

## **ORDINANCE 2024-020**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF EMERSON, GEORGIA, FOR THE PURPOSE OF AMENDING THE CODE OF ORDINANCES OF THE CITY OF EMERSON, APPENDIX A, ZONING ORDINANCE TO AMEND THE MU, MIXED USE DEVELOPMENT DISTRICT, AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE CITY COUNCIL OF EMERSON HELD ON THE 12<sup>TH</sup> DAY OF AUGUST, 2024**

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**WHEREAS**, the Mayor and City Council adopted and from time to time amends the Zoning Ordinance of the City of Emerson; and

**WHEREAS**, the Mayor and City Council of the City of Emerson, Georgia, wish to amend the Zoning Ordinance of the City to restate the regulations of the MU, Mixed Use Development; and

**WHEREAS**, the Mayor and City Council, as well as the Planning Commission, have conducted separate, duly noticed, public hearings on the zoning ordinance amendment addressed herein;

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF EMERSON:**

### **SECTION ONE**

The Zoning Ordinance of the City of Emerson, Georgia, which is codified as Appendix A of Subpart B – Land Use and Land Development, of the City Code, is hereby amended as follows:

A. **Section 8.79** shall be restated as follows:

#### **Sec. 8.69. MU, Mixed Use Development.**

Purpose.

The mixed use zoning category is a floating zone which is established for the purpose of providing a compatible mixture of commercial, employment, residential, recreational, civic, and/or cultural uses which are planned and developed as a project. A mixed use development should complement surrounding areas. Among the goals of the mixed use zoning category are the following:

1. Encourage residential uses in conjunction with commercial activities in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic;

2. Provide opportunities for horizontal and vertical mixed-use developments by permitting existing and planned commercial zones to be combined into unified development sites;
3. Encourage compatibility between residential and commercial uses in areas where residential zones directly abut commercial zones, by permitting greater design flexibility across the existing boundaries of the two zones;
4. Ensure that the appearance and effects of buildings and uses are harmonious with the character (topography, economy, society) of the area in which they are located;
5. Encourage the development of large tracts of land as planned communities.

#### Effect and procedure.

A preliminary master site plan of the mixed use development shall be submitted to the zoning administrator at the time of filing for rezoning to the Mixed Use (MU) zoning district. The preliminary master site plan shall contain a list of the proposed uses. Any use not specifically designated as a permitted use shall be prohibited. The plan shall represent an overall land use concept which is in keeping with the spirit and intent of the district as described in this article. Said plan shall be prepared by an architect, landscape architect, engineer, or land surveyor whose state registration is current and valid and the plan shall exhibit such seal or other to validate such. The plan shall become a condition of the rezoning and any variations to said plan after rezoning approval that would increase the area or type of a specific land use proposed in the plan shall require approval of the mayor and city council.

#### Permitted uses.

1. Uses permitted under R-7.5 (single-family residential).
2. Uses permitted under R-10 (single-family residential).
3. Uses permitted under R-15 (single-family residential).
4. Uses permitted under R-20 (single-family residential).
5. Uses permitted under R-40 (single-family residential).
6. Uses permitted under R-80 (single-family residential).
7. Use permitted under RA-12 (single-family residential attached).
8. Uses permitted under RC (residential conservation planned unit development).
9. Uses permitted under RM-6 (multifamily residential).
10. Uses permitted under RM-12 (multifamily residential).
11. Uses permitted under C-1 (neighborhood retail commercial).
12. Uses permitted under C-2 (community retail commercial).

#### Conditional uses permitted by mayor and city council.

1. Conditional uses permitted under R-7.5 (single-family residential).
2. Conditional uses permitted under R-10 (single-family residential).

3. Conditional uses permitted under R-15 (single-family residential).
4. Conditional uses permitted under R-20 (single-family residential).
5. Conditional uses permitted under R-40 (single-family residential).
6. Conditional uses permitted under R-80 (single-family residential).
7. Conditional uses permitted under RA-12 (single-family residential attached).
8. Conditional uses permitted under RC (residential conservation planned unit development).
9. Conditional uses permitted under RM-6 (multifamily residential).
10. Conditional uses permitted under RM-12 (multifamily residential).
11. Conditional uses permitted under C-1 (neighborhood retail commercial).
12. Conditional uses permitted under C-2 (community retail commercial).

#### Use ratios.

Mixed use developments shall designate the type of mixed use planned as follows and must adhere to the type established:

1. Single-family (SF) mixed use: Detached and attached single-family residential structures shall be the dominant use, comprising the largest percentage of total building floor area.
2. Multifamily (MF) mixed use: Multifamily residential structure(s) shall be the dominant use, comprising the largest percentage of total building floor area.
3. Commercial mixed use: Commercial structures shall be the dominant use, comprising the largest percentage of total building floor area.

At a minimum each mixed use master site plan must incorporate two of the permitted uses and no one use shall be less than 15 percent of the total acreage of the entire development.

#### Bulk and area regulations.

Maximum lot coverage: 60 percent (one building); 75 percent (two or more buildings).

Minimum undisturbed area or replanted area for sites already cleared: 20 percent (excludes floodplains, stream buffers, and setback buffers).

As inherited from the district for the permitted use included.

#### Landscape and buffer requirements.

In general, the areas between the public rights-of-way and parking facilities or buildings shall be landscaped with deciduous trees and planter boxes or beds. The following additional landscape stipulations shall be required for mixed-use developments.

1. In order to reduce problems associated with runoff and water supply contamination, innovative stormwater management techniques shall be used in all mixed use district developments. This could include porous pavement and/or perforated brick or block, ground swales, reconstructed wetlands, depressions, etc. In no instance shall a retention pond be constructed as the sole means of controlling stormwater.

2. All off-street parking areas shall be set back a minimum of 15 feet from all other property lines, and at least ten feet from any public right-of-way.
3. A buffer between a mixed use development and any surrounding residential developments shall be provided in the form of a minimum ten-foot-wide, ten-foot-tall landscaped area that includes native species trees, shrubs, flowers, and grasses.
4. Pedestrian pathways and sidewalks shall provide safe and aesthetically pleasing means of on-site movement and shall be an integral part of overall site design. Pedestrian pathways to buildings, parking areas, and other amenities shall be planned and installed in all developments.

Green space requirement.

1. For every mixed use development, 25 percent of the gross tract area green space shall be required.
2. Where applicable, the green space shall remain primarily undisturbed.
3. For housing density calculation purposes, the maximum number of lots shall be determined by dividing the area of the tract of land by the minimum lot size, as described in the bulk and area requirements for the applicable use. In making this calculation, the following shall not be included in the total area of the parcel:
  - a) 100-year floodplain.
  - b) Floodway.
  - c) Wetlands, as defined by the US Army Corps of Engineers pursuant to the Clean Water Act.
  - d) Retention/detention areas, utility areas.
  - e) Road rights-of-way and areas reserved for utilities.
4. The following are considered primary conservation areas and are required to be included within green space, unless the applicant demonstrates that with this provision would constitute an unusual hardship and be counter to the purposes of this ordinance:
  - a) 100-year floodplain.
  - b) All required stream bank buffer zones.
  - c) Floodway.
  - d) Wetlands, as defined by the US Army Corps of Engineers pursuant to the Clean Water Act.
  - e) Populations of endangered or threatened species, or habitat for such species.
  - f) Archaeological sites, cemeteries, and burial grounds.
  - g) Retention/detention areas, utility areas.
  - h) Slopes over 25 percent of at least 5,000 square feet contiguous area.
  - i) Roadways.
5. The following are considered secondary conservation areas and are required to be included within green 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 eight inches in caliper, as measured from their outermost drip line.

- d) Other significant natural features and scenic view sheds 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 of contiguous area.
  - f) Existing trails that connect the tract to neighboring areas.
6. All green space must be organized and designed so that at least 75 percent of the green space shall be in a contiguous tract. The green space shall adjoin any neighboring areas of green space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected green space.
7. Above ground utility rights-of-way and small areas of impervious surface may be included within the protected green space, but cannot be counted towards the 25 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the green space.
8. The green 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 green space.
9. Green space management plan required. A green space management plan ("plan") shall be prepared and submitted prior to the issuance of a land disturbance permit. This plan shall, at a minimum that consists of the following:
- a) Allocates responsibility and guidelines for the maintenance and operation of the green space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.
  - b) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the green space and outlines the means by which such funding will be obtained or provided.
  - c) Provides that any changes to the plan be approved by the board of commissioners.
  - d) Provides for enforcement of the plan.
10. Instrument of permanent protection required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant shall be placed on the green space property concurrent with the issuance of a land disturbance permit.

Permitted/prohibited uses of green space.

1. Permitted uses of green space:
- a) Active recreation areas, provided that they are limited to no more than ten percent of the total green 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 green space.
  - b) 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.
  - c) Conservation of natural, archeological or historical resources.
  - d) Easements for drainage, access, and underground utility lines.
  - e) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.

- f) Nonstructural stormwater management practices.
  - g) Other conservation-oriented uses compatible with the purposes of this ordinance.
  - h) Passive recreation areas.
  - i) Walking or bicycle trails, provided they are constructed of porous paving materials.
2. Prohibited uses of green space:
- a) Agricultural and forestry activities not conducted according to accepted best management practices.
  - b) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
  - c) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections.

Ownership and management of green space.

- 1. The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
- 2. The applicant must identify the owner of the green space and facilities located thereon. If a homeowners association is the owner, membership in the association is mandatory and automatic for all homeowners in 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 green space and any facilities located thereon shall be borne by the owner.
- 3. In the event the party responsible for maintenance of the green space fails to maintain all or any portion in reasonable order and condition, the City of Emerson 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, homeowners association, or to the individual property owners that make up the homeowners association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

Legal instrument for permanent protection.

- 1. The green space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
  - a) A permanent conservation easement in favor of either:
    - i. 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
    - ii. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.

- b) If the entity accepting the easement is not the City of Emerson, then a third right of enforcement favoring the City of Emerson shall be included in the easement;
  - c) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
  - d) An equivalent legal tool that provides permanent protection, if approved by the City of Emerson.
2. The instrument for permanent protection shall include clear restrictions on the use of the green space. These restrictions shall include all restrictions contained in this ordinance, as well as any further restrictions the applicant chooses to place on the use of the green space.

#### Lighting.

Lighting shall provide for the safe illumination of the site in order to maintain pedestrian and vehicle safety, security, and design accentuation. Building illumination and architectural lighting shall be indirect in character. Architectural lighting shall articulate the particular building design as well as provide the required functional lighting for safety of pedestrian movement. Pedestrian pathway lighting shall clearly identify the pedestrian walkway and direction of travel. All lighting shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic.

#### Design provisions.

It is the intent of the mixed use district to provide an environment of high quality building and landscape design. Special emphasis shall be placed upon methods that tend to reduce the overwhelming visual impact of large buildings, encourage tasteful, imaginative design for individual buildings, and create a complex of buildings compatible with the streetscape and neighboring areas in terms of design, scale, and use.

- 1. Innovative and beautiful design is encouraged and welcomed as a means to enhance the overall quality of the built environment.
- 2. Minimum conflict shall exist between service vehicles, private automobiles, and pedestrians within the site.
- 3. Building entries shall be readily identifiable and accessible, with at least one main entrance facing and opening directly onto a connecting walkway with pedestrian frontage.
- 4. Building materials shall blend with those existing on adjacent properties.
- 5. There shall be structural variations in roof lines to reduce the massive scale of structures and add visual interest.
- 6. All building facades facing public rights-of-way shall have at least 30 percent windows.
- 7. Areas used for parking of any vehicle or trailer in this district shall be finished with a surface treated and hardened with concrete, asphalt, porous pavers, tar and gravel mix or the like.

D. **Section 8.80** shall be restated as follows:

**Sec. 8.80. MU-2, Mixed Use - Lakepoint.**

**Purpose.**

The mixed use - Lakepoint (MU-2) zoning category is a site-specific zoning district which is established for the purpose of providing flexibility in developing a compatible mixture of commercial, employment, office, residential, commercial and public recreation, educational, medical, institutional, civic and/or cultural uses, centered around a sports complex. The location of the mixed use - Lakepoint district is restricted to the specific tract of land shown on the Emerson official zoning map.

Among the goals of the mixed use - Lakepoint zoning district are the following:

1. Encourage residential uses in conjunction with commercial activities in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic;
2. Provide opportunities for horizontal and vertical mixed-use developments by permitting existing and planned commercial zones to be combined into unified development sites;
3. Encourage compatibility between residential and commercial uses in areas where residential zones directly abut commercial zones, by permitting greater design flexibility across the existing boundaries of the two zones;
4. Ensure that the appearance and effects of buildings and uses are harmonious with the character (topography, economy, society) of the area in which they are located;
5. Allow for the mixed use development of large assemblage tracts, not for small individual properties.

**Effect and procedure.**

A site plan for individual, multiple or all of the parcels shall be filed and will be reviewed by the planning commission and city council and a determination will be made as to whether the plan is consistent with the intent and standards of the mixed use - Lakepoint district.

**Permitted uses:**

The following uses are permitted in the mixed use Lakepoint zoning district:

1. Commercial, retail and office uses (see subsection A. below).
2. Recreational and educational uses (see subsection B. below).
3. Residential uses (see subsection C. below).
4. Multifamily uses (see subsection C.1 below).
5. Single-family residential (see subsection C.2 below).
6. Sign(s), (as permitted in the City of Emerson sign ordinance).

Standards for lot or tract size, setbacks, height and other limitations for each type of use are set forth below.



Conditional uses for Mixed Use 2 - Lakepoint district permitted by mayor and city council.

1. Guest homes, garage apartments and servant quarters, provided:
  - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and ten feet from the principal building.
  - b) Such structure has 5,000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
  - c) No paying guests or tenants are housed.
  - d) No other similar use or structure is located on the lot.
  - e) The building's height and/or area do not exceed that of the principal building.
2. Special event home, provided:
  - a) Establishment must be on a minimum of a two-acre site.
  - b) A maximum of 3,000 square feet may be dedicated to the reception floor area.
  - c) Trash receptacles must be located in a rear or side yard and shall be screened on all sides. Garbage shall be collected only during the daytime hours of 9:00 a.m. and 5:00 p.m.
  - d) All applicants shall comply with the City of Emerson noise ordinance.
  - e) Capacity of the special events home will be limited to 300 persons.
  - f) The commercial operations of the facility shall not operate between 12:00 a.m. and 9:00 a.m.
  - g) Facility should only be located in appropriate areas of the city and not have a negative impact on surrounding properties.
  - h) If the facility ceases to operate as a special events home for a period of six consecutive months, the property shall lose its approval as a special events home.
  - i) Minimum parking of one space per three fixed seats or one space per 50 square feet of largest assembly room for those without fixed seating.
3. Extended stay facilities - See standards in section 8.91.
4. Telecommunication towers and antennas - See standards in article 7, division 1.
5. RV parks - See standards in article 7, division 10.
6. Group homes - See standards in section 8.89.
7. Horses or noncommercial riding stables, provided they are kept on a lot not less than three acres, all buildings are set back 150 feet from all property lines, all horses are kept 50 feet from property lines and have 5,000 feet of fenced area.
8. Personal care homes consisting of six or fewer individuals, inclusive of resident staff provided:
  - a) The principal structure contains a residential facade 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) The maximum number of beds permitted shall be limited to one person per 250 gross square feet of heated floor space within the principal structure.
  - e) A minimum of one parking space per bedroom.

9. Amusement centers and arcades, including billiards and pool halls.

Use limitations.

1. No heavy manufacturing processes or facilities are permitted in this zoning district.
2. All new developments must submit a site plan.
3. Areas used for parking of any vehicle or trailer in this district shall be finished with a surface treated and hardened with concrete, asphalt, porous pavers, tar and gravel mix or the like.

Special height provisions.

1. The height limitations set forth in this zoning district do not apply to structures such as unoccupied and inaccessible architectural features on stadiums, coliseums, commercial or institutional buildings (e.g., church spires, church belfries, cupolas and domes on commercial buildings), government-owned observation towers, water towers, chimneys, flag poles, masts, aerials, and similar structures, except that none of the above shall, within a three mile radius of the Cartersville-Bartow County Airport, exceed a height above the "clear zone" required for a safe approach to said airport as set forth by the Federal Aviation Administration.
2. Any structure containing a sign shall be subject to the height requirements of the City of Emerson sign ordinance.
3. Buildings and structures may be built to a maximum height limitation of 75 feet, if approval is granted by the Bartow County fire chief.

A. Commercial, retail and office permitted uses:

1. Ambulance services.
2. Animal grooming shops.
3. Animal hospitals, kennels clinics.
  - a) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
4. Athletic and health clubs.
5. Automobile, trailer and boat sales.
  - a) All vehicles shall be set back at least ten feet from the street right-of-way line.
  - b) When such use abuts residentially zoned properties, a solid fence, wall, shrubbery or trees; no less than six feet in height shall be provided for visual screening.
6. Automotive repair shops (including paint and body).
  - a) Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
  - b) All activities shall be carried on entirely within an enclosed building.
  - c) Such use shall not be established on a lot, which is adjacent to or directly across the street from any single-family residential zoning district.
  - d) All outdoor storage must be to the rear of the principal structure and enclosed by a solid fence, wall, shrubbery or trees; no less than six feet in height.

7. Automobile service stations.
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
  - d) No outside storage or engine/body dismantling is allowed.
8. Banks and financial institutions.
9. Barber and beauty shops.
10. Car washes.
11. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
  - a) All activities shall take place within an enclosed building.
  - b) No outside storage or engine/body dismantling is allowed.
12. Care homes (professional).
  - a) Minimum parking of one space per bedroom and one space per each employee on largest shift.
13. Clinics and health centers.
14. Clubs and lodges, including assembly halls and conference centers. Such use may include office space where incidental to the principal use.
  - a) Minimum parking of one space per three fixed seats or one space per 50 square feet of largest assembly room for those without fixed seating.
15. Coin operated laundries and dry cleaning pickup establishments.
16. Coliseum, stadium, amphitheater.
  - a) Minimum parking to be determined by parking generation study funded by applicant and approved by the zoning administrator.
17. Commercial condominiums.
  - a) Minimum parking of two spaces per unit and one visitor space per five units.
18. Commercial landscapers. Outdoor storage shall be at least 25 feet from the street right-of-way. Such use shall be at least 100 feet from any property zoned single-family residential.
19. Construction contractor's offices (including, but not limited to, building, heating, plumbing and electrical) and related activities.
  - a) There shall be no outdoor storage of materials, supplies, equipment, or construction vehicles. "Construction vehicles" means any vehicles whose primary purpose is use in land development including, but not limited to, earth-moving equipment, dump trucks, and bucket trucks.
20. Convenience stores. Such uses may include self-service fuel sales, provided:

- a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) No automotive repair is allowed.
  - d) Car washes permitted as accessory use only.
  - e) Minimum parking of one space per 200 square feet.
21. Copy centers.
22. Cultural facilities. Art galleries, museums, theaters, libraries, and other uses similar in character to those listed.
23. Day care centers and nursery schools, provided:
- a) Such use must obtain certification from the Georgia Department of Human Resources.
  - b) Any outdoor play area shall be enclosed by a fence not less than four feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
  - c) Minimum parking regulations required per district along with one space per employee on largest shift.
24. Dry cleaning utilizing petrochemicals. Such use shall not be established within 100 feet of any property used or zoned for residential purposes.
25. Eating and drinking establishments.
- a) Minimum parking of one space per 200 square feet.
26. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall be at least 25 feet from the street right-of-way.
27. Fire and police protection services.
28. Golf courses and driving ranges, provided:
- a) Minimum parking of 2½ spaces per hole for golf courses and 0.75 spaces per tee for driving ranges.
29. Government administrative services.
30. Grocery/food stores.
31. Hospitals.
- a) Minimum parking of one space per bedroom and one space per each employee on largest shift.
32. Hotels and motels.
- a) Such use shall not be established within 300 feet of any property zoned single-family residential.
  - b) Motel rooms shall open to inside corridors only.
  - c) Minimum parking of one space per guest room and one space per each employee on largest shift and one space per 50 square feet in largest assembly room without fixed seating.

33. Lumber, hardware, paint, glass and wallpaper stores. Outdoor storage shall be at least 50 feet from the street right-of-way line and be screened with a solid fence or wall no less than six feet in height.
34. Marina.
35. Medical and dental laboratories.
36. Medical services.
37. Mini-warehouses (including boat, RV and other vehicle storage) and self-storage facilities.
  - a) Minimum parking of one space per 40 storage units.
38. Mixed use retail and limited manufacturing as produced by an artisan and similar businesses.
  - a) No more than 50 percent of the floor area shall be used for manufacturing purposes.
  - b) In as much as the manufacturing component of the business entity is considered a secondary use, it should be situated in such a way as not intrude on the retail activities. Furthermore, public access to the manufacturing component shall only be permitted through the retail portion of the business entity.
  - c) All signage associated with the business entity shall only advertise the retail component.
  - d) Outdoor mechanical equipment associated with the manufacturing component of the business entity shall be screened from public view with lattice-work or some other similar screening material.
39. Movie theaters.
  - a) Minimum parking of one space per three fixed seats.
40. Multi-lease shops.
41. Neighborhood retail uses individually or part of a neighborhood market in conjunction with a residential development. Appropriate uses include:
  - a) Book and video stores (non-adult).
  - b) Camera shops.
  - c) Florists.
  - d) Drug stores.
  - e) Gift shops.
  - f) Toy stores.
  - g) Pet grooming and supply shops.
  - h) Jewelry stores.
  - i) Sporting goods and hobbies.
  - j) Apparel stores.
  - k) Beverage shops.
  - l) Other similar and customary uses.
42. Non-automotive repair services such as cameras, shoes, jewelry and similar businesses.
43. Non-automotive repair service centers. No outside storage is permitted.

44. Office uses; professional, general, administrative, and business offices.
45. Outlet mall.
46. Parking for vehicles. If such use abuts a single-family residential district, a 15-foot-wide landscaped buffer with a solid fence, wall, shrubbery or trees, no less than six feet in height shall be provided.
47. Parking lots and garages free standing or included either above or below residential or commercial uses within the same structure. If a surface parking lot abuts a single-family residential district, a 15-foot-wide landscaped buffer with a solid fence, wall, shrubbery or trees; no less than six feet in height shall be provided.
48. Pharmacies and drug stores.
49. Photo studios.
50. Plumbing and heating equipment dealers.
51. Printing services.
52. Private parks and playgrounds including commercial recreation facilities (indoor and outdoor), and all other sports activity fields and playing surfaces and related structures.
  - a) Minimum parking to be determined by parking generation study funded by applicant and approved by the zoning administrator.
53. Radio, recording and television studios.
54. Religious institutions.
  - a) Minimum parking space of one space per three fixed seats or one space per 50 square feet of largest assembly room for those without fixed seating.
55. Residential lofts.
  - a) Residential units shall be located only on the second story (entry ways may be accessed from the ground level).
  - b) Minimum parking regulations required per district along with one space per unit.
56. Shopping centers.
57. Retail automobile parts and tire store.
  - a) There shall be no dismantling of vehicles on the premises to obtain auto parts.
  - b) The only auto part installation that shall be permitted in connection with such use shall be the installation of tires and the installation of minor maintenance or accessory parts.
  - c) Major auto repair shall not be permitted in connection with such uses. Minor repair and maintenance may be permitted provided such repair and maintenance shall be incidental to the normal up-keep of an automobile.
58. Retail trade. Appropriate uses include, but are not limited to:
  - a) Apparel stores.
  - b) Beverage shops.
  - c) Department stores.
  - d) Book and video stores (non-adult).
  - e) Camera shops.

- f) Chiropractor.
- g) Drug stores.
- h) Electronic sales/repair.
- i) Florists.
- j) Furniture, home furnishings and equipment stores.
- k) General commercial merchandise (variety or department store).
- l) General commercial wholesale club.
- m) Gift shops.
- n) Hardware stores/home improvement.
- o) Jewelry stores.
- p) Nail salons.
- q) Office supplies.
- r) Packing/shipping.
- s) Pawn shops.
- t) Pet grooming and supply shops.
- u) Spas.
- v) Sporting goods and hobbies.
- w) Toy stores.
- x) Other similar uses.

59. RV parks - See standards in article 7, division 10.

60. Sports complex.

- a) Minimum parking to be determined by parking generation study funded by applicant and approved by the zoning administrator.

61. Stations, bus or train terminals.

- a) Minimum parking to be determined by parking generation study funded by applicant and approved by the zoning administrator.

62. Taxi stands and dispatching agencies.

63. Telecommunications offices.

64. Temporary outdoor sales.

65. Vehicle leasing/rental facilities meeting the following criteria:

- a) No vehicle maintenance shall be performed on site except vacuuming and washing of vehicles.
- b) All vehicles on site must be in good working order.

66. Accessory uses and structures incidental to any legal permitted use.

67. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

B. Recreational and educational permitted uses: 1. Bed and breakfast inn.

- a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
- b) The structure shall contain 2,000 square feet or more of gross heated floor area.

- c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
- d) The exterior appearance of the structure shall not be altered from its single-family character.
- e) All bed and breakfast houses must meet all applicable health and safety codes.
- f) Maximum length of stay shall not exceed 14 days.
- g) A minimum of one parking space per rental room is provided in addition to those required for the resident.

2. Cabins in conjunction with another permitted recreational use. 3. Campgrounds.

- 4. Colleges, public or private.
- 5. Conservation easements.
- 6. Cottages in conjunction with another permitted recreational use.
- 7. Educational and academic institutions.
- 8. Equestrian or other sport facilities.
  - a) Minimum parking to be determined by parking generation study funded by applicant and approved by the zoning administrator.
- 9. Fraternal, sporting or other lodges or clubs commercial or noncommercial.
  - a) Minimum parking of one space per three fixed seats or one space per 50 square feet of largest assembly room for those without fixed seating.
- 10. Hunting, fishing, and similar recreation use operated either as a nonprofit or commercial enterprise.
- 11. Kindergarten and pre-kindergarten facilities, public or private.
- 12. Rowing and aquatic facilities.
  - a) Minimum parking to be determined by parking generation study funded by applicant and approved by the zoning administrator.
- 13. Passive recreational uses, including, but not limited to, parks, trails (walking, equestrian and cycling).
- 14. Primary and secondary schools, public or private.
- 15. Riding academies or breeding stables.
- 16. Woodland or game preserves or similar wildlife preservation or conservation uses.
- 17. Accessory uses and structures incidental to any legal permitted use.



18. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

Standards for commercial, retail, office; recreational and educational uses

Accessory structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least ten feet from side or rear lot lines. Accessory structures may not be located within 25 feet of any residential property. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. Any accessory building in excess of 1,500 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
5. No accessory structure may exceed the more restrictive of either 25 feet or the height of the principal building,
6. Outdoor swimming pools must be enclosed by a fence not less than five feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach five feet into the required rear or side setback.
8. All rooftop units shall be screened.
9. All dumpsters shall be located in the rear or side yard, hidden from view, and covered with a roof structure.
10. Recycling collection/drop off centers (accessory use only).

- a) No outside storage allowed.

Bulk and area regulations:

Minimum lot size: 20,000 square feet.

Minimum lot width: 150 feet.

Maximum building height<sup>1</sup>: 50 feet.

Maximum impervious surface: 80 percent.

Minimum landscaped area: 15 percent.

Front setback (arterial): 45 feet.

Front setback (other): 35 feet.

Side setback (major): 30 feet.

Side setback (minor): 20 feet.

Rear setback: 40 feet.

Minimum parking required: one space per 300 square feet.

#### Landscape and buffer requirements

1. When a commercial, retail, office, recreational, or educational use directly abuts a residential district, a 40-foot greenbelt buffer shall be established. Such buffer must include a solid fence, wall, shrubbery or trees, no less than six feet in height.
2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along rights-of-way and within parking lots may be counted within this figure, however, no more than 25 percent of the required landscaping provided may be within stormwater retention facilities.
3. Stormwater retention facilities are not permitted within required buffers.

#### Zoning incentives.

The following zoning incentives are designed to allow specific benefits to property owners, developers, and end users of a property and not for the purpose of circumventing any other provision of this ordinance. If a specific incentive is determined to be contrary to any provision of this ordinance, the city reserves the right to deny a specific incentive on that basis alone.

1. If required parking is provided exclusively in the rear yard, then the required front yard setback may be reduced 50 percent.
2. Where parking spaces are provided in on-site underground or deck parking, a bonus floor area of 350 square feet for each provided parking space shall be allowed.
3. Any entity that retrofits an existing site without vehicular or pedestrian interconnection to provide permanent access to adjacent sites' parking and sidewalks shall be allowed a 20 percent reduction in required parking.
4. All developments wherein the front door is located within 250 feet of a public transit stop shall be allowed a ten percent reduction in required parking.

#### C. Residential permitted uses.

##### C.1. Multifamily permitted uses:

1. Apartments and condominiums provided:
  - a) Maximum density: 12 units per acre.
  - b) Maximum lot coverage 65 percent, unless over four stories, then 80 percent.
2. Leasing office, clubhouse, gazebo or other structures related to multifamily use.
3. Neighborhood recreation centers or swimming pools associated with multifamily uses, provided:
  - a) Lighting shall be established in such a way that it shall not adversely affect neighboring properties.

- b) Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
  - c) All pools must adhere to the standards of the standard swimming pool code, as amended.
  - d) Minimum parking one space per 150 square feet of surface water area.
- 4. Townhouses.
  - 5. Accessory uses and structures incidental to any legal permitted use.
  - 6. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
  - 7. Home occupations - See standards in section 8.92.

Standards for multifamily uses.

Bulk and area regulations:

Minimum tract size: two acres.

Maximum density: 12 dwelling units per acre.

Minimum tract width: 100 feet.

Maximum building height<sup>1</sup> : 50 feet or three-story with basement.

Minimum floor area:

500 square feet for an efficiency.

600 square feet for one-bedroom unit.

800 square feet for two-bedroom unit.

1,000 square feet for three-bedroom unit.

Maximum building coverage: 35 percent.

Maximum impervious surface: 67 percent.

Front setback (arterial): 50 feet.

Front setback (other): 40 feet.

Side setback (major): 35 feet.

Side setback (minor): 25 feet.

Rear setback: 50 feet.

Minimum parking required:

Two spaces per unit.

One visitor space per five units.

Landscape and buffer requirements.

When a multifamily use in this district abuts a single-family residential district or use, a 40-foot greenbelt buffer shall be established. Such buffer shall be undisturbed where practical or enhanced where devoid of significant vegetation.

Green space requirements.

1. For every senior living facility or multifamily use in this district development, 25 percent of the gross tract area green space shall be required.
2. The following are considered primary conservation areas and may be included within green space:
  - a) 100-year floodplain.
  - b) All required stream bank buffer zones.
  - c) Floodway.
  - d) Wetlands-as defined by the US Army Corps of Engineers pursuant to the Clean Water Act.
  - e) Populations of endangered or threatened species, or habitat for such species.
  - f) Archaeological sites, cemeteries, and burial grounds.
  - g) Retention/detention areas, utility easements.
  - h) Slopes over 25 percent of at least 5,000 square feet contiguous area.
  - i) Roadways.
3. Green space management plan required. A green space management plan shall be prepared and submitted prior to the issuance of a land disturbance permit. This plan shall, at a minimum allocate responsibility and guidelines for the maintenance and operation of the green space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.

Permitted uses of green space.

1. Permitted uses of green space:
  - a) Active recreation areas, provided that they are limited to no more than ten percent of the total green 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.
  - b) 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.
  - c) Conservation of natural, archeological or historical resources.

- d) Easements for drainage, access, and utility lines.
- e) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
- f) Stormwater management practices.
- g) Other conservation-oriented uses compatible with the purposes of this ordinance.
- h) Passive recreation areas.
- i) Walking or bicycle trails, provided they are constructed of porous paving materials.

C.2. Single-family residential permitted uses:

- 1. Single-family detached dwellings, but not including manufactured homes.
- 2. Accessory uses and structures incidental to any legal permitted use.
- 3. Home occupations - See standards in section 8.92.
- 4. Use permitted under RA-12 (single-family residential attached).

Standards for single-family residential uses.

Bulk and area regulations:

Minimum lot size: 10,000 square feet.

Minimum lot width: 50 feet.

Minimum lot width on a cul-de-sac: 35 feet.

Maximum building height<sup>1</sup>: 50 feet.

Minimum heated floor space: 900 square feet.

Maximum lot coverage: 40 percent.

Front setback: 20 feet.

Minimum side setback: ten feet.

Minimum back setback: 20 feet.

Minimum parking required: two spaces per unit.

Landscape and buffer requirements.

Not applicable for single-family residential uses.

## SECTION TWO - Legal Status Provisions

A. Severability.

This Ordinance and each section and subsection thereof are hereby declared to be independent divisions and subdivisions and, not withstanding any other evidence of legislative

intent, it is hereby declared to be the controlling legislative intent that if any provision of said Ordinance, or the application thereof to any person or circumstance, is held to be invalid, unconstitutional, overbroad otherwise unlawful, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this Ordinance be invalidated for any reason, such invalidation shall not affect the enforceability of the substantive aspects of this Ordinance.

B. Repealer.

All ordinances or parts of ordinances specifically in conflict with this Ordinance are hereby expressly repealed.

C. Effective date.

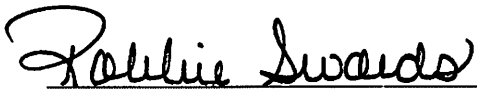
This Ordinance shall take effect and be in force as of the date of its adoption, the public welfare of the City of Emerson demanding.

Adopted this 12<sup>th</sup> day of August, 2024.

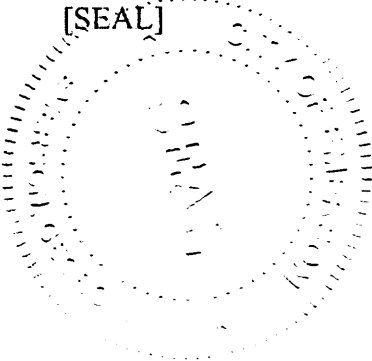
CITY OF EMERSON, GEORGIA

  
\_\_\_\_\_  
S. Bo Jordan, Mayor

ATTEST:

  
\_\_\_\_\_  
Robbie Swords, City Clerk

[SEAL]



I do hereby certify that I am the City Clerk of the City of Emerson and that the above Ordinance was duly adopted by the Mayor and City Council on the 12<sup>th</sup> day of August, 2024

Robbie Swords  
Robbie Swords, City Clerk

First Reading July 22, 2024

Public Hearing August 12, 2024

Second Reading August 12, 2024

