Sec. 22-145. MUOD mixed use overlay district.

The regulations for the MUOD mixed use overlay district are as follows:

(1) Purpose and intent.

a. The MUOD is established to encourage, protect and enhance the pedestrian environment; encourage additional street level activity; reduce automobile trips; create a sense of community; provide for the efficient use of land and services; reduce urban sprawl; promote a smart growth based approach to development; and allow for mix of land uses which strengthens opportunities for economic growth.

(2) Applicability.

a. The MUOD may only be implemented within specific geographic areas or developed corridors within the City of Austell as designated by the Mayor and Council.

b. Existing conditions of zoning which apply to MUOD properties shall remain in effect. Where such conditions conflict with any requirement of this section, the more restrictive requirement shall take precedence. Notwithstanding the above, the Mayor and Council may modify or dissolve pre-existing conditions of zoning upon official designation of the Overlay District.

c. The MUOD encourages the mixing of uses both horizontally and vertically. Uses subject to approval of a Special Land Use Permit in the underlying district shall continue to require approval of said permit.

(3) Mixed Use Overlay District Review.

a. Site plan with architectural rendering required with application for MUOD designation.

All MUOD projects shall be governed by an approved site plan. The site plan shall be submitted, reviewed and approved by the Building Official or his/her designee. Upon approval of the MUOD application by the Building Official two public hearings will be held in accordance with the requirements as set forth for a rezoning application.

(4) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

a. Block means an area of land bounded (surrounded on all sides by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

b. Block width means the distance as measured along rear property lines between intersecting streets.

c. Building frontage means the length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street.

d. Clinic. A medical or dental clinic is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall include laboratory facilities in conjunction with normal clinic services.

e Connectivity means the level or extent to which one or more land uses and parcels within the development have direct accommodations for both vehicles and pedestrians to travel between or among those land uses, and direct vehicular and pedestrian connections with compatible land uses on abutting properties. Direct accommodations for vehicles means that there is one or more alley, road, or driveway connection between the uses on the development site and among compatible uses on abutting sites (parcels), so that a vehicle can exit one development and enter the other development (i.e. cross property lines) without exiting onto a public street that provides principal access to the developments.

f. Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.

g. Community retail uses means commonly found low scale and low intensity retail uses that offer basic services and frequently purchased goods to the immediate surrounding residential areas such as: auto parts store, antique shop, appliance store (home use), bakery, barber and beauty shops, beverage shop, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drug store, dry goods store, florist, furniture store, gifts and stationary store, hardware store, jewelry store, manicurist shop, meat market/ butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop, and video stores.

h. Convenience food store with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, beverages, household items and other goods commonly associated with such establishments. There shall be no automotive repairs done on-site.

i. Designated recycling collection locations means metal or heavy duty plastic containers designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass and paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion and shall not encompass an area larger than 280 square feet.

1. Such location shall be visually screened and maintained.
2. Such location shall be within the building setbacks unless otherwise approved by the Building Official or his/her designee due to topography, safety, internal traffic flow, site distance or other site-related circumstances not created by the property owner.

j. **Display window** means a window or opening in the exterior wall of any portion of a building used for business purposes, through which merchandise, services, or businesses are displayed or advertised and visible from the ground or sidewalk level.

k. Group home A dwelling unit, operated by an affiliate of a National, Regional, State or County Organization with a philanthropic mission, shared by four or fewer persons, excluding resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education and participation in community activities, under a structured and scheduled plan that must be provided to the City, for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24 hour basis in case of complaints. A copy of the home rules shall be provided to the City as well as (if applicable) evidence of active enforcement under the Georgia Association of Recovery Residence standards. The schedule of activities may be verified via periodic inspection by Community Affairs staff. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term "group home" shall also not allow the use of the dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders in pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

(1) Having a physical or mental impairment that substantially limits one or more of such person's major life activities.

(2) Having a record of having such an impairment; or

(3) Being regarded as having such an impairment.

However, the term "handicapped" shall not include persons who currently use illegal controlled substances, persons who have been convicted of the illegal manufacture or distribution or controlled substances, sex offenders, and juvenile offenders or persons with or without disabilities who present a direct threat to the persons or property of others.

l. Nonautomotive repair uses means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.

m. Office service and supply establishments means wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies, such as stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers and other general office equipment.

n. Professional offices means a structure wherein services are performed involving predominately administrative, professional or clerical operations such as the following: law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect, engineer, manufacturer representative, professional counselor, dentist, investigative services, photographer, insurance, contractor, land surveyor, telephone sales, political/campaign, veterinarian or travel bureau.

(5) Permitted uses. Permitted uses are as follows:

Animal hospitals.
Athletic and health clubs.
Automotive parking lots or garages.
Banks or financial institutions without drive-in establishment.
Clinics.
Clubs or lodges (noncommercial).
Community fairs.
Community retail uses.
Cultural facilities.
Designated recycling collection locations.
Eating and drinking establishments, excluding drive-in fast food restaurants.
Exterminating facilities (insect or rodent).
Film developing and printing facilities.
Full service gasoline stations.
Laundry and dry cleaning pickup only establishments.
Medical and dental laboratories, provided that no chemicals are manufactured on-site.
Multi-family dwelling units.
Nonautomotive repair service establishments.
Nursery schools and child day care centers.
Office service and supply establishments.
Offices not elsewhere classified.
Other consumer goods and services.
Other service establishments.
Photography studios.
Printing, publishing and lithography establishments, provided that no more than 50 percent of the total gross floor area will be used for storage.
Private parks.
Professional offices.
Recreation grounds other than tennis courts and golf courses.
Self-service laundry facilities.
Single family dwelling units.
Studios and supplies, provided that no more than 50 percent of the total gross floor area will be used for storage.
Temporary uses.
Theaters.
Townhouses.
Tutoring and learning centers (see Article I Sec. 22-1)

(6) Density, Building Height, and Minimum Project Size.

Residential density shall be based upon gross project acreage, and may be developed up to a maximum of 32 units per acre. Maximum building height shall be governed by the underlying zoning district. The Mayor and Council may reduce maximum project density and/or establish increased building heights on a case-by-case basis at the time an Overlay District is established.

MUOD projects shall contain a minimum of 5 contiguous acres of land area; except those areas of redevelopment as approved by the Building Official or his/her designee, or within the CBD. A single use may occupy no more than 70% of the gross site acreage (exclusive of required common area).

(7) Development Requirements.

a. Single-Family Detached on Individual Lots.

1. Minimum lot area: No minimum, except that each building envelope shall contain at least 1,000 square feet outside the 100-year floodplain elevation.
2. Minimum lot width: The minimum lot width of all building lots shall be at least 40 feet.
3. Minimum Road Frontage per lot: 40 feet. Exception: Road frontage may be reduced to 20 feet for lots with frontage upon cul-de-sac turnarounds.
4. Minimum front yard (from streets interior to the development): 5 feet.
5. Minimum side yard: 5 feet per side (single-family detached); or 10ft. one side/ 0 ft. opposite side (zero lot-line). Note: (zero lot-line will require 8-ft. access/ maintenance easement on the adjoining lot.)
6. Minimum rear yard: 5 feet.
7. Where the adjacent to a required buffer, the minimum required side or rear yard setback(s) shall increase an additional 5 feet for every 10 foot incremental increase in building height above 35 feet.
8. Sodded yards: All grassed areas shall be sodded.
9. Minimum Garage required: Two-car garage.
10. The required garage and off-street parking must be located to the rear of at least 50% of all dwelling units. Where garages are front entry, the garage façade shall be recessed a minimum of 4 additional feet from the building line.
11. All new or relocated utilities shall be placed underground.

b. Single-Family Attached on Individual Lots:

1. Minimum lot area: None
2. Minimum lot width: 18 feet.
3. Minimum Road Frontage per lot: 0 feet.
4. Minimum front yard (from streets interior to the development): 0 feet.
5. Minimum side yard: 5 feet on non- attached side.
6. Minimum rear yard: 5 feet.
7. Where adjacent to a required buffer, the minimum required side or rear yard setback(s) shall increase an additional 5 feet for every 10 foot incremental increase in building height above 35 feet.

8. Sodded yards: All grassed areas shall be sodded.
9. Minimum garage required: One-car garage.
10. The required garage and off-street parking must be located to the rear of at least 50% of all dwelling units.
11. Firewalls: A minimum of a two-hour rated firewall shall be required between each attached dwelling unit. A four-hour rated firewall shall be required between every fourth attached dwelling unit. Firewalls shall be constructed in accordance with the applicable building codes of the City of Austell.
12. All new or relocated utilities shall be placed underground.

c. Residential/Business Dwellings:
1. Minimum lot area: None
2. Minimum unit width: 18 feet.
3. Minimum Road Frontage per lot: 0 feet.
4. Minimum front yard (from street interior to the development): 0 feet.
5. Minimum side yard: 0 feet on non-attached side.
6. Minimum rear yard: 0 feet.
7. Where adjacent to a required buffer, the minimum required side or rear yard setback(s) shall increase an additional 5 feet for every 10 foot incremental increase in building height above 35 feet.
8. Sodded yards: All grassed areas shall be sodded.
9. Minimum garage required: one-car garage.
10. The required garage and off-street parking must be located to the rear of at least 50% of all dwelling units.
11. The businesses shall have direct entry from the street frontage sidewalk.
12. All new or relocated utilities shall be placed underground.
13. Dumpsters must be screened on all sides by a minimum six-foot high brick or masonry wall with access via an opaque metal gate.

d. Multifamily Residences:
1. Minimum lot area: None
2. Minimum lot width: None.
3. Minimum Road Frontage: 40 feet.
4. Minimum front yard: 0 feet.
5. Maximum front yard: 15 feet, except when common area is provided between the street and building.
6. Minimum side yard: 0 feet.
7. Minimum rear yard: 0 feet.
8. Where adjacent to a required buffer, the minimum required side or rear yard setback(s) shall increase an additional 5 feet for every 10 foot incremental increase in building height above 35 feet.
9. Minimum building height: 2 floors/stories.
10. Sodded yards: All grassed areas shall be sodded.
11. Parking shall be provided in designated lots/decks subject to review and approval of city staff.
12. All new or relocated utilities shall be placed underground.

13. Dumpsters must be screened on all sides by a minimum six-foot high brick or masonry wall with access via an opaque metal gate.

e. Commercial/Office/Residences:

1. Minimum lot area: None
2. Minimum lot width: None.
3. Minimum Road Frontage: 40 feet.
4. Minimum front yard: 0 feet.
5. Maximum front yard: 15 feet, except when common area is provided between the street and building.
6. Minimum side yard: 0 feet.
7. Minimum rear yard: 0 feet.
8. Where adjacent to a required buffer, the minimum required side or rear yard setback(s) shall increase an additional 5 feet for every 10 foot incremental increase in building height above 35 feet.
9. Sodded yards: All grassed areas shall be sodded.
10. Dwellings may be constructed on floors/stories above first floor non-residential uses.
11. All new or relocated utilities shall be placed underground.
12. Dumpsters must be screened on all sides by a minimum six-foot high brick or masonry wall with access via an opaque metal gate.

(8) Common Area. Common area shall be provided according to the following standards:

a. At least 20% of the gross project acreage (excluding 100-year floodplain and wetland areas) shall be designated on a recorded plat as permanent common area for the use of the residents and visitors to the development.

b. Sidewalks and associated amenities may be credited toward common area calculations, if the sidewalk is constructed at a width of 8-feet or greater and the streetscape is enhanced with decorative, commercial quality street furniture, fountains, planters, public seating and/or similar improvements (subject to review of streetscape design by the Building Official or his/her designee).

c. Landscaped strips along internal or external streets may be credited toward common area calculations, if the landscaped strip is constructed at a continuous width of 25-feet or greater.

d. Wetland and floodplain areas shall be preserved in their natural state except for the installation of required detention facilities and stormwater BMPs.

e. Stormwater facilities may be located within common area, if designed and improved as an amenity, subject to review and approval of city staff.

f. Common areas shall be distributed throughout the project to proved linkages, amenities and visual appeal for the development. Final common area design shall include provisions of at least one centrally located public gathering area (with related amenities and improvements) in the form of a town green, amphitheater, landscaped plaza, or similar approved element.

g. Common Area Ownership. Common areas, stormwater facilities, floodplain and wetland areas shall be owned in fee-simple by a mandatory property owner's association or approved entity which administers a reciprocal access and maintenance agreement for the project; or other entity approved in advance by the Mayor and Council during their normal course of business. The developer shall record the deed to the common area prior to, or concurrent with, the recording of the first final subdivision plat or certificate of occupancy. An access easement following the alignment of future public streets is acceptable. However, "pocket parks" or "greens" may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.

h. Property Owner's Association. The property owner's association bylaws or covenants, at a minimum, shall contain the following provisions:

1. Governance of the association by the Georgia Property Owner's Association Act (OCGA Section 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
2. Responsibility for maintenance of common areas.
3. Responsibility for insurance and taxes.
4. Automatic compulsory membership of all property owners and subsequent lot purchasers and their successors; and compulsory assessments.
5. Conditions and timing of transferring control of the association from the developer to the property owners.
6. Guarantee that the association will not be dissolved without the advance approval the Mayor and Council.
7. Restrict the time of deliveries to commercial businesses and dumpster pick-up to between 7:00 am and 9:00 pm.

i. Maintenance. The property owner's association, or other entity approved in advance by the Mayor and Council shall be responsible for the continuous maintenance of buffers, common areas and recreation areas.

(9) Landscape buffer and screening requirements.

a. A naturally vegetated, undisturbed buffer, replanted where sparsely vegetated and supplemented by an 8' high solid opaque wall or fence along the interior of the buffer, shall be provided adjacent to external residential properties. Where adjacent properties are zoned or developed for single-family residential uses a buffer or 75 feet in width shall be provided, and where adjacent properties are zoned or developed for fee-simple townhouse/condominium uses a buffer of 50 feet in width shall be provided. These minimum buffer widths may be adjusted by Mayor and Council at the time an Overlay District is established. Buffers shall not be required adjacent to adjoining property zoned for or developed as office, institutional, commercial, industrial or multifamily uses.

b. The development shall comply with the requirements of the buffer requirements, landscape requirements and the City of Austell Tree Ordinance with the following exceptions:

1. Buffers shall not be required between nonresidential uses and residential uses internal to the mixed-use development.

2. The 10 foot wide landscape strip shall only be required on the external roadways, and planted with approved understory trees.
3. All required parking lot trees shall be native straight-trunked hardwood shade trees.
4. Projects with the mixed-use development project shall provide, at a minimum, 20 tree density units per acre for the entire development.
5. Street trees shall be required along both sides of all internal and external streets spaced every 50 feet on center. Each tree shall be a minimum 4 inch caliper at time of planting and shall be a native straight- trunked hardwood shade tree species or similar tree suitable to this region.

c. Above ground planters may not be used to fulfill tree planting or tree density requirements.

(10) Parking. Parking for single-family detached or attached uses shall be on a per lot basis. Parking for both multi-family and non-residential uses may be provided through a combination of on-street parking and off-street parking in surface parking lots and above and/or below ground parking structures.

a. Parking spaces shall be as required by section 22-172 of the City of Austell Zoning Ordinance.

b. Parking for non-residential or multifamily uses may be granted a 20% reduction in required parking when parking is shared between adjacent uses within the project. An additional 10% reduction may be administratively approved by the Building Official or his/her designee. Final parking design plans shall be subject to review and approval of city staff.

c. Up to 50% of multifamily and non-residential parking may be provided by on-street parking spaces internal to the development. Designated on-street parking spaces shall not be allowed on external streets.

d. Parking structures must be designed so that the only opening at street level are those to accommodate vehicle entrances and pedestrian access to the structure, as follows:
1. Any openings for ventilations, service or emergency access located on the first floor level in the building façade must be decorative and must be an integral part of the overall building design.
2. The balance of the street frontage of a parking structure must be either occupied retail/office space or designed to screen the parking areas utilizing decorative elements such as grill-work, brick, louvers, or a vegetative screen.
3. Deck floors located above the first floor level of a parking structure must be screened form view from the street utilizing decorative elements such as grill-work, brick or louvers (minimum 42" in height). In no instance will cabling alone be sufficient to meet this screening requirement.

e. Off-street parking areas shall be screened from adjacent roadways and sidewalks by an opaque decorative fence or wall, berm or vegetative screen at least 30 inches in height. Fence or wall shall be of similar design and materials to the surrounding buildings. Screening shall be installed between the parking area and the sidewalks. Perpendicular driveway crossings and pedestrian paths are allowed through the screening.

f. When the overlay district fall within the district designated as CBD the parking requirements of that district will be enacted.

(11) Signage. A unified signage plan, submitted for approval by the Building Official or his/her designee, shall govern all signage within the development. Signs and the amount of signage shall be subject to the requirements of the City of Austell Sign Ordinance with the following exceptions:

a. Oversized signs shall be prohibited.
b. Ground signs shall be limited to monument-type signs. Base and sign structures shall be constructed of materials such as brick, stone, stucco, wood or metal consistent with the architecture and exterior treatment of the building.

c. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.

d. Internally illuminated wall signs may not be located within 150 feet of adjacent property developed for single, family residential uses.

(12) Street/Pedestrian Lighting and Street Furniture.

a. Streetlights utilizing decorative fixtures and poles shall be provided along all internal streets and along all public rights-of-way. Streetlights shall be staggered, 150 feet on center, along both sides of the street. Pedestrian scale lighting shall be provided every 50 feet along both sides of the street. The lamps of streetlights shall be directed down and capped. Pedestrian lighting shall utilize fixtures designed to accommodate a shielding plate.

b. Decorative, commercial-quality bike racks, benches, and trash receptacles shall be provided throughout the development in accordance with the approved pedestrian access plan.

(13) Architectrual Design. Architectural design of all buildings shall comply with the following:

a. For single-family detached residences: front facades shall have architectural treatments of brick, stone, stucco or wood shake. The balance of each elevation may be wood, wood shake or fiber-cement siding.

b. For attached townhouses and residential/ business dwellings: front facades shall have architectural treatments of brick, stone or stucco. The balance of each elevation may be wood, wood shake or fiber-cement siding.

c. For multi-family residential buildings: architectural treatments of each building elevation shall be a minimum 50% brick, stone or stucco. The balance of each elevation may be wood, wood shake, or fiber-cement siding.

d. For non-residential and mixed use buildings: architectural treatments shall be of glass and/or brick, stone or stucco. Tilt-up or pre-cast concrete, wood, wood shake, fiber-cement siding or

architectural metal may be used subject to review and approval of the Building Official or his/her designee.

Additionally:

1. In order to encourage and complement street level pedestrian activity, the street level façade of non-residential buildings facing public or private streets shall incorporate varying edifice details such as trellises, windows or recessed panels suggestive of windows, door or colonnade openings, or storefronts every 20-30 linear feet.
2. Contrasting accent colors of any wall, awning or other feature (other than a neutral color) shall be limited to no more than 15% of the total area for any single façade.
3. Metal or portable buildings shall be prohibited.
4. Buildings shall incorporate live plant material growing immediately in front of or on the buildings.
5. Non-residential buildings of less than 5,000 square feet of gross floor area shall be designed with pitched roofs, minimum pitch of 4:12. Portions of the roof structure may be flat to accommodate vents, mechanical systems or similar appurtenances, if adequately screened subject to review and approval of the Building Official or his/her designee.
6. Roofing materials for pitched or mansard roofs shall be limited to the following:
    - Metal standing seam of red, green or silver in color.
    - Tile, slate or stone.
    - Wood shake.
    - Architectural shingles with slate, tile or metal appearance.
7. Parapets of flat roofed buildings shall be articulated to provide visual diversity. Parapets shall include articulations or architectural features at least every 100 linear foot. The minimum height of articulations or features shall be one foot, and may be provided in height offset or façade projections such as porticoes or towers. The rear of parapet articulations visible from the street level view (within 300 feet) shall be finished to match the exterior architectural treatment.
8. Design of flat-roofed buildings shall include minimum one-foot deep cornices, extending along the entire front of the building and the sides of the building for a depth of at least ten feet.
9. Building design shall include a minimum one-foot high contrasting base, extending along the entire front of buildings and the sides of buildings for a depth of at least ten feet.
10. All mechanical, HVAC and like systems shall be screened from street level view (within 300 feet) on all sides by an opaque wall or fence of brick, stucco, split faced block or wood.
11. Accessories provided such as railings, benches, trash receptacles and/or bicycle racks shall be of commercial quality, and complement the building design and style.

(14) Building plans shall be subject to review and approval of the Building Official or his/her designee. Designs which are inconsistent with these minimum performance guidelines may be denied. The approved plan must be on file with the office of the Building Official before building permits will be issued.

Secs. 22-147--22-160. Reserved.