. The length of time the property has been vacant as zoned, considered in the context of land development in the immediate area of the property.

vi. Specific, unusual or unique facts of each case which give rise to special hardships incurred by the applicant and/or surrounding property owners.

j. Application must be signed by applicant and be duly notarized. If the property owner and applicant are not the same person, a “Property Owner’s Authorization” form must be completed.

k. Names and addresses of owners of all property within 250 feet of the subject property (from County Tax Assessors Office). Applicants must also demonstrate that all property owners within 250 feet of the subject property have been notified of the Public Hearing (see sample letter).

l. Appropriate filing fee.

B. Properties affected by map amendment applications shall be of sufficient size and shape to meet the minimum developmental standards of the District for which the application is made.

C. Unless all information, exhibits, etc., as required herein are received by the Zoning Administrator at the time the application is filed, all advertising of public hearings and any posting of property shall be delayed until the completed application has been filed.

15-8. Public Hearings.

A. Date, Place and Time. Applications for zoning amendments shall be filed with the Planning Commission by the first Friday of the month before the month of the public hearing. Public hearings will be heard by the Planning Commission on the last Monday night of each month except when said Monday night falls on a legal holiday or when the City Hall is officially closed, and in that event, the public hearing will be held on the following business day night. The Mayor and Council of Union City will hold a public hearing on all petitions referred to them by the planning commission at the next regularly scheduled council meeting. All public hearings set forth in this Section before the planning commission and mayor and council shall be held at 7 o’clock p.m. in the City Hall in Union City, Georgia.

B. Conduct of Hearing. Public hearings on amendments shall be conducted with equal time provided for the proponents and opponents of an application for rezoning with each side receiving at least ten minutes. An applicant may reserve part or all of the allotted time for rebuttal. Decisions of the Planning Commission and Mayor and Council on applications for rezoning shall be made subsequent to the public hearing.

15-9. Planning Commission. Within a reasonable time of the acceptance of any completed application for amendment, the Zoning Administrator shall transmit copies thereof to the Planning Commission for its review and recommendation to the Mayor and Council. The Planning Commission shall review and make a recommendation of approval, denial, deferral or withdrawal without prejudice on each application. A report of the Planning Commission’s decision shall be submitted to the Mayor and Council and to the applicant by certified mail. The report shall contain the decision and shall be signed and approved by the Chairman of the Planning Commission. The Planning Commission may also recommend amendments to the applicant’s request which would reduce the land area for which the application is made, change

the District requested or recommend conditions of rezoning which may be deemed advisable so that the purpose of this Ordinance will be served and the public health, safety and general welfare secured. If the Planning Commission fails to submit a report within 30 days from the acceptance of the completed amendment application, it shall be deemed to have recommended approval of the application.

15-10. Mayor and Council. Before taking action on a proposed amendment and after receipt of the Planning Commission's report and recommendation thereon, the Mayor and Council shall hold a public hearing on the proposed amendment. The Mayor and Council may approve, deny or defer any application at the public hearing. An action to defer shall include a justification of such action and a specific meeting date to which the application is deferred. The Mayor and Council may, by a majority vote of members, allow an application to be withdrawn without prejudice with respect to the six (6) month limitation of this Article except once a hearing has begun no withdrawal shall be allowed. The Mayor and Council may also recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the District requested or recommend conditions of rezoning which may be deemed advisable so that the purpose of this Ordinance will be served and the public health, safety and general welfare secured. The decision of the Mayor and Council shall be contained in a written report prepared by the City Clerk. The report shall contain the decision of the Mayor and Council and all grounds for the decision and shall be signed and approved by the Mayor and Council. One (1) copy of the report shall become part of the application file.

15-11. Public Notification.

- A. Legal Notice. Due notice of scheduled public hearings shall be published in a newspaper of general circulation within the City in which are carried the legal advertisements of the City, by advertising the date, time, place and purpose of the hearings, as well as the application number and a summary of the proposed amendment. In addition, when in the case of a map amendment, the location of the subject property, its area, the name of the owner, the present zoning classification shall be published. The notice shall contain the dates of both the Planning Commission and the Mayor and Council public hearings, and shall be advertised in such a manner as to give at least 15, but no more than 45, days' notice of the public hearing.
- B. Notice to Interested Parties. Notice giving the date, time, place and purpose of the public hearing shall be given by certified mail to the applicant. All application files shall be in the custody of the Zoning Administrator and shall be open to public inspection during regular office hours.
- C. Posting of Property. The Zoning Administrator shall cause a sign to be placed in a conspicuous location on the property for which the application was submitted. Said sign shall have a minimum size of 24" by 36" and shall indicate the application number, the present zoning classification, the proposed zoning classification and the scheduled date, time and place of the public hearing of the Planning Commission and, as later determined the public hearing before the Mayor and Council. The sign shall be placed on the property not less than 15 days prior to the date of the hearing.

15-12. Standards for Map Amendment (Rezoning) Evaluation. All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the

Official Zoning Map and related development policies in Union City. The following factors shall be considered by the Planning Commission and the Mayor and Council when reviewing a request for rezoning:

- A. Existing uses and zoning of nearby property;
- B. The extent to which property values are diminished by the particular zoning restrictions;
- C. The extent to which the destruction of property values of the applicant promotes health, safety, morals or general welfare of the public;
- D. The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- E. The suitability of the subject property for the zoned purposes;
- F. The length of time the property has been vacant as zoned, considered in the context of land development in the immediate area of the property; and
- G. Specific, unusual or unique facts of each case which give rise to special hardships incurred by the applicant and/or surrounding property owners.

15-13. Public Copies of Procedures and Standards. Copies of Union City's policies and procedures which control calling and conducting hearings, as well as the standards governing the exercise of its zoning power, shall be made available for distribution to the general public.

15-14. Disclosure of Campaign Contributions.

- A. When any applicant for a text amendment or map amendment has made, within two years immediately preceding the filing of that applicant's application for said text amendment or map amendment, campaign contributions aggregating \$250.00 or more to a member of the mayor and council, it shall be the duty of the applicant to file a disclosure report with the mayor and council showing:
  - 1. The name and official position of the official to whom the campaign contribution was made; and
  - 2. The dollar amount and description of each campaign contribution made by the applicant to the official during the two years immediately preceding the filing of the application for the text amendment or map amendment and the date of each such contribution.  
Said disclosures shall be filed within ten (10) days after the application for the rezoning action is first filed.
- B. When any opponent of a proposed text amendment or map amendment has made, within two years immediately preceding the filing of the application for said text amendment or map amendment, campaign contributions aggregating \$250.00 or more to a member of the mayor and council, it shall be the duty of the opponent to file a disclosure with the mayor and council showing:

1. The name and official position of the official to whom the campaign contribution was made; and
2. The dollar amount and description of each campaign contribution made by the opponent to the official during the two years immediately preceding the filing of the application for the text amendment or map amendment and the date of each such contribution. The disclosures shall be filed at least five (5) calendar days prior to the first hearing by the Planning Commission on the application for text amendment or map amendment.

15-15. Challenges to Zoning Decisions. Text amendment or map amendment decisions made subject to this Article shall be subject to direct constitutional challenge regarding the validity of said decisions in the superior court pursuant to its original jurisdiction over declaratory judgments and equity jurisdiction. Such challenges shall be by way of de novo review by the superior court wherein such review brings up the whole record from the city and all competent evidence shall be admissible in the trial thereof, whether adduced in the process before the city or not and employing the presumption that the city's zoning decision is valid and can be overcome substantively by a petitioner showing clear and convincing evidence that the zoning classification is a significant detriment to the petitioner and is insubstantially related to the public health, safety, morality, or general welfare. Such challenge shall be brought within 30 days of the written decision of the challenged action.

---

REPEAL AND CONSTITUTIONALITY

- 16-1 Repeal of Conflicting Ordinances. This Ordinance is intended as the comprehensive Zoning Ordinance for the incorporated area of Union City, Georgia, and all conflicting ordinances and resolutions are hereby repealed.
- 16-2 Constitutionality. If any section or sections of this Ordinance are hereafter adjudged unconstitutional, it is the intent of the Mayor and Council of Union City that the remainder hereof shall continue in full force and effect.
- 16-3 Effective Date. This resolution shall take effect and be in force from and after the date entered below, the public welfare of the City of Union City demanding it.