

ORDINANCE NO. 2024-05

**TEXT AMENDMENT AMENDING TITLE 1: ADMINISTRATION AND TITLE 2:
ZONING AND APPENDIX OF THE UNIFIED DEVELOPMENT ORDINANCE FOR
PAULDING COUNTY, GEORGIA (UDO) AND FOR OTHER PURPOSES**

STATE OF GEORGIA

COUNTY OF PAULDING

WHEREAS, the Board of Commissioners is charged with the responsibility of protecting the health, safety and welfare of the citizens of Paulding County, Georgia;

WHEREAS, in doing so, the Board of Commissioners may adopt ordinances relating to the regulations of land use for properties located within the unincorporated area of Paulding County, Georgia;

WHEREAS, the Paulding County Board of Commissioners provided for and advertised a public hearing regarding text amendments to Title 1: Administration, Title 2: Zoning, and Appendix of the Unified Development Ordinance of Paulding County (“UDO”);

WHEREAS, the notice for the public hearing was published in the Dallas New Era, the official legal organ for Paulding County;

WHEREAS, on March 26, 2024, the Paulding County Planning Commission held a public hearing, attended by the Board of Commissioners, on the proposed UDO for the purpose of receiving public comment on the proposal and discussing said amendments in a public forum; and

WHEREAS, the Paulding County Board of Commissioners has considered the proposed UDO and believes the enactment thereof is in the best interests of Paulding County.

NOW THEREFORE BE IT RESOLVED, by the Paulding County Board of Commissioners that the Paulding County Unified Development Ordinance is hereby amended as follows (underlined text shows additions while strike through text shows deletions):

1.

That Title 1, Section 100-70 shall be amended as follows:

Date of Amendment	Ordinance Number
May 25, 2022	22-08
December 13, 2022	22-14
March 14, 2023	23-04
June 13, 2023	23-07
February 13, 2024	24-02
<u>April 9, 2024</u>	<u>24-05</u>

2.

That Title 1, Section 100-80.02 shall be amended as follows:

- 100-80.02 All other ordinances or regulations referenced herein, such as the Fire Prevention and Life Safety Codes, Property Maintenance Ordinance, Building Technical Codes, Environmental Health, Transportation, Water and Sewer regulations, shall be administered by the Directors or their designee of the Departments responsible for such ordinances or regulations, as established by the Board of Commissioners..

3.

That Title 1, Section 100-80.03 shall be amended as follows:

- 100-80.03 The Community Development Director shall have the authority to carry out all duties necessary to administer the UDO, including all duties otherwise delegated to the Divisions of the Department. In addition, the Director shall have the following authority:
- A. Prepare and maintain records of amendments to the UDO, and make the most recently adopted version available to the public within a reasonable length of time.
 - B. To approve and accept final subdivision plat revisions on behalf of Paulding County.
 - C. To make non-substantive changes to chapter sections not associated with the actual amendment after supplemental sections are inserted into the UDO. Said non-substantive changes being necessary to preserve the original meaning and intent of the UDO, shall not require Board of Commissioners approval. For example the Community Development Director may:
 1. Assign appropriate numbers to chapter and other sections to be inserted in the UDO and, where necessary to accommodate new material, change the existing Chapter or other Section numbers; and
 2. Correct typographic or grammatical errors as needed.

4.

That Title 1, Section 100-90.04 and 100-90.06 shall be amended as follows:

- 100-90.04 The County may charge a re-inspection fee separate and apart from the other fees collected for permits and inspections for those properties which fail an inspection of the Soil Erosion, Sedimentation and Pollution Control Ordinance at the fault of the developer and/or Building Technical Codes at the fault of the builder. Said schedule of fees for re-inspections as established from time-to-time by the Board of Commissioners.
- 100-90-06 Prior to approval of a Final Plat ~~or Certificate of Occupancy~~, the developer shall provide to the Community Development Department ~~such recording fees and~~ proof of recording of the final plat and tender of performance and/or maintenance bonds as shall be required by this UDO or established from time-to-time by the Board of Commissioners.

5.

That Title 2, Section 210-260 AB Agricultural Business District shall be amended as follows:

- 210-260.02 **Permitted Uses.**
Within the AB District, the following uses are permitted:
- A. Accessory Retail Sales and Services
 - B. Botanical Gardens
 - C. Breeders
 - D. Construction
 - E. Crop Production including those uses identified in NAICS Code [1119](#) (Ord. 23-07, 6/13/23)
 - F. Electric Vehicle Charging Stations
 - G. Farm Machinery and Equipment Repair and Maintenance Services
 - H. Forestry and Logging
 - I. Golf Courses
 - J. Greenhouse, Nursery, and Floriculture Production
 - K. Public Administration
 - L. Public Elementary and Secondary Schools, Junior Colleges, Colleges, Universities and Professional Schools, Business Schools, Computer and Management Training and Technical and Trade Schools
 - M. Public Utilities
 - N. ~~Riding Stables~~
 - ~~O.N.~~ Solar Power Electric Generation
 - ~~P.O.~~ Utilities, Private
- 210-260.03 **Special Exception Uses.**
Within the AB District, the following uses are permitted as a Special Exception provided specified conditions enumerated in [Section 230-30](#) are satisfied:
- A. Accessory Structures and Uses
 - B. Animal Production and Aquaculture (except Hog and Pig Farming)
 - C. Boarding Services, Pet
 - D. Breweries
 - E. Farm Wineries
 - F. Fuel storage for on-site use of vehicles and equipment
 - G. Kennels
 - H. Pharmaceutical and Medicine Manufacturing
 - I. Produce Stands, Temporary
 - J. Riding Stables
 - ~~J.K.~~ Sawmills
 - ~~K.L.~~ Scientific Research and Development Services (except any Biohazards)
 - ~~L.M.~~ Small Cell Wireless Facilities
 - ~~M.N.~~ Temporary Uses

6.

That Title 2, Section 230-30 shall be removed and replaced in its entirety as follows:

Section 230-30. Special Exception Uses.

A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to review and sign off by the Zoning Administrator or their designee that the site-specific requirements for maintaining such special exception use are met, and subject to special requirements, as set forth in the specific zoning district section. The Zoning Administrator or their designee shall maintain a written record of such review and -certification, which shall be a public record. A certification of Special Exception shall become null and void if no permit to construct the project has been issued within 12 months of the date of approval by the Zoning Administrator. A Special Exception use for which no permit is required shall become null and void if the use is not established and operational within 12 months of the date of approval by the Zoning Administrator. An extension may be requested by filing a written request with the Community

Development Department at least 30 days prior to certification expiration date. The written request shall include the reasons for the extension request, amount of time requested for extension and proposed project completion schedule based on the extension request.

230-30.01 Uses Which Require a Special Exception.

Accessory Structures and Uses (All Zoning Districts) provided:

1. They are located on the same lot or parcel of land as the principal building and customarily incidental to the permitted use;
2. No accessory building shall be constructed on a lot unless:
 - (a) construction on the main building has been actually commenced; or
 - (b) a building permit has been issued for the accessory building or use for the construction thereof; or
 - (c) the lot is three acres or larger on property zoned ER, R-1 or R-2.
3. All non-agricultural related accessory buildings, structures, and uses shall maintain a minimum setback of 10 feet from side or rear yard property lines or such larger setback as may be required or required buffer;
4. Accessory buildings, structures, or uses shall not be erected on or project into any required front yard setback;
5. Accessory buildings shall not be occupied by humans and may not be utilized for the operation of a home occupation from the accessory building; and
6. Accessory buildings shall not be placed in a manner which creates a fire hazard, impedes ingress/egress or a nuisance

Adult Day Centers (O-I, NB, B-1) provided all requirements of the Georgia Department of Community Health Rules and Regulations [Chapter 111-8-1](#) et seq as may be amended from time to time have been met.

Airport Operations (I-1, I-2) provided permission from the FAA is obtained.

Ambulance Service (R-2, O-I, NB, B-1, PSC, B-2) provided there is only one emergency vehicle on site.

Amenity Area (MHP) provided a minimum recreation area of 500 square feet for each lot in the manufactured home park is provided. Any recreation area so designated shall not be less than one acre in size.

Animal Production and Aquaculture excluding Hog and Pig Farming (A-1, AB) (Ord. 22-08, 5/25/22) provided:

1. Uses shall be located no less than 50 feet from the side and rear property lines and 100 feet from the front property line.
2. Fences for horses and cows are excluded from these setbacks, but are recommended to be setback off the property line by a minimum of three inches.
3. All animals except those generally recognized as household pets are kept in a structure, pen, or corral and not permitted to roam at large.

Animal Production and Aquaculture excluding Hog and Pig Farming (ER, R-1 and R-2) provided:

1. Uses shall be located no less than 200 feet from the side and rear property lines and 300 feet from the front property line.
2. Fences for horses and cows are excluded from these setbacks, but are recommended to be setback off the property line by a minimum of three inches.
3. All animals except those generally recognized as household pets are kept in a structure, pen, or corral and not permitted to roam at large. (Ord. 22-08, 5/25/22)

Appliance Repair and Maintenance (B-2) provided there is no outdoor storage.

Assisted Living Community (O-I, NB, B-1, B-2) provided all requirements of the Georgia Department of Community Health Rules and Regulations [Chapter 111-8-63](#) et seq, as may be amended from time to time, have been met.

Auto Broker Office (B-1, PSC, B-2) provided no vehicles for sale on site.

Automobile Auctions (I-1, I-2) provided that all vehicles for auction are licensed, tagged and operable.

Automotive Parts, Accessories and Tire Stores (B-1, PSC) provided there is no on-site repair.

Automotive Body, Paint and Interior Repair and Maintenance (B-1, PSC, B-2) provided:

1. All repair activity shall take place indoors.
2. They shall only operate with spray enclosures approved by the EPA and Georgia EPD.
3. Storage of vehicles shall be located to the rear of property and screened by a six-foot solid fence.

Backyard Chickens (ER, R-1, R-2) provided:

1. The backyard chickens shall not cause a nuisance, as defined by [Chapter 14](#) of the Code of Paulding County, Georgia Sections 14-10 and 14-11.
2. Backyard chickens are prohibited from slaughter and/or breeding purposes.
3. All backyard chickens must be housed in a coop no larger than 200 square feet in size that is enclosed on all sides including the top (tarps, plastic or similar covering are prohibited) and located in the community garden area.
4. Backyard chicken coops must meet the following building setback requirements from front, rear and side property lines:
 - (a) Front: 100 feet from public right-of-way, private drive or easement, and/or property line, including properties with multiple road/street frontages.
 - (b) Side/Rear: 45 feet from a property line
5. The coop must be located in the back/rear yard and be a minimum distance of 45 feet from the owner's residential dwelling.
6. Backyard chickens are not permitted to roam at-large or are allowed to be free-range.

7. There shall be a maximum of five backyard chickens allowed.

Beer, Wine and Distilled Spirits Retailers (B-1, B-2) in accordance with Chapter 6, [Article II](#) of the Code of Paulding County, Georgia. (Ord. 23-04, 3/14/23)

Boarding Services, Pet (A-1, B-1, PSC, B-2, AB) provided all outdoor runs, fences, and related buildings/structures shall be located no less than 200 feet from any property line.

Breweries and Distilleries (B-1, PSC, B-2, ECR, AB) in accordance with Chapter 6, [Article II](#) of the Code of Paulding County, Georgia and provided:

1. Minimum size of 3,000 square feet;
2. No outside storage, display or production;
3. Patios must have enclosures with a minimum fence height of 42 inches around the patio area; and
4. Only alcoholic beverages produced on the property may be served on site. (Ord. 23-04, 3/14/23)

Car Washes (B-1, PSC, B-2, I-1) provided:

1. The facility is tapped into public sanitary sewer; and
2. Grease, oil and sand interceptors shall be installed.
3. All new commercial conveyor car washes, permitted and constructed after January 1, 2011, must install operational recycled water systems. A minimum of 50% of water utilized will be recycled. (Ord. 23-04, 3/14/23)

Charitable Organization Collection Receptacles (NB, B-1, PSC, B-2) provided all requirements of O.C.G.A [§43-17-8.1](#) have been met.

Child Care Learning Center (LRO, O-I, NB, B-1, PSC, B-2) provided all requirements of the Georgia Department of Early Care and Learning Rules and Regulations [Chapter 591-1-1](#) et seq as may be amended from time to time have been met.

Civic and Social Organizations (LRO, O-1, NB, B-1, PSC, B-2, I-1) provided:

1. They are located on tracts of no less than two contiguous acres.
2. That any building for such proposed use(s) is located no less than 50 feet from front and rear property lines and 25 feet from the side property lines.
3. Sprinkler systems will be required if the projected occupancy load is 300 or more per the International Building Code, and

Commercial Uses permitted in B-1 General Business District (MPR) provided they do not comprise more than 15% of the overall development area acreage.

Common Storage Facility (MPR) provided:

1. Must not be located in a flood hazard area; and
2. Cannot be of a size exceeding 10,000 square feet for each 300 dwellings or prorated equivalent thereof; and
3. Must be located at least 100 feet from any arterial or collector road; and

4. Must be screened from view from any public road, provided that if existing vegetation is insufficient to screen the view of the storage facility from the road, additional landscaping shall be required.

Community Living Arrangements (A-1, ER, R-1, R-2, R-3, RD) provided:

1. They are located on a lot a minimum of three acres in size
2. No more than nine resident handicapped persons who are not:
 - (a) Mentally ill persons who are dangerous to others;
 - (b) Persons who are not handicapped persons, excluding supervisory personnel for the handicapped.
3. They meet applicable State, Federal, and/or County licensing and inspection requirements, including State Fire Marshal and/or County Fire Department approval.

Drive-in Motion Picture Theaters (B-2) provided:

1. The drive-in motion picture theater shall not cause a nuisance, as defined by Chapter 46, Article III of the Code of Paulding County.
2. Adult themed content rated R or NC-17 higher is prohibited.
3. The screen shall not be visible from the street or from any adjacent property.

Electric Vehicle Charging Station (All Zoning Districts) provided charging structures do not exceed 2,500 square feet

Electronics and Appliance Stores (B-1, PSC) provided selling retail only.

Emission Inspection Station (B-1, PSC, B-2, I-1) provided:

1. A Certificate of authorization as an emission inspection station authorized to carry out the emission inspections required by [O.C.G.A. §12-9-40 et al](#) has been issued by the Department of Natural Resources.
2. No repairs are conducted on-site.

Family Child Care Learning Home (A-1, ER, R-1, R-2, R-3, MPR, OSRD, RD, MHP) provided all requirements of Georgia Department of Early Care and Learning Rules and Regulations [290-2-3](#) et seq as may be amended have been met.

Farm Wineries (AB) in accordance with Chapter 6, [Article II](#) of the Code of Paulding County, Georgia.

Food Services and Drinking Places, excluding Bars (O-I) provided it is located within an office building.

Forestry and Logging (A-1, ER, R-1, R-2) provided:

1. The owner/developer shall use the recommended Best Management Practices (BMP's) as established by the Georgia Forestry Commission.
2. A 25-foot undisturbed buffer from any County road right-of-way (excluding driveways) shall be maintained.
3. A minimum 25-foot undisturbed stream bank buffer shall be maintained.
4. A minimum 50-foot by 25-foot pad of #3 stone shall be maintained at each access to a County road.

5. All requirements of [O.C.G.A §12-6-24](#) are met.

Fuel Pumps accessory to Supermarkets and/or General Merchandise Retailers (B-1, B-2) provided fuel pumps, canopies and services booth are located on the same property as the supermarket and/or general merchandise retailer. (Ord. 24-02, 02/13/24)

Fuel Storage for On-site use of Vehicles and Equipment (B-2, ECBP, B2CL, AML, I-1, I-2) provided:

1. They are located to the rear of the property; and
2. All requirements of the International Fire Code as may be amended are met.

Funeral Homes and Funeral Services (O-1, NB, B-1, PSC, B-2) provided:

1. All requirements of [O.C.G.A § 43-18-71](#) and [§ 43-18-72](#) have been met; and
2. A crematory may not be located within 1,000 feet of a residential subdivision platted and recorded in the Office of the Clerk of the Superior Court Paulding County, Georgia.

Garbage Collection Services (I-1, I-2) provided all requirements of the Rules and Regulations of the State of Georgia Chapter 391-3-4 have been met. (Ord. 23-07, 6/13/23)

General Merchandise Retailers (B-1) provided the gross floor area shall not exceed 10,000 square feet.

Greenhouse, Nursery and Floriculture Production (B-2, PSC, I-1) provided structures shall be located no closer than 50 feet to the side and rear property lines and 100 feet to the front property line.

Guest Houses (A-1, ER, R-1 and R-2) provided:

1. It is limited to one such structure per lot and will not include manufactured, mobile or modular structures; and
2. The minimum lot size requirement is two acres total for the primary residence and the guest house; and
3. It shall have a minimum heated floor area of 800 square feet; and
4. It shall have either sewer or an approved septic system; and
5. It shall be used by a bona fide non-paying guest or relative of the occupants of the principal residence, and shall not be rented or leased; and
6. It shall not be sold as a separate unit from the principal residence; and
7. Off-street parking shall be provided in accordance with this [Chapter 260](#) of the UDO; and
8. All applicable building, electrical, HVAC, plumbing, and septic permits shall be obtained after approval of the Special Exception Use. (Ord. 22-08, 5/25/22)

Hardware Retailers (NB, B-1) provided the gross floor area shall not exceed 15,000 square feet total with 5,000 square feet of covered outside storage.

Home Occupations (A-1, ER, R-1, R-2, R-3, MPR, OSRD, RD, MHP, R-55) provided:

1. No more than one room of the dwelling may be used for the home office. The home office shall not occupy more than 25% of the gross floor area of

the dwelling;

2. The appearance of the dwelling shall not be altered or the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, vibrations, or other conditions that carry beyond the premises;
3. The use shall not be visibly evident from outside the dwelling;
4. The use shall not generate nuisances such as on-street parking, electrical interference, hazards, noise, or other nuisances;
5. Traffic generation for the dwelling with a home office shall not exceed that normally generated without a home office;
6. ~~The use shall not include any business which involves the sale, manufacture, or repair of merchandise on the premises or the storage of inventory, raw materials, or other materials to be used in the business. This does not apply to a mail order type business which has no on-site customers;~~
7. The use shall include no more than two clients per hour frequenting the services of the home office; however, during peak seasons (for example tax season for accountants), up to four clients per hour are permitted;
8. The use shall not involve any outside operations or outside storage or display of products or materials;
9. Only residents of the dwelling may be employed in the home office, except one incidental employee other than a resident of the dwelling is permitted;
10. One business vehicle is permitted. The vehicle shall be no larger in size than a pick-up truck, panel truck, or van, and is limited in size to one-ton carrying capacity. No other larger business vehicles or equipment are permitted (such as tractor trailers, semi-trucks, or heavy equipment); and
11. Pickups from and deliveries to the site in regard to the business shall be limited to vehicles having no more than two axles and shall be restricted to no more than two pickups or deliveries per day.

Kennels (A-1, AB) provided all outdoor runs, fences, and related buildings/structures shall be located no less than 200 feet from any property line.

Massage Therapy (B-1, PSC, B-2) provided all requirements of [O.C.G.A. § 43-24A-1](#) et seq as may be amended have been met.

Millwork (I-1, I-2) provided any outdoor storage is screened from view by a solid opaque wall or existing natural screen at least eight feet in height. (Ord. 23-07, 6/13/23)

Nursing Homes (O-I, B-1, PSC, B-2) in accordance with the Rules prescribed by the Georgia Department of Community Health [Chapter 111-8](#) et seq as may be amended.

Personal Care Homes (A-1, LRO, O-1) in accordance with the Rules prescribed by the Georgia Department of Community Health [Chapter 111-8](#) et seq as may be amended.

Private Elementary and Secondary Schools, Junior Colleges, Colleges, Universities and Professional Schools, Business Schools and Computer and Management Training and Technical and Trade Schools (LRO, O-I, NB, B-1, PSC, B-2, I-1) provided they are less than two acres.

Produce Stands, Temporary (A-1, AB) provided products are raised on the premises.

Recreational Buildings (A-1, ER, R-1, R-2) provided:

1. They are located on properties larger than 25 acres;
2. Are additional to other permitted structures on the property;
3. The building has a water and sewage/septic system;
4. The building receives a valid Certificate of Occupancy;
5. Is subject to a minimum setback of 150 feet from all adjacent property lines;
and
6. Shall not be utilized for the operation of a business nor shall it be occupied as a permanent residence.

Recycling Centers (B-1, PSC, B-2) provided:

1. The recycling collection location shall not cause a nuisance, as defined by Chapter 40, [Article II](#) of the Code of Paulding County, Georgia.
2. All recycling collection locations shall be no larger than 100 square feet in size, are enclosed on all sides including the top and are emptied on a regular basis.
3. Recycling collection location must meet the following building setback requirements:
 - (a) Front: 100 feet from public right-of-way, private drive or easement, and/or property line, including properties with multiple frontages
 - (b) Side/Rear: 45 feet from a property line.
4. The recycling collection location must be located in the back/rear yard.
5. There shall be a maximum of one recycling collection location per lot.

Religious Organizations with attendant Educational and Recreational Buildings and Cemeteries (A-1,ER, R-1, R-2, R-3, MPR, OSRD, RD, MHP, LRO, O-I, NB, B-1, PSC, B-2) provided:

1. They are located on tracts of no less than two contiguous acres.
2. That any building for such proposed use(s) is located no less than 50 feet from front and rear property lines and 25 feet from the side property lines.
3. Sprinkler systems will be required if the projected occupancy load is 300 or more per the International Building Code, and

Rental and Leasing Services (Non-automotive) (O-I, NB, B-1, PSC, B-2) provided the storage of equipment areas are enclosed within a solid wall or fence at least six feet in height.

Residential Build-To-Rent (R-3) provided:

1. A Management Company shall manage any Residential Build-To-Rent community based from a staffed, on-site office with standard business hours of at least 9:00 am to 5:00 pm, Monday through Friday.

2. Any Residential Build-To-Rent community must dedicate at least 5% of the gross land area for an amenity area, including one of the following features: clubhouse, garden, park, playground, pool area or recreation facilities.
3. All Residential Build-To-Rent communities may only use the following materials on the façades of units: brick, cast stone, concrete siding, natural wood or stone.
4. Each unit within a Residential Build-To-Rent community must have individual connections to utilities with individual service accounts, including but not limited to electricity, water/sewer, telephone, natural gas, and services for solid waste/recycling.

Riding Stables (AB) provided they are located on properties 5 acres or larger.

Sawmills (I-2, AB) provided any such use is screened from view by a solid opaque wall or existing natural screen at least eight feet in height.

Sexually Oriented Businesses (I-1, I-2) in accordance with Chapter 10, [Article II](#) of the Code of Paulding County, Georgia.

Shared Workspaces/Co-working Spaces, excluding Sexually Oriented Businesses, with limited food and beverage sales (LRO, O-I, NB, B-1, B-2, ECR, ECBP) provided the food and beverage sales comprises no more than 15% of gross floor space.

Small Cell Wireless Facilities (All Zoning Districts) in accordance with [Chapter 710](#) of the UDO.

Specialty Food Retailers (NB) provided the gross floor area shall not exceed 15,000 square feet. (Ord. 24-02, 02/23/24)

Sporting Goods, Hobby, Musical Instrument and Book Retailers (NB) provided the gross floor area shall not exceed 3,000 square feet.

Supermarket and other Grocery Retailers (NB) provided the gross floor area shall not exceed 15,000 square feet. (Ord. 24-02, 02/23/24)

Temporary Impound Lots (I-1) provided:

1. The entire lot is surrounded by a 25 foot buffer and solid opaque six foot fence surrounding the entire use; and
2. No impounded vehicles shall remain on the premises more than 90 days.

Temporary Uses (A-1, B-1) in accordance with [Chapter 270](#) of the UDO.

Townhouse Dwellings, including Residential Industrialized Buildings, with a minimum 1,400 square feet of heated living area (MPR) provided they do not comprise more than 10% of the overall area acreage.

Truck (greater than 1.5 tons) Repair Shops (I-1) provided:

1. All repair activity shall take place indoors.
2. They shall only operate with spray enclosures approved by the EPA and Georgia EPD.
3. Storage of trucks shall be located to the rear of the property and screened by a six-foot solid opaque fence.

Wild and Exotic Animals, Raising (A-1) in accordance with Chapter 14, [Article II, Division 3](#) of the Code of Paulding County, Georgia.

That Title 2, Chapter 280 shall be amended as follows:

The Sections previously listed as Section 280-50 through 280-90 shall be stricken in their entirety and Section 280-50 through 280-70 marked as Reserved and the following be added as follows:

Section 280-80. Decision by Board of Commissioners

280-80.01

Procedure.

The Board of Commissioners shall address the applications at its meeting scheduled for the second Tuesday of the month or as otherwise provided by the Code of Paulding County, Georgia and may approve, deny, reduce the land area for which the application is made, change the zoning classification, district or category requested, either to the one(s) sought or to other constitutionally permissible classification(s) which may not necessarily be an intervening classification, add or delete conditions of the application, including but not limited to site-specific conditions, variances to zoning regulations, or allow an application to be withdrawn without prejudice with respect to the 12-month limitation of this Section the applications using the same standards and criteria as set forth herein.

280-80.02

Tabling.

An action by the Board of Commissioners to table the application shall include a statement of the date and time of the next meeting at which the application(s) will be considered, which shall constitute public notice of the hearing on the application(s) and no further notice shall be required.

280-80.03

Re-Application after Denial.

If an application for a rezoning is denied, no re-application shall be allowed until 12 months have passed from the date of final decision by the Board of Commissioners.

Section 280-90. Appeals from Decisions of the Board of Commissioners.

280-90.01

Procedure.

Appeals from a decision of the Board of Commissioners issued under this Ordinance shall be brought as follows:

- A. Appeals of zoning decisions (legislative), as that term is defined by O.C.G.A. § 36-66-3(4)(A, B, C, D, and F), shall be brought by way of a petition for review in the Superior Court of Paulding County in accordance with O.C.G.A. §§ 36-66-5.1(a)(1) and 5-3-5(b).
- B. Appeals of the grant or denial of a special use permit, land use permit, or medical hardships (quasi-judicial) shall be brought by way of a petition for review in the Superior Court of Paulding County in accordance with O.C.G.A. §§ 36-66-5.1(a)(2) and 5-3-5(a).

280-90.02

Petition for Review.

The Community Development Director shall have the authority to approve or issue any form or certificate necessary to perfect a petition for review from a decision of the Board of Commissioners.

280-90.03

Service.

The County Clerk is authorized to accept service of a petition for review on behalf of the Board of Commissioners during normal business hours at the offices of the Board of Commissioners.

280-90.4

Transcripts.

In the event of a filing of a petition for review, and in accordance with the provisions of O.C.G.A. § 5-3-14, a transcript of the proceedings before the Planning Commission and the Board of Commissioners shall be prepared by a court reporter using the video/audio or audio recording of the proceedings. Upon completion of the transcript, and certification of the relevant portions by the Chairman of the Planning Commission and the Chairman of the Board of Commissioners, the transcript shall become part

of the record of the lower adjudicatory and forwarded to the reviewing court along with the remainder of the record.

280-90.05

Expenses.

Except as otherwise provided by law O.C.G.A. 5-13-16, the expense of preparing the transcript and other costs for preparing record shall be borne by the petitioner and shall be paid within 30 days after receiving notice of costs from the Community Development Director. Within five days of payment of such costs, the Community Development Director shall sign and issue to the petitioner a certificate of payment of costs.

Section 280-100. Site Plan Amendment.

Any proposed amendments to the site plan(s) specifically approved in conjunction with final approval by the Board of Commissioners are subject to the following requirements.

280-100.01

Different Use Proposed.

At the time the site is developed, if the submitted site plan reflects a proposed use which is an allowable use within the specified zoning district, but differs from that site plan specifically approved by the Board of Commissioners at the time of the rezoning action, then the changed site plan shall be reviewed again by all applicable county departments, as well as, applicable state and/or federal agencies.

280-100.02

Significant Site Plan Changes.

At the time the site is developed, if the submitted site plan deviates significantly, as determined by county staff, from the site plan which was specifically approved by the Board of Commissioners at the time of the rezoning action, then the changed site plan shall be reviewed by all applicable County Departments, as well as, applicable state and/or federal agencies.

280-100.03

Board of Commissioners Approval.

The Board of Commissioners upon recommendation of the Planning Commission is authorized to make final approval or disapproval of the amended site plan referred to above. Proposed changes to the site plans specifically approved by the Board of Commissioners shall be considered in accordance with the procedures, notifications, and hearing requirements of this Chapter.

Section 280-110. Reversion Standards for Amendments.

280-110.01

Purpose and Intent.

Any amendment, whether a rezoning, special use permit, or land use permit requires a public hearing process. The public hearing process provides the opportunity and forum for citizens, affected landowners, and the general public to review and speak to public hearing cases. The participation by the public in the public hearing process provides valuable input in the outcome of cases and is a vital part of the decision-making process. The public should be confident that a project approved through the public hearing process will be completed as represented and approved unless otherwise properly amended or modified. Transparency with the decisions rendered by the Planning Commission and Board of Commissioners is essential, so that the public hearing process has integrity and dependability.

Once an amendment is approved, the applicant should diligently pursue the improvements associated with the granting of an amendment through completion. If improvements cannot be completed as approved, an applicant should submit another request and pursue the public hearing process again or seek additional remedies available under the UDO. Inaction or the lack of productivity over time begins to cast doubt on both the integrity of the public hearing process as well as the proposal submitted by the applicant and considered by the Board of Commissioners to gain the approval.

At the same time, once approved by Board of Commissioners, applicants must be able to depend on amendments as they pursue projects. Applicants need reasonable flexibility to meet consumer demand and adjust to market forces. Additionally, applicants face a host of challenges to complete projects including but not limited to delays created by regulatory factors, transactions, weather, utility relocations, and other extenuating circumstances. Applicants should be afforded the opportunity to develop realistic schedules that meet project needs with the ability to adjust these schedules and request additional time to complete projects as conditions warrant.

Therefore, these regulations set forth in this Section are intended:

- A. To balance the needs of development with the transparency and integrity demanded by the public hearing process;
- B. To provide for reversion standards for amendments including the process for requesting and granting extensions;
- C. To mitigate land speculation at the expense of the general public;
- D. To establish the timing of projects in accordance with a set schedule decided and agreed upon by the applicant and the Board of Commissioners;
- E. To ensure an approved amendment continues to be consistent with the adopted Comprehensive Plan and current land development codes of the County;
- F. To provide general requirements setting forth the length of time an amendment remains valid;
- G. To provide for notice, transparency, flexibility, and due process for applicants as they pursue projects enabled by amendments;
- H. To set forth an overall framework of project delivery and execution with a project or use approved with an amendment for the benefit of the applicant, the citizens, and the general public.

280-110.02 **Amendment Types – Expiration.**
Zoning Amendments and Special Use Permits initiated by the property owner shall expire in accordance with this Section.

280-110.03 **Reversion of Amendments.**

- A. Amendment Completion Schedule. Commencing on or after March 8, 2022, the Board of Commissioners may approve an amendment conditioned upon the completion of a project schedule proposed by the applicant. The project schedule shall be adopted upon with the approval of an amendment and include a project commencement date, substantial progress date, and completion date. The project must achieve substantial progress by the date indicated or the amendment will expire and revert in accordance with provisions of this Section. The applicant may request an extension from Board of Commissioners in accordance with Section 280-100.03.E.
- B. Amendment Term. In the absence of an amendment completion schedule, amendments shall expire according to the following provisions:
 - 1. Commencement. A project must be commenced as evidenced by a current valid permit for construction within three years or receive a Certificate of Occupancy within

three years from the date of amendment approval by the Board of Commissioners, whichever is sooner, otherwise the amendment shall expire. The applicant may request a time extension from Board of Commissioners in accordance with Section 280-100.03.E.

2. Substantial Progress. Once a project has commenced by obtaining a valid permit for construction upon passage, the applicant has 12 months to achieve substantial progress, in accordance with the approved project plans or the amendment shall expire. The applicant may request a time extension from Board of Commissioners in accordance with Section 280-100.03.E.
- C. Reversion Process. Absent full reinstatement as defined in Section 280-100.03.D below or extension as defined in Section 280-100.03.E, upon the concurrence of the failure to meet the timing of commencement of project described in Section 280-100.03.B.1, obtaining a valid construction permit, obtaining a certificate of occupancy, or obtaining substantial progress as described in Section 280-100.03.B.2, the amendment shall automatically be reverted to its original zoned classification and conditions. Should the Director determined that the original zoned classification be incapable of being returned to a constitutionally permissible classification, then the Director shall provide notice to the applicant and former property owner and shall contemporaneously file a request with the Planning Commission to request advertisement and notice to commence rezoning of the parcel which shall be accomplished in accordance with the process prescribed in Chapter 280.
- D. Reinstatement. From the date the amendment expires until the reversion is approved by Board of Commissioners, an applicant may request the reinstatement of an amendment and an extension to complete the project, if submitted in accordance with Section 280-100.03.E. Any reversion shall be tolled until the date the Board of Commissioners renders a decision on the request.
- E. Extension Request Process; Standards. To avoid reversion, one or more extension(s) of time may be requested by filing a written request with the Community Development Department at least 30 days prior to an amendment expiration date. The written request shall include the reasons for the extension request, amount of time requested for the extension, proposed project completion schedule based on the extension request, and the payment of a fee set by resolution of the Board of Commissioners.

An extension may be granted by the Board of Commissioners. In deciding to extend an amendment, the Board of Commissioners may consider any of the following standards:

1. The applicant can document a significant monetary investment in the project to date;
2. The applicant can demonstrate reasonable progress to date on the completion of the project;

3. The applicant has proceeded with due diligence and in good faith to complete the project and conditions have not changed substantially so as to warrant a new application;
 4. Extenuating circumstances exist including but not limited to documented delays caused by weather, health, utilities, approvals from other governmental agencies, and local or national emergencies;
 5. Performance by the applicant in the past to complete projects and the number of extensions previously requested.
- F. Granting of Right-of-Way. As approved by Board of Commissioners on a case-by-case basis, whenever an applicant consents as a condition to the granting of an amendment to the conveyance of additional right-of-way to the County, such conveyance shall be completed within 12 months of the approval of the amendment at the applicant's expense; failure to complete conveyance to the County shall cause the immediate reversion of the amendment on any such parcel to its previous zoning classification.

280-110.04 Special Use Permits – Performance.

An approved Special Use Permit shall become null and void if no building permit to construct the project has been issued within 12 months of the date of approval by the Board of Commissioners. A Special Use Permit for which no building permit is required shall become null and void if the use is not established and operational with an Occupation Tax Certificate issued by the County within 12 months of the date of approval by the Board of Commissioners. An extension may be requested in accordance with Section 280-80.03.E.

Section 280-120. Plan Review Standards.

All site plans for projects that have gone through the rezoning process are subject to the plan review standards established by the Code of Ordinance of Paulding County, Georgia and this UDO. (Ord. 23-07, 06/13/23)

8.

That Appendix, Section 1-20 shall be amended as follows:

By Striking the current Section 1-20 in its entirety and replacing with the following:

Section 1-20. PRD Planned Residential Development District.

The Planned Residential Development District is a district that promotes the proper use of larger tracts of land in a flexible, innovative, and creative concept. This district encourages the preservation of the natural amenities of the land, and provides a stable residential environment as it plans for an efficient use of the land by comprehensive and detailed use for streets, utilities, and building sites. These plans shall also include specific areas dedicated for open space use with the appropriate covenants to insure permanent maintenance of said areas. In addition, plans for approval by the governing authority shall require the provision of a central sewage disposal system as approved by county and state authorities. Major deviation from these detailed plans have to be re-submitted to the governing authority for approval.

A Planned Development District must consist of a minimum of 50 contiguous acres of land with at least 10 percent of the total area designated for open space or public use. These areas shall be defined and delineated on specific site plans with

appropriate deed covenants to insure that the plans are adhered to. 50% of said open space must be located outside a floodplain and remain pervious and undisturbed as defined by the County.

The required open space shall be developed and landscaped by the developer in accordance with an approved landscaping plan.

Individual lot and dwelling sizes are to be approved when specific plans are submitted to the governing authority, with the provision that the maximum number of dwelling units per gross acre in a PRD shall not exceed 3.0 units. This allows for a more efficient lot layout in respect to the natural features of the property.

1-20.01

Purpose.

The PRD District is a residential district that provides for the proper development of larger tracts of land in a coordinated, well planned manner. The features of this district include the following:

- A. Efficient land utilization
- B. Innovative design
- C. Provides a stable residential environment
- D. Preserves and protects natural and environmentally sensitive areas
- E. Encourages the use of open space and recreation areas
- F. Provides for a plan of development that is compatible with adjacent and nearby properties
- G. Insures compliance of objectives by the inclusion of protective deed covenants

1-20.02

Guidelines for Review.

The review of the planned residential district shall consider the following general intentions, objectives, and purpose prior to approval by the governing authority:

- A. Whether the development will be compatible with the topography, hydrology and other natural features of the land, and whether any unusual topographic or other natural features will be affected.
- B. Whether the character, design and layout of the proposed uses will be adequate and appropriate to encourage a desirable living environment.
- C. Whether the development will adversely affect any adjacent properties.
- D. Whether the development will be able to preserve the natural amenities of streams, wooded areas, wetlands, and other similar features.
- E. Whether the existing and or proposed streets, utilities, and other public services are adequate to serve the development.
- F. Whether protective deed covenants are established to provide for the perpetual maintenance, security, and the continuation of dedicated area.

1-20.03

Types of Permitted Uses.

The planned residential district is a planned district that permits uses that are primarily residential in character and shall consist of single-family detached dwelling units and single-family detached senior living residential dwelling units with customary home occupations and appropriate accessory uses and structures, and limited recreational uses, as approved by the governing authority.

1-20.04

Minimum Site Area.

The minimum site area shall be restricted to no less than 50 contiguous acres developed under one coordinated plan.

1-20.05

Gross Density.

The maximum number of dwelling units per gross acre in a PRD shall not exceed 3.0 units.

1-20.06

Ownership.

The PRD site shall be under single ownership and a unified control until developed in accordance with an approved plan. If the common open space is to be deeded to a homeowner's association, the developer shall file a declaration of covenants and restrictions that will govern the association and the association must be established prior to selling any of the homes. The association must be mandatory for each homeowner and they must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

1-20.07

Application for Approval of a Planned Residential Development¹.

An application for a PRD shall be submitted on forms provided by the Community Development Department Planning and Zoning Division as provided for in the UDO, and shall be advertised in the same manner as applications for rezoning. Public hearings will be held in the same manner as applications for rezoning are conducted. All applications shall be accompanied by an application fee as established by the Board of Commissioners.

The application shall be supported by a written statement of intent and a site development plan. At the time of construction, a more detailed site development plan shall be provided consistent with plan review standards established by the County.

1-20.08

Site Development Plan.

At the time of application for PRD¹, the site development plan shall contain the following:

- A. A general location map indicating existing zoning on the site, adjoining roads, and the adjacent areas
- B. Proposed land uses for the site and the acreage to be devoted to each land use category
- C. Surveyed boundaries, prepared by a registered surveyor, of the entire tract and its relationship to adjoining properties and public right-of-way
- D. Standard lot layout design
- E. General street layout configuration.
- F. A fifteen foot (15') undisturbed buffer area on the perimeter of the property shall be indicated, and a landscape plan as applicable.
- G. Existing topographic condition with contour intervals of ten feet (10') or less; areas that have slopes greater than fifteen percent (15%) shall be identified.
- H. Location of any streams, lakes, swamps, wetlands, and the boundary and elevation of the 100-year flood plain if applicable, shall be identified.
- I. Locations of parks or common open space, tree areas to be retained or added, and other open spaces. Designation of all land to be reserved or dedicated for public use or used as a planned recreational area.
- J. A report setting forth the proposed development schedule, indicating sequence of development of these various sections thereof and the approximate time period required for completion of each phase. A soil erosion plan prepared by a registered

engineer or soil scientist indicating all of the techniques that will be employed during construction must be provided prior to land disturbance.

- K. The minimum lot size for building lots in the development shall not be less than 12,000 square feet, and the minimum house size shall be not less than 1,400 square feet of heated area. However, the minimum lot size may be reduced to 8,000 square feet with a minimum house size of 1,600 square feet of heated area.
- L. A note regarding the provision for sidewalks on one side of all streets.

1-20.09

Building Design.

Craftsman, traditional or any other standard architectural style may be utilized throughout a PRD development. Homes shall be constructed with brick, stone or masonry siding. Brick and/or stone shall constitute no less than 70 percent (house front and sides) of the materials used with accents of masonry horizontal, vertical or shake and shingle siding for each building elevation. Homes must incorporate the design standards listed below:

- A. Covered front porch, including but not limited to covered entry; and
- B. Front stoops and/or steps made of rock, brick or other material as approved by the Community Development Department; and
- C. Hip, gable and/or shed roof lines including minimum 12 inch eaves on all sides; and
- D. The front elevation must include roof pitches of 8:12 or greater, main body roof must be 6:12 or greater; and
- E. Side entry garage.

Color elevations of front, sides and rear of all typical units, including proposed exterior building materials, building heights and any other structures shall be submitted to the Community Development Department to be reviewed for compliance prior to issuance of building permits.

1-20.10

Buffer Requirement.

All PRD developments shall include the following minimum buffers:

- A. A minimum 25-foot undisturbed or planted buffer must be provided along the perimeter of any subdivision development or else otherwise approved by the Community Development Director for necessary intrusions such as required infrastructure, storm water management and/or future street connectivity points. The buffer shall conform to requirements of Section 240-140 of this UDO.
- B. A 20 ft. wide, "no access" easement shall be required along the right of way of arterial and collector streets. (State or County Roads, Parkways, Boulevards excluding subdivision streets) The easement shall provide for utilities, slopes and drainage and shall be continuous except for the intersection with another public street. The "no access" easement shall contain a minimum 10 ft. deep landscape strip along the edge of the easement that is abutting residential lots. The landscape strip shall be continuous except for 35 ft. wide clear zones adjacent to the right of way of each intersecting street in order to maintain visibility at intersections.

1-20.11

Landscape Requirement.

All PRD developments shall include a minimum of two trees planted in the yard of each unit. The trees shall be a minimum two-inch caliper DBH when planted.

1-20.12

All PRD developments shall be constructed in accordance with the Development Regulations of Paulding County, but also must include the following amenities:

- A. Underground Utilities;
- B. Street Lights;
- C. Sidewalks on at least one side of each residential street and entrance drive as set forth herein above;
- D. Permanent Entrance Monuments made of all-weather material with associated landscaping;
- E. A minimum of a two (2) Car Garage per dwelling unit.

1-20.13

In the event that a PRD is submitted for review by the County and that PRD development contains a commercial component as part of the overall development concept and the commercial component is a minimum of 25% of the overall acreage of the project, then the development may be considered a PRD-Commercial Concept Development and the following shall apply:

- A. The total development must consist of a minimum of 50 contiguous acres of land.
- B. Gross density. The maximum number of dwelling units per gross acre in a PRD shall not exceed 3.0 units; provided however, that gross density in a PRD-Commercial Concept Development may be calculated by using the entire acreage of the concept development including the commercial component. This provision ensures the overall residential density of the total development will not exceed the 3.0 units per acre at any time and the commercial portion shall not be the subject of a residential rezoning in violation of the 3.0 units per acre density allowed.
- C. The greenspace requirement of a standard PRD zoning is not applicable to a PRD-Commercial Concept Development applied for under subsection 11 herein.
- D. All other requirements with regard to a standard PRD, including, but not limited to minimum square footage for lots and heated area of homes, site plan requirements, and landscaping shall apply.

1-20.14

Senior Living Detached Residential Dwellings in PRD's.
Purpose

Senior Living pods and/or phases are allowed to be developed in PRD Districts and must meet the following standards. The senior living pods and/or phases must be developed as an incorporated part of the overall PRD. Individually designated single-family dwelling units are not allowed within pods or phases approved for other types of PRD permitted uses.

The senior living pods/phases are designed to serve the housing needs of adults who are 55 years of age or older. It is recommended that these pods/phases be located in areas that facilitate pedestrian access to nearby commercial goods and services, and/or amenities/cultural facilities. These areas are intended to function as communities with parks and open spaces. At least 80% of the occupied units shall be occupied by at least one person who is 55

years of age or older. The other 20% is not intended as a set aside for younger residents, and efforts should be made to minimize the number of units that do not meet this requirement.

The maximum area within a PRD allowed for a Senior Living component is 25% of the total site acreage. Other PRD standards, not specified in this Section shall apply.

The following design standards shall apply to all Senior Living components of PRD's:

Site and Architectural Design Standards

- A. All grassed areas shall be sodded; excluding natural and landscaped areas;
- B. All dwellings shall contain single car garages, at a minimum, which may be attached or detached. All units with front loaded garages shall have garage faces with decorative design treatments to enhance their appearances, (i.e. carriage style doors, windows inserts, etc.);
- C. Provide four foot wide sidewalks and street trees adjacent to both sides of interior streets or private driveways;
- D. A four foot wide walkway, constructed of concrete or decorative pavers, shall extend from the sidewalk to the steps, stoop, or porch of all homes;
- E. There shall be no open space requirement for developments of senior living pods/phases that is in addition to the overall PRD; and
- F. Streetlights within the subdivision shall be located a minimum of 200 feet apart on average.

Building Design Standards.

- A. Homes shall be constructed of traditional design with brick, stone, masonry horizontal siding, and masonry shakes/shingles. Brick and/or stone shall constitute no less than 70 percent (house front and sides) of the materials used. With accents of masonry siding or shakes/shingles for each building elevation; building standards must incorporate at least five (5) the following building standards:
 - 1. Dormers
 - 2. Bay or bow windows
 - 3. Garage setback at least two feet behind the façade of the principal structure
 - 4. Covered porch entry (covered front porch)
 - 5. Transoms or sidelights
 - 6. Off-sets on building face or roof (minimum two feet)
 - 7. A roof with a pitch greater than 8:12 and a minimum overhang of 12 inches on all sides
 - 8. Columns, pillars or posts on façade
 - 9. Arched or Palladian windows
 - 10. Hip or gable roof lines
 - 11. Front stoops and/or steps made of rock, brick, marble or other material as approved by the Community Development Department
- B. All dwellings shall incorporate accessibility standards which shall include the following:
 - 1. A step-free feature to at least one entrance of the unit

2. 36-inch wide, clear passage doorways throughout the unit
3. Wheelchair, step-free access to the following areas, at a minimum: kitchen; dining area; entertainment area (e.g. living room/den, great room, etc.); at least one bedroom; at least one full bathroom; and laundry room with washer/dryer connection
4. The installation of full sheets of ¾-inch plywood, blocking and/or its equivalent in all bathrooms to allow for future installation, if necessary, of grab bars

Mandatory Homeowner's Association Required.

The mandatory homeowner's association requirement for PRD's shall also apply to the Senior Living components of a PRD. The homeowner's association shall provide for building and grounds maintenance and repair, insurance and working capital. Said association shall publish and adhere to policies and procedures that demonstrate that the planned residential community has senior living pods/phases that are intended to provide housing for persons 55 years of age and older including maintaining surveys or affidavits verifying compliance with 55 years of age and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)(c) of the federal Fair Housing Act and implementing regulations. Said association shall provide an affirmative declaration to be governed by the "Georgia Property Owners' Association Act" (POA) and the applicable provisions of O.C.G.A. §44-3-220 Et. Seq. Said association shall also include declarations and bylaws including rules and regulations, which shall at a minimum, regulate and control the following within the Senior Living pod/phases of the PRD:

- A. Restriction on homes being occupied, at least 80% of the occupied units must be occupied by at least one resident who is age 55 years of age or older. The other 20% is not intended as a set aside for younger residents and efforts should be made to minimize the number of units that do not meet this requirements.
- B. Restrictions on persons under 18 years of age permanently residing in the senior living component. Permanently residing in the senior living component shall mean longer the 90 consecutive days in any 180-day period or establishing residency as defined by state or local law. However, the HOA shall provide for a hardship provision allowing for an owner/occupant to house and care for a child less than 18 years of age in situations where the owner/occupant assumes responsibility for caring for the child due to urgent circumstances stemming from actions not under the owner/occupant's control. The association may, but is not required to, allow for hardship exceptions to the requirement.
- C. Restrictions on single-family residential use only and leasing of units. No more that 5% of the total units may be leased by individual owners at any one time;
- D. Except for a central amenity package designed for senior living, prohibit playground equipment, trampolines or like fixtures; Amenities designed for senior living shall be incorporated in the senior living component and may include the following: Indoor lap pool, outdoor pool, health and fitness center, aerobic studio, amphitheater, and card and billiards rooms, tennis courts and walking trails, etc.
- E. The HOA shall also provide that the covenants automatically renew at the end of the 20 year term, unless 100% of the owners at that time vote that the covenants should not renew; and
- F. The HOA and/or community management association for the HOA shall give written notice to any grantee of the restrictions

covered in this zoning at or before any sale or transfer of any property.

Covenants and Restrictions.

Legally binding covenants and/or deed restriction that run with the land shall apply to all dedicated senior living pods/phases/areas/lots within a PRD that will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to the property. The grantor must state in any deed or instrument conveying title to an approved senior living housing unit, that the property conveyed is intended to be housing for older persons and is subject to the restrictions contained in this Section. No covenant referencing any of the regulations or restrictions herein for housing for older persons housing unit shall be recorded until and unless said covenant contains restrictions approved by the Planning and Zoning Division that are consistent with the requirements of this Section. Such review and response shall be completed within thirty (30) calendar days following date of submission of such documents to the Planning and Zoning Division.

The Planning and Zoning Division shall publish and the County shall adhere to policies and procedures that demonstrate that communities in approved senior living components of a PRD are intended to provide housing for persons 55 years of age and older including maintaining surveys or affidavits verifying compliance with 55 years of age and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)(c) of federal Fair Housing Act and implementing regulations.

Area, Dimensional and Design Standards

A. A landscape strip shall be provided on the property as follows:

1. Minimum two foot wide landscape strip is required adjacent to the curb on both sides of all streets and shall be subject to the following:
 - (a) Landscape strips along local streets shall be planted with sod and may include a variety of low, hardy shrubbery and flowering plants with mulched beds. Areas of exposed earth shall not be allowed.
 - (b) All landscape materials required by the UDO shall be maintained by the property owner or property owner's association. Such maintenance shall keep landscape materials healthy, neat and orderly in appearance and free of litter and debris.
2. All dwellings shall have a minimum 1,800 square feet (1,400 heated space)
3. All dwellings shall be limited to single story; however, bonus rooms over garages and/or basements shall be allowed (excludes windowed basements due to topography)
4. Within the senior living component of a PRD, the following requirements shall be met:
 - (a) Maximum density: Five units per acre; however, the number of housing units and required greenspace approved for the overall PRD shall be maintained
 - (b) Minimum Lot Area: 6,000 square feet
 - (c) Minimum Lot Width: 50 feet
 - (d) Maximum Height of Building: 35 feet

- (e) Minimum Front Yard: 15 feet from right-of-way line, including any porches; front entrance carports or garages must be 25 feet from right-of-way line
- (f) Minimum Side Yard: Five feet, with a minimum of at least 15 feet between buildings; and side yards adjacent to a street must be a minimum 25 feet from right-of-way line
- (g) Minimum Rear Yard: 20 feet
- (h) Any Senior living pod/phase/area of a PRD that abuts a low density residential use zoning district (2.5 units per acre or less) shall be set back a minimum of 25 feet from said property line
- (i) The minimum 15 feet perimeter buffer shall be also required for the senior living component of PRD

¹Commencing August 28, 2018, no new applications for rezoning to the PRD Planned Residential Development district will be accepted by the Board of Commissioners.

9.

These amendments to the UDO shall be effective upon passage.

10.

The sections, subsections, paragraphs, sentences, clauses and phrases of this UDO are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this UDO.

11.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

All other aspects of the Code of Ordinances of Paulding County, Georgia shall remain in full force and effect.

SO ORDAINED THIS 9th DAY OF April, 2024.

VOTE ON ORDINANCE

	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Chairman David L. Carmichael	<u>✓</u>	<u> </u>	<u> </u>
Post 1 Keith Dunn	<u>✓</u>	<u> </u>	<u> </u>
Post 2 Sandy Kaecher	<u>✓</u>	<u> </u>	<u> </u>
Post 3 Virginia Galloway	<u>✓</u>	<u> </u>	<u> </u>
Post 4 Vacant	<u> </u>	<u> </u>	<u> </u>

ATTEST:
Rebecca Meidell
Clerk, Paulding County Board of Commissioners

