

**ORDINANCE
AMENDMENT
NO. __ OA-2023-04 __
CHAPTER 44 - ZONING**

WHEREAS, the Mayor and the City Council of Dallas, Georgia have determined that the City is required to make certain amendments to its zoning ordinance to come into compliance with the new amendments to the Georgia Zoning Procedures Law as codified in the Official Code of Georgia; **AND**

WHEREAS, the Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on July 10th 2023; **AND**

WHEREAS, the Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment to the zoning ordinance serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia that the Code of Ordinances of the City of Dallas, Georgia be amended as follows:

Chapter 44 – Zoning shall be deleted in its entirety and a new Chapter 44 – Zoning shall be created to read as follows:

Chapter 44 ZONING

ARTICLE I. IN GENERAL

Sec. 44-1. Definitions.

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

Accessory use means a use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use or building.

Alley means a minor way used for service access to the back or side of properties otherwise abutting a street.

Billiard room means any public place or place of business where the game of billiards is permitted to be played and for which a charge is made for use of equipment. The term "billiards," as used in this definition, means any of the several games played on a table surrounded by an elastic ledge of cushions, with balls which are impelled by a cue, and shall include all forms of the game known as "carom billiards," "pool," "pocket billiards" and "English billiards." (See section 10-279, pertaining to pool room status, for further definition.)

Building means any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals or chattels. The term "building" includes the term "structure."

Building, accessory, means a building subordinate or supplemental to the main building on a lot and used for purpose customarily incidental to that of a main or principal building and located on the same lot therewith.

Building department means the city or its designated representative, which is designated by ordinance to administer and enforce all building codes for the city.

Building official means the city, or its representative, who is designated by ordinance as the building inspector for the city.

Building, principal, means a building in which is conducted the main use of the lot on which said building is located.

City planning commission will be known in this chapter as the planning commission.

Dwelling means a building designed, arranged, or used for permanent living quarters for one or more persons.

Dwelling, multi-family, means a building containing two or more dwelling units designed for residential use.

Dwelling, single-family, means a building containing not more than one dwelling unit designed for residential use, which meets or exceeds the following standards:

- (1) Minimum width in excess of 16.5 feet;
- (2) Minimum square footage of 1,500 square feet;
- (3) The roof shall have a minimum three to 12-foot roof pitch and shall have a surface covering of wood shakes, asphalt, fiberglass or wood shingles, concrete or other materials approved by the building official;
- (4) The exterior siding material shall consist of wood, masonry, concrete, ~~stone~~, Masonite, or, or other materials approved by the building official.

Dwelling unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Family means one or more persons occupying a dwelling and living as a single-housekeeping unit.

Game room means any public place or place of business where there are available to the public five or more electronic or mechanical games of skill or chance.

Junkyard means any such use involving the storage or disassembly of wrecked automobiles, trucks, or other vehicles; storage, baling or otherwise dealing in bones, animal hides, scrap metal, used paper, used cloth, used plumbing fixtures and used brick, wood, or other building materials. Such uses shall be considered junkyards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to, other uses of the premises.

Lot means a portion or parcel of land devoted to a common use or occupied by a building or group of buildings devoted to a common use together with the customary accessories and open spaces belonging to the same. The term "lot" includes the term "plot" or "parcel."

Lot depth means the mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot width means the distance between side lot lines measured at the building line.

Manufactured home.

- (1) The term "manufactured home" means:
 - a. A new or used structure;
 - b. Transportable in one or more sections, which, in the traveling mode:
 1. Is eight body feet or more in width;
 2. 40 body feet or more in length; or
 - c. When erected on site, is:
 1. 320 or more square feet;
 2. Built on a permanent chassis; and
 3. Designed to be used as a dwelling, with or without a permanent foundation;
 4. Connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein;
- (2) The term "manufactured home" includes any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974, 42 USC 5401 et seq.

Manufactured home park means a parcel of land which has been planned and improved for the placement of mobile homes for nontransient use.

Maps, zoning maps or city zoning maps means the official zoning maps of the city.

Modular home or industrialized building means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Nonconforming use means a building, structure, or use of land existing at the time of enactment of the ordinance from which this chapter is derived, and which does not conform to the regulations of the district in which it is located.

Pool room means a billiard room as defined in this section.

Roominghouse or boardinghouse means a dwelling, other than a hotel or lodginghouse, where meals or housing accommodations for three or more persons are provided for hire.

Semitrailer truck means a mobile unit designed for the hauling of materials which is equipped with a chassis.

Sign, business, means an attached or freestanding structure which directs attention to a business or profession conducted on the premises.

Sign, outdoor advertising, means a structural poster panel, or painted sign, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which it is located.

Street means a public or private way which affords the principal means of access to abutting properties.

Structure means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Used or occupied, as applied to any land or building, includes the words "intended, arranged or designed to be used or occupied."

Yard means an open space on the same lot with a principal building, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, front, means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the front line of the building projected to side lines of the lot.

Yard, rear, means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to side lines of the lot.

Yard, side, means an open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

- (b) Except as specifically defined in this section, all words used in this section shall carry their customary meaning as defined by a standard dictionary.

(Comp. Ords. 2005, § 5-1803(j)(2); Ord. No. 92-20, 11-2-1992; Ord. No. 03-11, 7-7-2003; Ord. No. 2008-04, § 5-302, 11-3-2008; Ord. No. OA-2012-04, 3-19-2012)

(Comp. Ords. 2005, § 5-1811(h))

Secs. 44-22. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 44-23. Zoning enforcement officer.

(a) The provisions of this chapter shall be administered and enforced by the building official of the city who is hereby given the authority to perform these functions. The zoning enforcement officer and or his designee duties shall include:

- (1) Receiving applications;
- (2) Inspecting premises;
- (3) Issuing building permits and certificates of occupancy for uses and structures that meet the requirements of this chapter; and

(b) The provisions of the ordinance shall be administered by the zoning enforcement officer and enforced in coordination with the city marshal, with the powers provided in the laws of the State of Georgia and in the chapter and resolutions of the City of Dallas. For the propose of serving citations for violations of this ordinance, such citations may be referred to the City Marshal's Bureau of the City of Dallas for service.

(Comp. Ords. 2005, § 5-1811(a))

Sec. 44-24. Land Disturbance and/or Building permit required.

It shall be unlawful to commence the excavation or filling of any lot for any construction of any building, or to commence construction of any building, or to commence the moving or alteration of any building or to commence the development of land for a use not requiring a building, until the building inspector has issued a permit for such work.

(Comp. Ords. 2005, § 5-1811(b))

Sec. 44-25. Application for building permit.

- (a) All applications to the building inspector for building permits shall be accompanied by plans in duplicate, drawn to scale showing:
 - (1) The actual dimensions of the lot to be built upon;
 - (2) The size of the building to be erected;
 - (3) The location of the building on the lot;
 - (4) The location of existing structures on the lot, if any;
 - (5) The number of dwelling units the building is designed to accommodate;
 - (6) The setback lines of buildings on adjoining lots;
 - (7) The layout of off-street parking and loading spaces; and
 - (8) Such other information as may be essential for determining whether the provisions of this chapter are being observed.
- (b) If the proposed excavation, filling, or construction as set forth in the application are in conformity with the provisions of this chapter and other ordinances of the city then in force, the building department shall issue a building permit upon payment of the required fee. If a building permit is refused, the building inspector shall state such refusal in writing with the cause.

(Comp. Ords. 2005, § 5-1811(c))

Sec. 44-26. Construction progress.

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of the date of issue or if the work authorized by the permit is suspended or abandoned for a period of one year.

(Comp. Ords. 2005, § 5-1811(d))

Sec. 44-27. Certificate of occupancy required.

- (a) A certificate of occupancy issued by the building inspector is required in advance of the occupancy or use of:
 - (1) Any building, structure, land, or premises;
 - (2) Any building, or structure hereafter erected or moved;
 - (3) Any building hereafter altered, so as to affect the front, side, or rear yards thereof, or its height;
 - (4) Any nonresidential building, structure, or premises in which there is a change of occupancy or use;
 - (5) Each nonconforming use created by the passage of and subsequent amendments to the ordinance from which this chapter is derived. Such nonconforming use shall obtain a certificate of occupancy within 30 days of the date of said passage or amendments.
- (b) Within three days after the application for a certificate of occupancy and payment of any required fees, the building inspector shall sign and issue a certificate of occupancy if the proposed use of land or building, as stated on the certificate of occupancy and signed by the owner or his appointed agent, is found to conform to the applicable provisions of this chapter, and if the building, as finally constructed, complies with the plans submitted for the building permit.

(Comp. Ords. 2005, § 5-1811(e))

Sec. 44-28. Denial of certificate of occupancy.

A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter, or unless the building, as finally constructed, complies with the sketch or plan upon which the building permit was issued. The building inspector shall state in writing the reasons for denying such certificate of occupancy.

(Comp. Ords. 2005, § 5-1811(f))

Sec. 44-29. Records of applications and certificate.

Records of applications for building permits, records of plats and plans in connection with said permits, and records of all occupancy certificates and denials shall be kept on file in the office of the building inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

(Comp. Ords. 2005, § 5-1811(g))

Sec. 44-30. Remedies.

In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used in violation to this chapter, the building inspector, or any other appropriate city authority or any person who would be damaged by such violation, in addition to other remedies, may institute injunction mandamus, or other appropriate action in proceeding to prevent the violation in the case of each building or use of land.

(Comp. Ords. 2005, § 5-1811(i))

Sec. 44-31. Conflict with other laws.

Whenever the regulations of this chapter require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statute, the requirements of this chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

(Comp. Ords. 2005, § 5-1815)

Secs. 44-32. Violations of article.

Any action or inaction which violates the provisions of this article or the requirements of an approved permit, may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in sections 44-34 shall not prevent such equitable relief.

Secs. 44-33. Notice.

If the city determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action;
- (5) A statement of the penalties that may be assessed against the person to whom the notice of violation is directed; and
- (6) A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 30 days after the notice of violation; except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient.

Secs. 44-34. Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the actions or penalties in this section may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the actions or imposing any of the penalties as set forth in this section, the city shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the city may take any one or more of the following actions or impose any one or more of the following penalties:

- (1) *Stop work order.* The city may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (2) *Withhold certificate of occupancy.* The city may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) *Suspension, revocation or modification of permit.* The city may suspend, revoke or modify any authorized permit. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the city may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the city shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the city has taken one or more of the actions described in subsections (1) through (3) of this section, the city may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) *Criminal penalties.* For intentional and flagrant violations of this article, the city may issue a citation to the applicant or other responsible person requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 44-35-44-50. Reserved.

DIVISION 2. BOARD OF ZONING APPEALS

Sec. 44-51. Established.

A board of zoning appeals is hereby established. Said board shall consist of three members appointed by the city council for overlapping terms of three years. Initial appointment shall be as follows: one member for one year, one member for two years, and one member for three years. Each successive appointment shall be for three years.

Any vacancy in the membership of the board of zoning appeals shall be filled for the unexpired term in the same manner as the initial appointment.

Members shall be removable for cause by the city council upon written charges and after public hearing.

Members shall receive a payment per meeting to allow for expenses incurred in performing their duties; payment schedule maintained by the clerk in a separate schedule.

(Comp. Ords. 2005, § 5-1812(a); Ord. No. OA-2012-03, 3-5-2012)

Sec. 44-52. Proceedings.

The board of zoning appeals shall elect a chairperson and a vice chairperson from its members who shall serve for one year or until reelected or until their successors are elected. The board shall appoint a secretary, who may be a municipal officer, an employee of the city, or a member of the planning commission. The board shall adopt rules and bylaws in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his absence, the vice chairperson, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. All meetings of the board of zoning appeals shall be open to the public.

(Comp. Ords. 2005, § 5-1812(b))

Sec. 44-53. Powers and duties.

The board of zoning appeals shall have the following powers and duties:

- (1) *Administrative review.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the building inspector in the enforcement of this chapter.
- (2) *Variances.* To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board of zoning appeals that all of the following conditions exist:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
 - b. The application of this chapter to this particular piece of property would create an unnecessary hardship.
 - c. Such conditions are peculiar to the particular piece of property involved.
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this chapter.

(Comp. Ords. 2005, § 5-1812(c))

Sec. 44-54. Appeals, hearings, and notice.

Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the building inspector. Such appeal shall be taken within the board of zoning appeals a written notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken. The board of zoning appeals shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give at least 15 days public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appear in person, or by agent or by attorney.

(Comp. Ords. 2005, § 5-1812(d))

Sec. 44-55. Application for hearing.

Application for a hearing and decision or requests for variances, appeals and special exceptions shall be filed with the city (on forms it shall provide) at least 20 working days prior to the meeting at which they are to be heard, along with a nonrefundable fee as set forth in the schedule of fees and charges on file in the office of the city clerk, and may be amended from time to time as needed, by the mayor and city council of Dallas, Georgia.

Each application shall contain such information as may be required to enable the board to make its decision. Each application for a variance shall include a plat drawn to scale showing the following information:

- (1) All property lines, with dimensions;
- (2) Location of buildings and other structures, creeks, and easements referenced to the property line of the tract;
- (3) North arrow, sheet number, lot and parcel number from the county tax sheets;
- (4) Location of setback lines or other dimensional requirements from which the variance is sought;
- (5) Location and distance of structures, creeks, and easements on adjacent property.

(Comp. Ords. 2005, § 5-1812(e); Ord. No. OA-2021-04, 4-5-2021)

Sec. 44-56. Stay of proceedings.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board of zoning appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of zoning appeals or by a court of record on application, on notice to the building inspector, and on due cause shown.

(Comp. Ords. 2005, § 5-1812(f))

Sec. 44-57. Decisions.

In exercising its powers, the board of zoning appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the building inspector and may issue or direct the issuance of a building permit. The concurring vote of two members of the board shall be necessary to reverse any order, requirements, decision or determination of the building inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation of this chapter. On all appeals, applications and other matters brought before the board of zoning appeals, said board shall inform, in writing, all the parties involved of its decisions and the reasons therefor. Recourse from a decision by the board of zoning appeals shall be to a court of competent jurisdiction in such matters.

(Comp. Ords. 2005, § 5-1812(g))

Secs. 44-58—44-87. Reserved.

DIVISION 3. AMENDMENTS

Sec. 44-88. Authority.

This chapter, including the city zoning maps, may be amended from time to time, but no amendment, other than by annexation ordinance, shall become effective unless a public hearing has been held in accordance with O.C.G.A. § 36-66-4. The city and the city planning commission shall ensure that the general public and property owners are afforded due process in the city's regulation of the uses of property through the city zoning powers. This shall be accomplished by the procedures and regulations in this division. Action shall not be initiated for a zoning map amendment affecting the same parcel of property more often than once every six months.

(Comp. Ords. 2005, § 5-1813(a))

Sec. 44-89. Public hearing.

- (a) Before enacting an amendment to the ordinance from which this chapter is derived or to the city zoning maps, a public hearing must be held by the mayor and council of the city in accordance with O.C.G.A. § 36-66-4, as now adopted or hereafter amended. At least 15 days but not more than 45 days prior to the date of the public hearing, the city shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city, a notice of the hearing. The notice shall state the date, time, place and purpose of the hearing.
- (b) If the amendment is to the city zoning maps, then the published notice shall also include, in addition to the items in subsection (a) of this section, the location of the property to be rezoned, the present zoning classification and the proposed zoning classification of the property to be rezoned and at least 15 days prior to the hearing, there shall be a sign placed in a conspicuous location on the property or public right of way adjacent to the property to be rezoned that shall contain the following information:

City Zoning Notice

Name of owner _____

Address of property _____

Present zoning _____

Proposed zoning _____

For additional information, please call the Dallas City Hall at _____

- (c) If an application for an amendment to the city zoning maps is voluntarily withdrawn prior to a final decision by the mayor and council of the city or if the application is not approved by the mayor and council of the city, then the same property cannot be resubmitted for consideration for an amendment until the expiration of at

least six months from the date of disapproval or withdrawal. Any reapplication must abide by the same public notice procedures as stated in subsections (a) and (b) of this section.

- (d) All public hearings held before the mayor and council or the city planning commission in regard to each zoning decision shall be conducted under the following procedures:
- (1) The public hearing shall be called to order by the mayor or by the presiding officer;
 - (2) The mayor or presiding officer shall explain the procedures to be followed in the conduct of any public hearing on a proposed zoning decision;
 - (3) For each proposed zoning decision, if the subject of the public hearing is a rezoning request initiated by a petitioner other than the mayor and council, then the petitioner, or his representative, shall first present and explain the request for the rezoning. If the request for rezoning is initiated by the city, or if the request is a zoning ordinance amendment, then the city manager shall present and explain the request on behalf of the city. Thereafter, all individuals that desire to speak in favor of the request shall be permitted to speak. The petitioner and those speaking in favor of the request shall be limited to 15 minutes total time for their presentation of data, evidence and opinion;
 - (4) For any proposed zoning decision, after all persons in favor of the request have spoken, then all individuals who desire to speak in opposition to the request or amendment, shall have the opportunity to do so. All persons speaking in opposition to the application shall be limited to 15 minutes total time for their presentation of data, evidence and opinion;
 - (5) When any person desires to speak, he shall first raise his hand and be recognized by the mayor or presiding officer, then stand and state his name and address and then shall make whatever comment that he has that is appropriate to the issue;
 - (6) Thereafter, the mayor or presiding officer shall declare the public hearing closed and either another public hearing shall be commenced for the next request, or the regular business session of the mayor and council or the city planning commission shall be convened.

(Comp. Ords. 2005, § 5-1813(b); Ord. No. 96-17, 8-5-1996)

Sec. 44-90. Application for map amendments.

An application for amendment to the zoning maps may be initiated by the city planning commission or be submitted by the mayor and council to the planning commission, or by any person who owns property within the city. Unless initiated by the city council or by the city planning commission, all applications for zoning map amendments must be submitted by the owner of such property or by an authorized agent of the owner. An application for an amendment affecting the same property shall not be submitted more often than once every six months; however, this provision shall not apply to those properties affected by an amendment filed by the city council or by the city planning commission. The official zoning maps of the city shall be kept by the city clerk of the city and all approved amendments shall be shown on the official zoning maps.

(Comp. Ords. 2005, § 5-1813(c))

Sec. 44-91. Application contents and filing procedures.

- (a) Each application to amend the official zoning maps shall be filed with the city manager and/or his designee.
- (b) Each application shall be submitted under the following conditions and shall contain the following information:
 - (1) A legal description of the tracts proposed to be rezoned, or referenced to the county tax sheet records;
 - (2) A plat showing the dimensions (metes and bounds), acreage, and location of the tracts prepared to scale;
 - (3) The present and proposed zoning classification for the tracts; and
 - (4) The name and address of the owners of the land and their agents, if any.
 - (5) Such other information as may be essential for determining whether the provisions of this chapter are being observed.
- (c) It shall meet the applicable development standards for the district for which application is made.
- (d) An application shall be submitted to the city manager and/or his designee at least ~~30~~ 60 days prior to the date on which it is to be considered by the planning commission. It shall be accompanied by a nonrefundable fee, as determined by resolution of the mayor and council of the city, to defray the public expense of processing the application. A fee shall not be charged if an official governmental agency files the application.
- (e) The applicant shall present a map showing the location of the property for which an application is submitted, and its relationship to adjoining properties and public facilities and services.
- (f) An application may not be withdrawn or amended by the applicant after the legal advertising as required by this chapter shall have first appeared. However, the city council may allow an application to be withdrawn subject to the six-month limitation of this section. The city council may amend an application prior to acting thereon, but only to reduce its size, or change the district requested to a less intensive or lower density district

than that requested or by requiring that certain conditions contained in section 44-240 be made a part of the rezoning decision.

(Comp. Ords. 2005, § 5-1813(d))

Sec. 44-92. Prior study.

The city manager or his designated representative, upon receiving an application for rezoning of an area or a particular piece of property shall do the following:

- (1) Consult with other departments of the city, county and/or state to fully evaluate the impact of any zoning change upon public facilities and services including, but not limited to, schools, drainage, traffic, water, sewer, etc.;
- (2) Study each application with references to its appropriateness and effect on existing, proposed and/or projected land use;
- (3) Report to the city planning commission and the city council the results of the studies set forth in this subsection.

(Comp. Ords. 2005, § 5-1813(e))

Sec. 44-93. Procedures and zoning standards of the mayor and council and the city planning commission.

- (a) So that the purpose of this chapter will be served and so that health, public safety and the general welfare will be secured:
 - (1) The mayor and council of the city in its decision on an application for a proposed amendment may, in its legislative discretion:
 - a. Approve or deny the application for a proposed amendment as submitted;
 - b. Defer a decision until a specific meeting date; or
 - c. Require an applicant to file a site plan or other plans regarding the proposed project development and defer action until a later date;whether a valid withdrawal of the application has been made by the applicant.
 - (2) The mayor and council may also require that:
 - a. The land areas for the proposed amendment be reduced;
 - b. The zoning district be changed to one other than requested; and/or
 - c. Zoning conditions be added or deleted, as the mayor and council may deem appropriate.
- (b) Whenever the city shall exercise its zoning powers, either through a recommendation by the city planning commission or by the mayor and council in approving or disapproving the application, the following standards are considered relevant in balancing the city's interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property:
 - (1) Existing land use and zoning classification of nearby and adjacent properties;
 - (2) Whether the zoning proposed will permit a use that is suitable in view of the use and development of nearby and adjacent properties;
 - (3) Whether the zoning proposed will adversely affect the existing use or usability of nearby or adjacent properties;
 - (4) Whether the property to be affected by the zoning proposed has a reasonable economic use as currently zoned;
 - (5) Whether the zoning proposed will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
 - (6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposed;
 - (7) The relative gain to the public, as compared to the hardship imposed upon individual property owners;
 - (8) The extent to which property values are diminished by existing zoning classification, as compared to the health, safety, morals or general welfare of the public; and
 - (9) Whether the zoning proposed conforms with the policy and intent of an adopted land use plan.

(Comp. Ords. 2005, § 5-1813(f))

Sec. 44-94. Conflicts of interest.

- (a) A local official, including planning commission members, who has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote; or has a financial interest in any business entity which has a property interest in any real property affected by rezoning action upon which that official is authorized to vote; or has a member of the family that has a property interest or financial interest in a business that has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote shall immediately disclose the nature and extent of such interest, in writing to the mayor and council of the local government in which the local government official is a member. Such disclosures shall be a public record and available for public inspection at any time during normal business hours.
- (b) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate value of \$250.00 or more to a local official of the local government which will consider the application, then it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the mayor and council of the local government in accordance with O.C.G.A. § 36-67A-3 as now adopted or hereafter amended.
- (c) Any applicant who knowingly violates subsection (b) of this section or a local government official who knowingly violates subsection (a) of this section shall be guilty of a misdemeanor in accordance with O.C.G.A. § 36-67A-4.

(Comp. Ords. 2005, § 5-1814)

Secs. 44-95—44-116. Reserved.

ARTICLE III. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 44-117. Division into districts.

For the purpose of this chapter, the city is divided into 12 zoning districts designated as follows:

R-1	Single-family residential district
R-2C	Single-family residential district - conservation
R-2	Single-family residential district
R-3	Residential District High-density
R-4	Mixed Use/Residential District High-density
O-I	Office-institutional district
C-1	Central business district
C-2	General business district
C-N	Neighborhood business district
G	General industrial district
H-1	Heavy Industrial District

(Comp. Ords. 2005, § 5-1804(a))

Sec. 44-118. District boundaries.

The boundaries of each district are as shown on maps entitled "Official Zoning Maps, Dallas, Georgia," adopted March 1988, and certified by the city clerk. Said maps, and all explanatory matter thereon, accompany and are hereby made a part of this chapter. Said maps shall be retained in the office of the city clerk and shall be available for public inspection during normal office hours.

(Comp. Ords. 2005, § 5-1804(b))

Sec. 44-119. Rules for determining boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning maps, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines, or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

- (2) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, or railroads, or right-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning maps. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning maps.
- (4) Where a district boundary line, as appearing on the zoning maps, divides a lot in single ownership at the time of this enactment, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than 35 feet beyond the district boundary line.

(Comp. Ords. 2005, § 5-1804(c))

Secs. 44-120—44-136. Reserved.

DIVISION 2. RESIDENTIAL DISTRICTS¹

Sec. 44-137. R-1 Single-family residential district.

Within an R-1 residential district, the following uses shall be permitted.:

- (1) Single-family dwellings except for manufactured homes. Total density limitation of three single family dwellings per acre.
- (2) Churches and similar places of worship and their customary related uses.
- (3) Public and private schools offering general education courses.
- (4) Municipal, county, state, federal and other public uses, including parks and playgrounds.
- (5) Accessory buildings provided such shall be permitted only in a rear yard and shall not be less than ten feet from any property line.
- (6) Nursery schools (day care centers) and kindergartens, provided that they shall have at least 35 square feet of indoor space provided for each child and at least 100 square feet of play area per child in the outdoor play area; and that the outdoor area shall be enclosed by a fence having a minimum height of six feet; and provided that the principal building of such use shall meet all the yard requirements of the R-1 residential district.
- (7) Bed and breakfast/special events facilities, provided that they shall have at least one bath per each bedroom; parking spaces for at least 50 vehicles; and an owner or manager shall reside at the facility.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-138. R-2C Single-family residential district - conservation

- (1) Single-family dwellings except for manufactured homes. Total density limitation of three single family dwellings per acre.
- (2) Churches and similar places of worship and their customary related uses.
- (3) Public and private schools offering general education courses.
- (4) Municipal, county, state, federal and other public uses, including parks and playgrounds.
- (5) Accessory buildings provided such shall be permitted only in a rear yard and shall not be less than ten feet from any property line. No accessory buildings shall contain independent kitchen facilities.
- (6) Nursery schools (day care centers) and kindergartens, provided that they shall have at least 35 square feet of indoor space provided for each child and at least 100 square feet of play area per child in the outdoor play area; and that the outdoor area shall be enclosed by a fence having a minimum height of six feet; and provided that the principal building of such use shall meet all the yard requirements of the R-1 residential district.
- (7) A business, occupation or profession carried on within a single-family residential dwelling by the resident thereof that is designated as a home occupation shall conform to the following criteria:

¹Editor's note(s)—Ord. No. OA-2012-04, 3-19-2012, repealed Ch. 44, Art. III, Div. 2, §§ 44-137—44-141, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, Div. 2 pertained to similar subject matter. See Code Comparative Table for derivation.

Sec. 44-138. R-2C Single-family residential district - conservation

- (1) Single-family dwellings except for manufactured homes. Total density limitation of three single family dwellings per acre.
- (2) Churches and similar places of worship and their customary related uses.
- (3) Public and private schools offering general education courses.
- (4) Municipal, county, state, federal and other public uses, including parks and playgrounds.
- (5) Accessory buildings provided such shall be permitted only in a rear yard and shall not be less than ten feet from any property line. No accessory buildings shall contain independent kitchen facilities.
- (6) Nursery schools (day care centers) and kindergartens, provided that they shall have at least 35 square feet of indoor space provided for each child and at least 100 square feet of play area per child in the outdoor play area; and that the outdoor area shall be enclosed by a fence having a minimum height of six feet; and provided that the principal building of such use shall meet all the yard requirements of the R-1 residential district.
- (7) A business, occupation or profession carried on within a single-family residential dwelling by the resident thereof that is designated as a home occupation shall conform to the following criteria:
 1. The occupation carried on within the dwelling unit shall be restricted to the heated floor area of the dwelling.
 2. No product shall be sold on the premises and all home occupation activities shall be conducted entirely within the dwelling. This shall not prohibit sales by telephone when the delivery of merchandise is to take place elsewhere.
 3. The home occupation use carried on within the dwelling unit shall not occupy more than 25 percent of the heated floor area of the dwelling unit, and said home occupation use shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.
 4. There shall be no external display of products or storage of equipment or other externally visible evidence whatsoever of the occupation, business or profession.
 5. No sign advertising a home occupation exceeding two square feet is permitted, including those mounted inside windows and doors that are visible from a public right-of-way or a neighboring property line. No sign shall be internally or externally illuminated.
 6. Any person who conducts a home occupation shall be a member of the family residing on the premises, shall take substantially all of their overnight lodging at the dwelling, shall store substantially all of their personal belongings which are used in normal daily life in the dwelling, and shall use the address of the subject dwelling as their address for legal purposes such as voting and the payment of personal property taxes.
 7. No equipment or process shall be used in that creates smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable to the normal senses at the lot line or beyond.
 8. There shall be no stock of goods or materials on the premises with the exception of literature and brochures appurtenant to the occupation, business or profession. Said literature and brochures shall remain in that part of the residence designated for home occupation purposes.
 9. There shall be no chemical, mechanical or electrical equipment on the premises other than that normally found in a purely domestic residence.
 10. Contact with customers and clients shall be made by telephone or mail. No business vehicle larger than a van, or pickup truck shall be permitted to remain on the premises other than a vehicle owned by the resident.
 11. There shall be no assembly or group instructions in connection with the home occupation with the exception of child care which can be conducted with a maximum of five children at a time. Other individual instruction on a one-on-one basis is permitted.
 12. The above listed requirements of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided that this exception shall not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for display of said produce.
 13. Any business, occupation or profession, the operation of which does not meet the aforementioned requirements of a home occupation shall not be interpreted to be a home occupation despite the fact that it might attempt to operate in a single-family residence.

Sec. 44-139. R-2 Single-family residential district.

Within the R-2 residential district, the following uses shall be allowed:

- (1) All uses permitted in R-1 residential district with a total density limitation of three single family dwellings per acre.
- (2) Manufactured home.
 - a. Manufactured homes, provided each manufactured home is located within an approved manufactured home park and conforms to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective on June 15, 1976. All manufactured housing (mobile homes) produced before this date shall not be moved into the city.
 - b. Any existing manufactured housing located within the city upon adoption of the ordinance from which this chapter is derived shall be exempt until either relocated, vacant for a period of six months or destroyed greater than 50 percent of its value, at which time the provisions of the ordinance from which this chapter is derived shall prevail.
- (3) Manufactured home parks are permitted within R-2 residential districts provided they meet the requirements of article V of this chapter, pertaining to manufactured home parks.
- (4) A business, occupation or profession carried on within a single-family residential dwelling by the resident thereof that is designated as a home occupation shall conform to the following criteria:
 1. The occupation carried on within the dwelling unit shall be restricted to the heated floor area of the dwelling.
 2. No product shall be sold on the premises and all home occupation activities shall be conducted entirely within the dwelling. This shall not prohibit sales by telephone when the delivery of merchandise is to take place elsewhere.
 3. The home occupation use carried on within the dwelling unit shall not occupy more than 25 percent of the heated floor area of the dwelling unit, and said home occupation use shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.
 4. There shall be no external display of products or storage of equipment or other externally visible evidence whatsoever of the occupation, business or profession.
 5. No sign advertising a home occupation exceeding two square feet is permitted, including those mounted inside windows and doors that are visible from a public right-of-way or a neighboring property line. No sign shall be internally or externally illuminated.
 6. Any person who conducts a home occupation shall be a member of the family residing on the premises, shall take substantially all of their overnight lodging at the dwelling, shall store substantially all of their personal belongings which are used in normal daily life in the dwelling, and shall use the address of the subject dwelling as their address for legal purposes such as voting and the payment of personal property taxes.
 7. No equipment or process shall be used in that creates smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable to the normal senses at the lot line or beyond.
 8. There shall be no stock of goods or materials on the premises with the exception of literature and brochures appurtenant to the occupation, business or profession. Said literature and brochures shall remain in that part of the residence designated for home occupation purposes.
 9. There shall be no chemical, mechanical or electrical equipment on the premises other than that normally found in a purely domestic residence.
 10. Contact with customers and clients shall be made by telephone or mail. No business vehicle larger than a van, or pickup truck shall be permitted to remain on the premises other than a vehicle owned by the resident.
 11. There shall be no assembly or group instructions in connection with the home occupation with the exception of child care which can be conducted with a maximum of five children at a time. Other individual instruction on a one-on-one basis is permitted.
 12. The above listed requirements of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided that this exception shall not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for display of said produce.
 13. Any business, occupation or profession, the operation of which does not meet the aforementioned requirements of a home occupation shall not be interpreted

to be a home occupation despite the fact that it might attempt to operate in a single-family residence.

(Ord. No. OA-2012-04, 3-19-2012; Ord. No. OA-2017-01, 12-11-2017)

Sec. 44-140. R-3 Residential District, high-density (Inactive Zoning District).

The R-3 Residential District has been retired. No new zoning applications will be accepted for the R-3 Residential District; however, any conforming property currently zoned to this district will be considered vested.

Within the R-3 residential district, the following uses shall be permitted:

- (1) Multifamily residential developments which allow up to nine dwelling units per acre with provisions for customary accessory uses. Single-family attached subdivisions (fee simple ownership) may have up to nine dwelling units per acre.
- (2) Total building area is limited to 50 percent of site area. Two off-street parking spaces shall be provided on site for each dwelling unit, except in the case of low-income public housing which shall provide one and one-half parking spaces per dwelling unit. Each dwelling unit shall have its own bath/toilet and kitchen/dining areas. Each dwelling units shall contain a minimum of:
 - a. 850 square feet for two bedroom units.
 - b. 1,000 square feet for three bedroom units.
 - c. 1,200 square feet for four bedroom units.
- (3) Buildings should be placed at least 20 feet apart. The front of the one building must not face the rear of another building on the site.
- (4) The developer of the complex shall set aside and develop not less than 25 percent of the land area within the complex for open space, parks or recreational use. Required drives, yard areas and common parking court areas shall not be credited toward this minimum required open space allocation. Only 50 percent of such area may be developed with recreational facilities. Not more than 50 percent of the land reserved for open space purposes shall be within a floodplain.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-141. R-4 Mixed Use/Residential District High-density (New District).

(a) The R-4 residential district is only appropriate within the Downtown Development District #1. The Downtown Development District #1 shall be any and all properties located within the boundaries of the roadways listed below and also any parcel with frontage along or property adjacent to the public right-of-way on either side of the roadways listed below and shown on the official zoning map of the City:

- (1) East Memorial Drive from Main Street to Lester Drive.
- (2) Merchants Drive from Lester Drive to Nathan Dean Blvd.
- (3) Nathan Dean Blvd from Merchants Drive to Henry Y Holland Drive.
- (4) Henry Y Holland Drive from Nathan Dean Blvd to Hardee Street.
- (5) Hardee Street from Henry Y Holland Drive to Main Street.
- (6) Main Street from Hardee Street to Cooper Avenue.
- (7) Cooper Avenue from Main Street to South Johnston Street.
- (8) West Cooper Avenue from South Johnston Street to Hood Street.
- (9) Hood Street from West Cooper Avenue to West Griffin Street.
- (10) West Griffin Street from Hood Street to South Street.
- (11) South Street from West Griffin Street to Victory Drive.
- (12) Victory Drive from South Street to Griffin Street.
- (13) Griffin Street from Victory Drive to West Memorial Drive.
- (14) West Memorial Drive from Griffin Street to Main Street.

(b) Within the R-4 residential district, the following uses shall be permitted:

- (1) Multifamily residential and/or Mixed Use developments that are limited to:
 - a. Townhomes, row houses, or mid-rise, courtyard building types.
 - b. Any retail business, food service, or service establishment.

- c. Hotels, banks, and offices,
 - d. Automobile parking lots and parking structure.
 - e. Public buildings and structures.
- (2) The Floor Area Ratio (FAR) shall be between a minimum FAR of 0.5:1 and a maximum FAR of 1.5:1. The Floor Area Ratio (FAR) is defined as the gross floor area of all buildings or structures on a lot divided by the total lot area.
- (3) Each dwelling unit shall have its own bath/toilet and kitchen/dining areas. Each dwelling units shall contain a minimum of:
- a. 750 square feet for one bedroom
 - b. 850 square feet for two bedroom units.
 - c. 1,000 square feet for three bedroom units.
 - d. 1,200 square feet for four bedroom units.
- (4) *Street frontage.* Units within the complex shall front on a public street having a pavement width of not less than 26 feet or, if such street is designated as being one-way, 20 feet. if parking is provided, parking shall be in the rear of the units or in planned parking areas located to the rear of the front building setback line and separated from such streets by an open space providing a minimum depth of 20 feet. Individual cub cuts for each unit shall be prohibited; curb cuts shall be limited to one per 100 feet of street frontage.
- (5) *Alignment.* No dwelling unit shall be situated so as to face the rear of another dwelling unit within the subdivision unless terrain differences or vegetation will provide effective visual separation.
- (6) *Parking.* At least one off-street parking spaces shall be provided for each unit. Such space shall be provided:
- a. Under the dwelling unit;
 - b. To the immediate rear of the dwelling unit; and
 - c. In common off-street parking areas not more than 300 feet from the dwelling unit as measured along the shortest paved route. All off-street parking spaces shall be designed and located so that vehicles will not be required to back into a public street.
- (7) *Preservation of common areas.* With the exception of condominiums, which shall be governed as by state law provided, the developer of the complex or a home owners' association created by the developer, by recorded covenants and restrictions running with the land, shall preserve and maintain for the owners and occupants of the units, the lands set aside for open space, parks or recreational use and common off-street parking spaces established for the complex. The book and page in which such covenants and restrictions are recorded shall be shown on the final plat of the complex.
- (8) *Development plan.* A development plan for the complex shall be processed in conformance with all applicable requirements, and must be approved by the city Mayor and Council at the time of application for zoning, the applicant shall submit a development plan. In the event R-4 zoning is approved, the property shall be developed in substantial conformity with the development plan submitted with the application. Any failure to substantially conform with the approved development plan may result in the issuance of stop work orders, revocation of permits, denial of future permits, denial of certificates of occupancy, and/or the issuance of zoning violation citations. Zoning application plan approval shall not constitute entitlement to permits.
- (9) *Design Standards.* These design standards shall be used to evaluate every development, redevelopment, rehabilitation and building project within the R-4 zoning district.
- a. New structures shall fit in with the surrounding buildings.
 - b. No front loading attached garages shall be permitted. All attached garages shall be side or rear entry.
 - c. All development shall coordinate pedestrian and vehicular circulation patterns with adjacent buildings and sites as well as interconnect with existing adjacent sidewalks.
 - d. Mechanical and electrical equipment, solar collectors, satellite dishes, dumpsters, compactors, storage tanks, utility meters, valves, vents, and other similar equipment shall be located to the rear of the building or otherwise concealed from public street view.
 - e. Adjacent to public streets and dedicated pedestrian walkways, chain link, razor wire, barbed wire, corrugated metal, plastic, exposed concrete and exposed concrete block walls and fences are prohibited.
 - f. Walls and fences shall have vertical articulation at least every 40 linear feet.
 - g. Building facades longer than 40 feet shall be visually divided into segments of no more than 20 feet through articulation of the façade achieved through methods such as but not

limited to architectural recesses, breaks in materials, additional window bays, variation in roof line, and building setback.

- h. A minimum of 50% of the street facing facades on the ground level shall be transparent through windows and doors.
- i. A minimum of 40% of all facades on the upper floors shall contain windows or balconies.
- j. Exterior metal walls shall be prohibited on all buildings erected, constructed, altered, or repaired which abut, are adjacent to or are visible from public street view.
- k. Vinyl siding on exterior walls shall be prohibited.
- l. Stucco siding on exterior walls shall be prohibited.
- m. Building facades may be constructed from stone masonry, brick, glass, high grade fiber cement siding, and/or wood as defined below, or other materials or products which provide the same desired appearance, stability and quality. Products other than the listed products must be approved by the city.
 - 1. Stone material used for masonry construction may consist of natural stones such as granite, sandstone, slate, limestone, marble, or other hard or durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable. Painted stone or mass produced sheets of simulated stone which are intended to imitate masonry exteriors are not permitted.
 - 2. Brick material used for masonry construction shall be composed of hard fired (kiln-fired) all weather standard size brick or other all weather facing brick. Simulated brick is not permitted. Concrete block/CMU/cinder block is not permitted.
 - 3. Glass shall include glass curtain walls construction. Glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads, and which may consist of a combination of glass and other surfacing materials supported in a metal framework. Reflective or glass tinted more than 30% is not permitted.
 - 4. Wood construction shall include wood siding, board and batten, and other traditional wood construction. Fiberboard (Hardiplank and/or similar products) may be allowed with approval of the city. Other synthetic siding material including vinyl siding and metal siding are prohibited as a façade material.
 - 5. Small amounts of other building materials may be used as accent or trim to enhance the elevation of the building or for decorative elements but should not exceed 10% of total wall area per façade.
- n. The materials and finishes of exposed roofs shall compliment those used for the exterior walls. Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, or factory finished enamel metal roofing.

(10) *Landscape Plan.* Landscaping shall be provided in conformance with the requirements of Divison 4; Sec.44-201. Landscape Plan.

(11) *Design Review and Approval Required.*

- a. Mayor and City Council shall act as the Design Review Authority and is authorized to receive, consider, approve, approve with conditions, table, request more information or deny applications for Design Review. In granting a design review approval, the Council may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth herein, as may be deemed necessary for the protection of adjacent properties and the public interest.
- b. No new construction of any building or land improvement; no material change in exterior appearance of any existing building, structure or activity; nor any other type of development shall be allowed until an application for design review has been approved by the Council. No permits shall be issued prior to approval of the design application.
- c. All applications for design review approval shall be made as required by the City Manager and shall at minimum contain the following information:
 - 1. Elevation drawings, color and material samples. Every application or review involving the construction of a new building or structure, alterations, and/or additions to existing structures shall be accompanied by exterior elevation color renderings, drawn to scale and signed by an architect, engineer or other appropriate professional. These shall be submitted in sufficient number of copies as required by the City Manager. Said exterior elevation color renderings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors, and provide samples of materials and colors.
 - 2. Site Plan and Landscaping Plan. For every application, a plot plan or site plan, drawn to scale, shall be submitted which shows all improvements affecting appearances, such as

walls, walks, terraces, plantings, tree protection areas, accessory buildings, signs, lights, and other elements material used for masonry construction shall be composed of hard fired (kiln-fired) all weather standard size brick or other all-weather facing brick.

3. Additional information may be required to be submitted, if requested by the City.

- d. In reviewing applications for design review, the Council shall consider the appropriateness of the design of any building or any proposed material change in exterior appearance in the context of the following criteria new construction of any building or land:
1. Consistency with any adopted design guidelines for the type of development, and/or the proposed use.
 2. The nature and character of the surrounding areas, and the consistency and compatibility of the proposed application with such nature and character.
 3. The general design, character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area, site, and landscaping.

(Ord. No. OA-2012-04, 3-19-2012)

Secs. 44-143—44-165. Reserved.

DIVISION 3. COMMERCIAL AND INDUSTRIAL DISTRICTS²

Sec. 44-166. O-I office-institutional district.

Within the O-I office and institutional district, the following uses shall be permitted:

- (1) Offices, including drive-in banks.
- (2) Privately owned utility stations and structures.
- (3) Compatible business with primary use of office; such as pharmacist with doctor's office.
- (4) Public buildings and structures.
- (5) Churches and schools.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-167. C-1 central business district (old downtown district).

Within the C-1 central business district, the following uses shall be permitted:

- (2) Any retail business, food service, or service establishment.
- (3) Hotels, offices, banks, and theaters.
- (4) Automobile parking lots and garages.
- (6) Newspaper offices and printing establishments.
- (9) Public buildings and structures.
- (10) Public utility stations and structures.
- (11) Churches.

²Editor's note(s)—Ord. No. OA-2012-04, 3-19-2012, repealed Ch. 44, Art. III, Div. 3, §§ 44-166—44-171, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, Div. 3 pertained to similar subject matter. See Code Comparative Table for derivation.

Sec. 44-168. C-2 general business district.

Within a C-2 general business district, the following uses shall be permitted:

- (1) All uses permitted in the C-1 central business district;
- (2) Funeral parlors and mortuaries, provided any such use is located on a major street;
- (3) Tourist courts and motels;
- (4) Veterinary clinics and/or animal hospitals, provided no part of any building, structure, pen, or enclosure is located closer than 50 feet to any property line;
- (5) Dog grooming shops;
- (6) Signs, including outdoor advertising, incidental or accessory advertising, and business signs, provided the required setback is observed;
- (9) Light industrial operations which do not cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odor, dust, fire hazard, or other objectionable conditions;
- (10) Accessory use: Manufacture[d] homes, dropped semi-trailers, modular homes, tents and other structures of this nature may be placed for accessory use on a limited time basis upon special approval by the mayor and council. Type uses permitted are: offices; storage; warehousing; and special sales promotions.
- (11) Automobile service stations, provided that all structures and buildings, except principal use signs, and including storage tanks shall be placed not less than 25 feet from any side or rear property line except where such side or rear property lines abut a street, in which case the setback shall be that required for such streets measured from the right-of-way. All buildings or structures including gasoline pumps and storage tanks, except principal use signs, shall comply with the setback requirements of any abutting street. If the automobile service station is located on a corner lot, the means of ingress and egress provided shall be not less than 15 feet from the intersection of street right-of-way lines. Ingress and egress shall be arranged and designed so as to minimize the interference with the flow of traffic, either vehicular or pedestrian.

(Ord. No. OA-2012-04, 3-19-2012; Ord. No. OA-2013-02, 2-4-2013)

Sec. 44-169. C-N neighborhood business district.

Within the C-N neighborhood business district, the following uses shall be permitted:

- (1) Any retail business or retail service establishment.
- (3) Radio, television, and appliance repair shops.
- (4) Offices, including drive-in branch banks.
- (5) Accessory uses.
- (6) Attached outdoor advertising, signs and business signs, provided that all lighting is so shielded that it does not adversely affect adjacent residential areas.
- (7) Publicly owned and operated buildings and lands.
- (8) Automobile service stations, provided that all structures and buildings, except principal use signs, and including storage tanks shall be placed not less than 25 feet from any side or rear property line except where such side or rear property lines abut a street, in which case the setback shall be that required for such streets measured from the right-of-way. All buildings or structures including gasoline pumps and storage tanks, except principal use signs, shall comply with the setback requirements of any abutting street. If the automobile service station is located on a corner lot, the means of ingress and egress provided shall be not less than 15 feet from the intersection of street right-of-way lines. Ingress and egress shall be arranged and designed so as to minimize the interference with the flow of traffic, either vehicular or pedestrian.
- (9) Churches, synagogues, or other places of worship.

Within the C-N neighborhood business district, every use shall be so constructed, maintained, and operated as not to be injurious or offensive to occupants of adjacent premises by reason of the emission or creation of noise, smoke, vibration, dust, electrical disturbance, toxic or noxious waste material, odor, fire and explosive hazard, glare, or traffic congestion.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-170. G general industrial district.

Within a G general industrial district, the following uses shall be permitted:

- (1) Assembly halls;

- (2) Automobile, truck and trailer lease rentals;
- (3) Boat sales;
- (4) Bookbinding;
- (5) Bottling plants;
- (6) Building materials storage yard;
- (7) Cold storage plants;
- (8) Colleges, Commercial Vocational Schools, and universities;
- (9) Electric transformer station; gas regulator station and telephone exchange;
- (10) General building contractors;
- (11) Manufacture of prepared food or prepared food products;
- (12) Manufacturing of electrical devices;
- (13) Neighborhood recreation centers or swimming pools;
- (14) Photoengraving, typesetting, electrotyping, and stereotyping;
- (15) Plumbing and heating equipment dealers;
- (16) Publishing and printing establishment;
- (17) Radio, television and other communication transmission towers;
- (18) Repair services;
- (19) Research, testing and laboratories;
- (20) Re-upholstery, furniture, and automobile;
- (21) Taxi stands and dispatching agencies;
- (22) Telephone business offices.
- (23) Wholesaling and warehousing, except the wholesaling and storage of petroleum or other inflammable products;

(Ord. No. OA-2012-04, 3-19-2012; Ord. No. OA-2013-02, 2-4-2013)

Sec. 44-171. H-1 heavy industrial district.

- (1) Within a H-1 heavy industrial district the following uses shall be permitted as well as uses permitted in the G general industrial district:
 - a. Boarding or breeding kennels;
 - b. Bus stations for freight;
 - c. Crematories;
 - d. Dry cleaning plants;
 - e. Heavy construction contractors;
 - f. Petroleum bulk stations;
 - g. Railroad stations for freight;
 - h. Tire retreading and recapping;
 - i. Tool [and] Die pattern or machine shops;
 - j. Trailer [and] manufactured home sales room [and] sales lot.
- (2) *Special provisions:* Within H-1 heavy industrial district the following uses shall not be permitted without the prior approval of the governing authority of the City of Dallas as hereinafter set forth:
 - a. Acid manufacture or storage;
 - b. Airports or landing fields;
 - c. Asphalt manufacture, refining or storage or asphalt plants;
 - d. Brick, tile, or terracotta manufacture;
 - e. Butane or propane storage;
 - f. Cement, lime, gypsum, or plaster of Paris manufacture;
 - g. Chemical manufacture;
 - h. Production or bulk storage of chlorine or other noxious gas;

- i. Commercial or large-scale slaughter of animals;
 - j. Manufacture of concrete, cement, or clay products;
 - k. Cotton gins;
 - l. Creosote manufacture or treatment;
 - m. Distillation of bones, coal, petroleum, animal refuse, grain, tar, or wood;
 - n. Storage or manufacture of explosives or fireworks;
 - o. Fat rendering, production of fats and oils from animals or vegetable products by boiling or distillation;
 - p. Fertilizer manufacture;
 - q. Dumping or reduction of garbage, offal or dead animals;
 - r. Gas manufacture or bulk storage;
 - s. Grain elevators or commercial feed mills;
 - t. Incinerators;
 - u. Manufacture or bulk storage of petroleum or petroleum products;
 - v. Quarrying or stone crushing;
 - w. Excavating, crushing, storage or distribution of rock, sand, or gravel;
 - x. Stockyards;
 - y. Racetracks or drag strips for automobiles or other motorized vehicles;
 - z. Automobile or equipment salvage or parts yard;
 - aa. Building material or equipment salvage or storage yards;
 - bb. Junkyard or salvage yard of any kind;
 - cc. Used metal storage yard;
 - dd. Metal processing;
 - ee. Steel mill or foundry;
 - ff. Any business that allows, employs, shows, exhibits, or displays live nude persons. For the purpose of this subsection, the term "nude person" means a person displaying any portion of the female breast, either by a female or any other person, below the top of the areola or the displaying of any portion of any person's pubic hair, anus, cleft of the buttocks, vulva or genitals. The term "displaying" means being visible to the normal human eye;
 - gg. Any public dance hall that allows dancing either for patrons or the viewing of employed dancers;
 - hh. Adult entertainment establishments;
 - ii. Flea markets;
 - jj. Livestock auctions.
 - kk. Truck, trailer, Rv, and boat parking
- (3) *Prior approval of the governing authority.* No property in the corporate limits of the city shall be used for any of the purposes specified in subsection (2) of this section unless such property is zoned H-1 heavy industrial district, and unless such use shall have first been approved by the mayor and council of the city pursuant to the following procedures:
- a. Any person desiring to use property for the purposes specified in subsection (2) of this section shall apply to the city clerk, and such application shall give a description of the property to be so used, a description of the exact use to which such property shall be put, and such other pertinent information as shall be required by the mayor and council or by any governmental agency which might investigate such proposed use at the request of such mayor and council.
 - b. Upon the filing of such application, the city manager shall determine what studies are necessary for a decision regarding the proposed use of such property, and shall call upon whatever governmental agencies he deems appropriate for studies or information pertaining to such use. The governmental agencies from which the city manager might make such request shall include, but shall not be limited to, the fire department, the public health department and any environmental agency.
 - c. A study shall be made by the city and a report and recommendation of such study shall be made to the mayor and council. Notice of the time and place of the hearing of such application by the planning commission shall be published in the legal organ of the county for at least two consecutive weeks prior to such hearing.
 - d. The mayor and council of the city shall consider such application at either a regular or a called meeting following the making of the reports by the planning commission and by such other governmental agencies as may have been called upon to make studies in connection with such application.
 - e. The mayor and council shall make every reasonable effort to render its decision as to such application within 90 days of the date of filing of such application. However, such mayor and council shall have the authority to postpone the final consideration of such application for such reasonable times as may be

necessary to receive reports from governmental agencies which are investigating such application and to allow such mayor and council to intelligently study such application and proposed use.

- f. No property located within the corporate limits of the city shall be used for any purpose specified in subsection (2) of this section unless the mayor and council of the city shall have first determined that such use will not be unduly injurious to the surrounding community. In making such determination, the mayor and council shall consider such factors as the likelihood that such use would cause noise, vibrations, smoke, gas, fumes, odors, dust, fire hazards or other objectionable conditions.
- (4) Any use of property as a storage yard, salvage yard or junkyard pursuant to authorization granted under this section shall be screened from view on all sides by a solid wall, planted screen or similar opaque partition at least six feet in height. Any such partition, screen or fence shall comply with all setback requirements of this district.

(Ord. No. OA-2012-04, 3-19-2012)

Secs. 44-172—44-195. Reserved.

DIVISION 4. NEW TOWN OVERLAY DISTRICT

Sec. 44-196. Purpose, intent, and authority.

- (a) *Title.* This division shall be known as the "New Town Overlay District."
- (b) *Statement of purpose.* It is the purpose of this district to establish standards for the design of sites, buildings, structures, plantings, signs, street hardware and such other improvements that are visible to the public and affect the physical development of land within the designated New Town Overlay District in keeping with the city livable centers initiative (LCI) plan and the city's comprehensive plan. The following standards shall be considered in evaluating projects proposed within the New Town Overlay District:
 - (1) All structures will be evaluated on the overall appearance of the project and shall be based on the quality of its design and its relationship to the surrounding area.
 - (2) The quality of design goes beyond the materials of construction to include scale, mass, color, proportion, and compatibility with adjoining developments.
 - (3) Colors shall be harmonious and only the use of compatible accents shall be permitted.
 - (4) Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
 - (5) For any design in which the structure frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
 - (6) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
- (c) *Statement of intent.* These standards are intended to promote imagination and innovation to encourage the development of high quality, integrated, walkable developments with variety in the appearance of buildings and sites within the overlay district. These standards are further intended to preserve and enhance the character, quality, and long-term sustainability of development in the city and to promote the public health, safety and welfare by providing for consistent and coordinated treatment of the property encompassed within the overlay district. The city LCI report (2006) identified a strong community preference for the city to grow in a more cohesive, sustainable pattern. The overlay district regulations include controls regarding the design of buildings, sites, structures, parking areas, signage, transportation facilities (pedestrian and vehicular), open space/greenspace, and landscaping (trees and vegetation).

(Comp. Ords. 2005, § 5-1816(A))

Sec. 44-197. Boundaries.

- (a) *General provisions.* The boundaries of the New Town Overlay District shall be any and all properties located within and any parcel with frontage along or property adjacent to the public right-of-way of the roadways listed in subsection (b) of this section. The provisions of the overlay do not apply to new single-family detached homes or subdivisions or to the alteration of existing single-family homes to remain.
- (b) *Roadways named.* The roadway corridors that comprise the boundaries of the overlay district subject to these provisions are as follows:
 - (1) Main Street south from First Avenue to Seaboard Drive.
 - (2) Seaboard Drive from Main Street to the Silver Comet Trail.

- (3) State Route No. 6/U.S. Hwy. 278 from the intersection of Seaboard Drive to Pumpkinvine Creek.
 - (4) State Route No. 120/Buchanan Street from the Silver Comet Trail to West Memorial Drive.
 - (5) West Avenue from U.S. Hwy. 278 to the Silver Comet Trail.
 - (6) West Memorial Drive from U.S. Hwy. 278 to Main Street.
 - (7) East Memorial Drive from Main Street to Park Street.
 - (8) Confederate Avenue from Memorial Drive to a distance 500 feet north of Memorial Drive.
 - (9) Park Street from East Memorial Drive to Hardee Street.
 - (10) First Avenue from Hardee Street to Main Street.
- (c) *Downtown subdistrict.* The downtown subdistrict shall include all properties located within and any parcel with frontage along or property adjacent to the public right-of-way of the following boundaries:
- (1) Main Street south from First Avenue to the Southern Railway.
 - (2) The northern edge of the Southern Railway from Main Street to West Memorial Drive (properties along the southern edge of the railway are not to be included in the downtown subdistrict).
 - (3) West Memorial Drive from the Southern Railway to Main Street.
 - (4) Confederate Avenue from Memorial Drive to a distance 500 feet north of Memorial Drive.
 - (5) East Memorial Drive from Main Street to Park Street.
 - (6) Park Street from East Memorial Drive to Hardee Street.
 - (7) First Avenue from Hardee Street to Main Street.

(Comp. Ords. 2005, § 5-1816(B))

Sec. 44-198. Planning commission approval.

- (a) Approval by the city planning commission shall be required for any proposed or revised development plan or structure or structural alteration in the New Town Overlay District, including approval of the architectural design, landscaping, sewerage, drainage, parking, signage, lighting, and access to the property and shall be necessary prior to:
 - (1) The establishment of any use of the land;
 - (2) The issuance of any improvement location permit;
 - (3) The erection, construction, or structural alteration of any buildings within the district; or
 - (4) Modification or revision of any site development plan.
- (b) The city or its agents, in reviewing applications, shall examine factors concerning the site, site plan, and the surrounding area, which include, but are not limited to, the following items:
 - (1) Topography;
 - (2) Zoning on-site;
 - (3) Surrounding zoning and existing land use;
 - (4) Streets, curbs, gutters, and sidewalks;
 - (5) Access to public streets;
 - (6) Driveway and curb cut locations in relation to other sites;
 - (7) General vehicular and pedestrian traffic;
 - (8) Internal site circulation including connectivity with adjoining parcels and developments;
 - (9) Special and general easements for public or private use;
 - (10) On-site and off-site surface and subsurface storm and water drainage;
 - (11) On-site and off-site utilities;
 - (12) The means and impact of sanitary sewage disposal and water supply technique;
 - (13) Protective restrictions or covenants and/or recorded commitments;
 - (14) Outdoor storage areas;
 - (15) Provisions for adequate and acceptable minimum and maximum setbacks, lighting, signage, screening, landscaping, and compatibility with existing platted residential use; and
 - (16) Effects the proposed project may have on the entire New Town Overlay District.

In addition, thereto, the city, at its discretion, may request and require architectural drawings which are to be stamped/certified by a professional architect, registered landscape architect, and/or specific engineering plans stamped by a professional engineer, for any and all buildings, out parcels, or other such aspects of the site and/or its development as the city may deem necessary for its review of the application and development plans and proposal.

Sec. 44-199. Building design standards.

(a) *Architectural design requirements.*

- (1) Structures within the New Town Overlay District shall have a "turn of the century" design aesthetic. Building designs should be reminiscent of structures built between 1880 and 1920, with a strong sense of proportion, a pedestrian scale, and facades typically comprised of masonry (including brick), wood and glass.
- (2) Building designs should emphasize vertical proportions where the height of individual buildings, windows, and other building elements should exceed their width.
- (3) Structures longer than 100 feet in length shall create variations in the facade through varying the cornice height, facade depth, materials, textures, colors, and/or window and door patterns to provide visual interest and avoid imposing or monotonous facades.
- (4) Exterior metal walls shall be prohibited on all buildings erected, constructed, altered, repaired or used in this New Town Overlay Zone, which abut, are adjacent to or are visible from any of the roadway corridors that define the district's boundaries.
- (5) Building facades may be constructed from masonry (including brick), glass, and/or wood as defined below, or other materials or products which provide the same desired stability and quality. (Please note: Building facades to be regulated by this district include all building sides which are visible from any public street or sidewalk within the district.) Products other than the following listed products must be approved by the city:
 - a. Masonry construction. Masonry construction shall include all masonry construction that is composed of solid, faced, or veneered-wall construction (excluding masonry boards, concrete masonry units (CMU) and/or cinder blocks, unless otherwise approved by the city) with standard brick size.
 1. Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard or durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.
 2. Brick material used for masonry construction shall be composed of hard fired (kiln-fired) all weather standard size brick or other all-weather facing brick.
 - b. Glass walls. Glass walls shall include glass curtain walls construction. Glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads, and which may consist of a combination of glass and other surfacing materials supported in a metal framework.
 - c. Wood construction. Wood construction shall include wood siding, board and baton, and other traditional wood construction. Fiberboard (Hardi plank and/or similar products) may be allowed with approval of the city. Other synthetic siding material including vinyl siding and metal siding are prohibited as a facade material within the overlay district.
- (6) The materials and finishes of exposed roofs shall compliment those used for the exterior walls. Exposed roofs shall be defined as that portion of a roof visible from ground level of any public roadway or public area (sidewalk and/or parking area) or residentially zoned or used area.
- (7) Roof-mounted equipment (mechanical and all other) shall be screened from view. The appearance, materials, and color of roof screens shall be coordinated with the building to maintain a unified appearance.
- (8) All building mechanical and electrical equipment located adjacent to the building and visible from any public roadway, public area (including sidewalks and/or parking areas), or a residentially zoned or used area shall be screened from view. Such screens and enclosures shall be treated as an integral element of the building's appearance and shall thus consist of materials and colors that are compatible with the building facade and/or dense landscaping.
- (9) The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition; free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished, repainted or replaced.
- (10) Refuse and waste removal areas, loading berths, service yards, storage yards, and exterior work areas shall be screened from view from public ways.
- (11) Screening of service yards, ground mounted mechanical and electrical equipment, refuse/waste areas and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Walls or fencing may be comprised of brick, stone, wrought iron or wood. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public area (roadway, sidewalk or parking area). Screening shall be equally effective in winter and summer.

(b) *Relationship of buildings to site.*

- (1) Buildings shall be placed in close proximity to public roadways, shall relate to roadways and pedestrian sidewalk areas, and shall promote easy access from sidewalks into buildings.

- (2) Setbacks and building edges shall be varied from building to building (up to ten feet in variation) to enhance visual interest and to prevent consistent building edges longer than 100 linear feet.
 - (3) Parking areas shall be located to the side and behind buildings. Parking and driveways may not be located between buildings and public roadways. Under special exception from the city, a maximum of two rows of parking may be allowed between buildings and federal or state designated highways. If parking and/or a driveway of any type is allowed under special exception, a landscape berm no less than 12 feet in width and four feet in height must be provided between public roadways and the parking and/or driveway positioned between the roadway and building.
 - (4) Pedestrian paths along public roadways may not be interrupted for more than 30 continuous linear feet by driveways. Pedestrian sidewalks/paths over driveways must be differentiated from driveway pavement through the use of another material or the same material with a different color and texture.
 - (5) Shared driveways serving multiple properties and inter-parcel access are strongly encouraged to minimize the number of driveways through pedestrian areas/sidewalks and the number of access points for each individual development and along major roadways.
 - (6) Deceleration lanes, except for those required by the department of transportation on federal or state controlled roadways, are not allowed within the New Town Overlay District.
 - (7) All new developments shall preserve a minimum of 15 percent of the development parcel as open space (natural or publicly accessible open space). The term "open space," as it relates to this requirement, does not include impervious surfaces with the sole exceptions of pedestrian sidewalks and multiuse trails.
 - (8) Plans for new developments and exterior alterations to any existing structures must include a detailed site plan that shows all sidewalks areas, parking areas, building footprints and entries, pedestrian paths from sidewalks and parking areas to building entries, clear transitions of the streetscape (sidewalks, landscaping and lighting) with adjacent parcels along all public roadways, and calculation of required open space.
 - (9) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to attractively landscape and/or screen parking areas from the view of public ways.
 - (10) Within the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
 - (11) Newly installed utility services, and service revisions necessitated by exterior alterations shall be underground.
 - (12) Within the downtown subdistrict the following additional provisions/restrictions shall apply:
 - a. All new structures in the downtown subdistrict shall be placed at the back of and adjacent to the pedestrian sidewalk.
 - b. The maximum block size in the downtown subdistrict is 200 feet. Blocks longer than 200 feet should be sub-divided to create alleyways, driveways, or new roadways at appropriate intervals.
 - c. All parking in the downtown subdistrict must be on-street parking or located to the side or behind buildings. No parking, other than on-street parallel parking, or driveways shall be permitted between the public roadway, pedestrian sidewalk, and facing building edges in the downtown subdistrict.
 - d. Parking areas to the side of any building in the downtown subdistrict must include a minimum five-foot planting area between the public sidewalk and the parking area. The planting area may include shade trees, shrubs, seasonal flowers, and/or benches, but shall not include impervious pavement or surfaces.
 - e. Curb cuts in the downtown subdistrict shall be a maximum of 24 feet in width. Shared driveways among multiple parcels and/or developments are encouraged to minimize the number of disruptions in the pedestrian environment/sidewalks.
 - f. Entrances to buildings within the downtown subdistrict must be clearly visible, face the public street, be directly accessible from the adjacent public sidewalk along the roadway, and must be unlocked during normal business hours.
 - g. There is no minimum open space requirement for buildings in the downtown subdistrict
- (c) *Minimum building height.*
- (1) All structures within the overlay district shall have a minimum building height of 24 feet measured to the top of the parapet wall on a flat roof or the lowest eave of a sloped roof and shall have the appearance of a two-story or taller structure.
 - (2) Downtown subdistrict structures must have a minimum of two occupied levels above grade.
- (d) *Uses in the downtown subdistrict.*
- (1) Structures including a vertical mix of uses with ground floor commercial uses (office, retail, restaurant, etc.) and office and/or residential units above are encouraged and hereby allowed within the downtown subdistrict in addition to any other uses allowed by the underlying zoning.
 - (2) For vertical mixed-use buildings, parking requirements shall be based on the parking required by the underlying zoning for the use on the ground floor plus one space per bedroom for residential units and three spaces for every 1,000 square feet of office space on upper floors.

Sec. 44-200. Signage standards.

- (a) *Residential subdivisions and multifamily complexes.* Residential uses shall be permitted one freestanding sign (ground mounted) per main entrance, not to exceed two signs per development. Signs shall be monument-style in construction and limited to a maximum of 100 square feet per sign. Maximum sign height should not exceed 12 feet.
- (b) *Commercial and industrial uses.* Each development shall be permitted one freestanding sign (ground mounted). Signs shall be monument-style in construction and limited to a maximum of 100 square feet. Maximum sign height should not exceed 18 feet. Monument signs shall be limited to the use of no more than three colors. For the purposes of this section, a shopping center or similar use shall be permitted one main freestanding sign; no freestanding signs shall be permitted for individual establishments in shopping centers or similar uses. Out-parcels located within a shopping center complex are allowed one monument sign each, but no more than two for any single shopping center or development, not to exceed 40 square feet with a maximum height not to exceed eight feet. Signs shall be located ten feet off a roadway right-of-way and shall not obstruct sight distances nor impede pedestrian access.
- (c) *Wall signs.* In addition to subsection (b) of this section, each structure shall be permitted one on-structure, wall sign. For the purposes of this section, a shopping center or similar use shall be permitted one wall sign per tenant. On-structure signs shall not project above the eave line for buildings with pitched roofs or above the cornice line for buildings with flat roofs. The top of any wall sign shall be placed no higher than 24 feet above the ground nor extend from the wall more than 12 inches. Individual wall signs are limited in size and shall be no larger than ten percent of the building face projection for the applicable business or structure (for example: a building face that is 40 feet by 20 feet equals 800 square feet total and would be limited to a wall sign no larger than 80 square feet).
- (d) *Construction.* Freestanding signs shall be ground mounted, monument type structures constructed of the same material as and designed to complement the principle building's architecture. Wall signs must closely resemble and shall be compatible with the building's architecture. Signs shall not have reflective backgrounds or reflective lettering. Digital or electronic controlled message components shall comprise no more than 33 percent of the total sign area. Scrolling text shall be permitted including date, time, and temperature. No message shall be displayed for an interval of less than ten seconds.
- (e) *Illuminations.* All signs must be illuminated by an externally located stationary light source, shielded and directed solely at the sign. Freestanding/monument signs are limited to one lighting source per sign face. Colored lamps are not permitted. Wall signs may include no more than one lighting source per eight feet of sign length. Internally lit signs (freestanding and wall signs) are not permitted.
- (f) *Landscaping.* Landscaping shall be integrated with installation of freestanding signs in a manner that preserves sight distances and pedestrian access.
- (g) *Window signs.* Window signs shall not exceed ten percent of the total window area. Temporary interior window signs shall not exceed one-fourth of the total window area on the facade in which the windows face. No business shall display temporary window signs for more than 30 consecutive days or more than a total of 90 days in any calendar year.
- (h) *Other sign requirements.* No permanent banners or streamers or inflated devices of any kind are allowed within the overlay district. Temporary banners are allowed for a maximum of 30 days upon written approval from the city. Bench signs; flashing, blinking, and traveling signs; portable, mobile and trailer signs; and roof signs are prohibited. Neon signs are strongly discouraged and require written approval from the city.
- (i) *Hanging and suspended signs.* Within the downtown subdistrict, freestanding or monument signs as described in subsections (a) and (b) of this section are limited to a maximum of 40 square feet. On-structure signs may be turned perpendicular to the building and hung from the building facade provided no sign is larger than 30 square feet and the sign is not located within 50 feet of the Dallas Theatre marquee. Hanging, suspended or projecting signs in the downtown subdistrict shall hang no lower than seven feet above the public sidewalk and project no more than four feet from the building face. Hanging or suspended signs must project from the wall at a 90-degree angle.

Sec. 44-201. Landscaping plan.

- (a) *Procedure and contents.* A landscaping plan shall be submitted to the city, or its designee, for their approval at the same time other plans (i.e., architectural design, lighting, parking, signage, and site plans) are submitted to the city. This plan shall be drawn to scale, including dimensions and distance, shall delineate all existing and proposed structures, private parking areas, walks, ramps for handicapped, terraces, driveways, signs, lighting standards, steps, and other similar structures; and shall delineate the location, size, and description of all landscape materials. Landscape treatment for plazas, roads, paths, service and private parking areas shall be designed as an integral and coordinated part of the landscape plan for the entire development parcels. Additional information may be requested by the city or its designee for the filing of landscaping plans.
- (b) *Areas to be landscaped.* The following areas are to be landscaped:
 - (1) *Greenbelt.*
 - a. *Nonresidential.* A greenbelt (located on the front-side of buildings) shall be suitably landscaped and shall be otherwise unoccupied except for steps, walkways, terraces, lighting standards, benches, and other similar structures, but excluding driveways and parking areas. The greenbelt shall be a minimum of five feet wide for all commercial buildings. Mounding and other innovative treatments are to be especially encouraged in this area.
 - b. *Residential.* The greenbelt shall include a ten-foot landscaped strip along all exterior building edges and shall be otherwise unoccupied except for steps, walkways, terraces, porches, stoops, lighting standards, benches, and other similar structures, but excluding driveways and parking areas.
 - c. *Downtown subdistrict.* A greenbelt adjacent to buildings is not required in the downtown subdistrict.
 - (2) *Peripheral planting.* There shall be peripheral landscaping strips, a minimum of five feet in depth/width, located along any parking area which abuts any front, side, or rear property line.
 - (3) *Planting within parking lots.* All parking lot landscaping shall be a quality to improve and enhance the site and its surrounding area. Effective use of mounding and existing topography is encouraged. Efforts to break up large expanses of pavement are to be encouraged by the interspersing of appropriate planting areas wherever possible, and shall be reasonably dispersed throughout the parking area. Not less than five percent of a private parking lot shall be landscaped. Landscaping shall be specifically provided at the ends of parking rows and as a means of separating parking from major circulation isles within lots. One shade tree must be provided within parking areas for every 20 parking spaces provided. Parking areas with less than 20 parking spaces are not required to include plantings within the parking area, but should seek to screen parking from adjacent roadways and properties. For purposes of this computation, landscaping in the greenbelt (adjacent to buildings) and on the periphery of the lot shall not be included.
- (c) *Landscaping standards.*
 - (1) The interior dimensions, specifications, and design of any planting area or planting medium proposed to be constructed shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth.
 - (2) Primary landscaping materials used in the greenbelt, adjacent to buildings, shall consist of one or a combination of the following:
 - a. Shade trees;
 - b. Ornamental trees;
 - c. Shrubs;
 - d. Ground covers;
 - e. Grass ;
 - f. Mulches;
 - g. Etc.
 - (3) The primary landscaping materials used in and around private parking areas shall be trees, which provide shade at maturity. Shrubbery, hedges, and other planting material may be used to compliment tree landscaping, but shall not be the sole contribution to the landscaping.
 - (4) All shade trees proposed to be used in accordance with any landscaping plan shall be a minimum of eight feet in overall height and have a minimum trunk diameter of 2½ inches, 12 inches above the ground, upon planting. They should be of a variety which will attain an average mature spread greater than 20 feet. The types of trees shall be those specified in chapter 16, article II, tree preservation. Varieties of oak, elm, and maple trees, particularly those with fall color, are encouraged.
 - (5) Landscaping materials selected should be appropriate to local growing and climatic conditions. Wherever appropriate, existing trees should be conserved and integrated into the landscaping plan. Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Indigenous and other hardy plants that are harmonious to the design and of good appearance shall be used.
 - (6) The landscaping plan shall ensure that sight distances are not obstructed for drivers of motor vehicles.

- (7) Where natural or existing topography patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography shall be permitted where it contributes to good appearance.
 - (8) Grades of walkways, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
 - (9) Landscape treatment shall be provided to enhance architectural features, strengthening vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
 - (10) Unity of designs shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
 - (11) In locations where plants will be susceptible to injury by pedestrians or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
 - (12) Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.
 - (13) In areas where general planting will not prosper, other materials such as fences, walls and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
 - (14) Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
 - (15) Lighting in connection with miscellaneous structures and street hardware (benches, lighting, trash receptacles, etc.) shall meet the criteria applicable to site, landscape, buildings and signs.
- (d) *Landscaping installation and maintenance.*
- (1) *Installation.* All landscaping required by the approved landscaping plan shall be installed prior to the issuance of a building certificate of occupancy permit if said permit is issued during a planting season, or within six months of the date an occupancy permit is issued during a nonplanting season. If not planted, a bond shall be required for plantings for a period of one year (12 months) from date of certificate of occupancy.
 - (2) *Maintenance.* It shall be the responsibility of the owners and their agencies to ensure proper maintenance of the landscaping, in accordance with the standards set by this chapter and as indicated on the landscaping plan, which has been approved by the city. This is to include, but not limited to, replacing dead plantings with identical varieties or a suitable substitute, and keeping the area free of refuse and debris.
 - (3) *Changes after approval.* No landscaping which has been approved by the city may later be altered, eliminated, or sacrificed, without first obtaining further approval from the city.
 - (4) *Inspection.* The city shall have the authority to visit any lot within the New Town Overlay District to inspect the landscaping and check it against the approved plan on file.

(Comp. Ords. 2005, § 5-1816(F))

Sec. 44-202. Sidewalk requirements.

- (a) The installation of sidewalks and crosswalks in all developments, residential and commercial, shall be required for developments subject to this chapter. The sidewalks shall be typically constructed of concrete or other durable materials in keeping with the architectural design and surrounding area as approved by the city, and shall be subject to review and approval by the city during the plan review process.
- (b) Sidewalks along primary streets shall be a minimum of ten feet in width. A 20-foot buffer of landscaping shall be placed between U.S. Highway 278 and pedestrian sidewalks. A minimum ten-foot buffer of landscaping and/or brick pavers shall be placed between all other primary roadways and pedestrian sidewalks. Primary roadways shall include:
 - (1) State Route No. 6/U.S. Hwy. 278;
 - (2) South Main Street from Foster Avenue to U.S. Hwy. 278;
 - (3) Seaboard Drive;
 - (4) West Avenue from U.S. Hwy. 278 to the Silver Comet Trail;
 - (5) South Johnston Street between the Southern Railway and Main Street;
 - (6) State Route No. 120/Buchanan Street from U.S. Hwy. 278 to West Memorial Drive; and
 - (7) West Memorial Drive from U.S. Hwy. 278 to the Southern Railway.
- (c) Sidewalks along secondary streets shall be a minimum of eight feet in width. A minimum four-foot buffer of landscaping and/or brick pavers shall be placed between roadways and pedestrian sidewalks. Secondary streets shall include all other public roadways within the district not identified as primary roadways outside of the downtown subdistrict.
- (d) In the downtown subdistrict, sidewalks shall be a minimum of six feet in width. A minimum four-foot buffer of landscaping, planters, and/or brick pavers shall be placed between roadways and pedestrian sidewalks.

- (e) Within landscape and/or brick paver buffers along all public roadways, street trees shall be planted at no less than 40 feet on center. Roadway and pedestrian lighting shall be placed at no less than 80 feet on center along primary and secondary streets and no less than 60 feet in the downtown subdistrict.

(Comp. Ords. 2005, § 5-1816(G))

Sec. 44-203. Parking requirements.

The number of parking spaces required is established in this chapter, depending upon the zoning and the intended land use. Alternatives to the established parking requirements may be granted to developments which have a mixture of uses whose peak parking requirements do not coincide in time and thereby may share parking spaces. The applicant shall provide expertly prepared justification for seeking such exception (i.e., a reference such as shared parking, Urban Land Institute). There shall be an appropriate number of parking spaces, accessible to the buildings and identification as reserved for use by handicapped individuals, and these spaces shall be of sufficient width to accommodate their needs. All parking standards shall comply with this chapter.

(Comp. Ords. 2005, § 5-1816(H))

Sec. 44-204. Lighting requirements.

In reviewing the lighting plan for any proposed development within the New Town Overlay District, factors to be considered by the community development department shall include, but are not limited to:

- (1) Safety provided by the lighting;
- (2) Security provided by the lighting;
- (3) Possible light spillage or glare onto adjoining properties or streets. Down-shielding is encouraged and spillage or glare onto adjoining properties is prohibited;
- (4) Attractiveness of the lighting standards and their compatibility with the overall treatment of the property;
- (5) Height, placement, and spacing of lighting standards considering the use (maximum height of 30 feet); and
- (6) Exterior lighting, when used, shall enhance the building and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

(Comp. Ords. 2005, § 5-1816(I))

Sec. 44-205. Access to individual sites.

- (a) Transportation corridors by their functional nature as primary thoroughfares and circulation routes must have reasonable restrictions as to the number and location of access points within the overlay district.
- (b) The following listed roadways represent major roadways in the overlay district, which must be controlled as to the number of access points (curb cuts) permitted:
 - (1) Main Street.
 - (2) Seaboard Drive.
 - (3) State Route No. 6/U.S. Highway 278.
 - (4) State Route No. 120/Buchanan Street.
 - (5) West Memorial Drive.
 - (6) South Johnston Street.
 - (7) West Avenue.
- (c) In order to provide safe and sufficient traffic movement to and from adjacent lands and to protect the functional integrity of the roadways as primary thoroughfares and circulation routes, curb cuts and access points along these roadways should be minimized. Access at the side or rear of buildings and alleyways to accommodate service delivery functions and secondary access are encouraged. New access points onto these primary roadways within the district shall be coordinated with existing access points whenever possible. Inter-parcel access and other strategies to minimize the number of necessary curb cuts are encouraged. Access to proposed developments shall be provided by the state department of transportation and/or city access management standards, policies, guidelines, and regulations.
- (d) Curb cuts are prohibited on Main Street and Memorial Drive within the downtown subdistrict if the property is accessible from another public roadway.

(Comp. Ords. 2005, § 5-1816(J))

Sec. 44-206. Access to potential development sites.

Stub streets shall be built in all cases where adjacent lots have reasonable potential for development. Reasonable potential shall include any adjacent parcel of adequate size for commercial or residential development or any adjacent parcel so determined by the city.

(Comp. Ords. 2005, § 5-1816(K))

Sec. 44-207. Other standards.

- (a) *Outside storage prohibited.* No outside, unenclosed storage of refuse (whether or not in containers) shall be permitted on any lot.
- (b) *Temporary or seasonal sales.* Temporary or seasonal sales are allowed within the district on a case-by-case basis for a maximum of four times per year with written approval from the director of community development for a maximum of no more than 30 consecutive days or more than a total of 90 days in any calendar year. Requests for temporary or seasonal sales shall be made in writing accompanied by a recorded plat of the site and written permission by the property owner to the director of community development. A business license is required of all approved temporary or seasonal sales. Outdoor sales (if allowed by the underlying zoning district) must be covered. Examples of coverings include, but are not limited to, tents and awnings.
- (c) *Loading berth requirements.* Loading berth requirements shall be as specified in the underlying districts, except that any loading or unloading berth or bay shall be screened from view as detailed in this chapter.
- (d) *Accessory buildings and uses.* All accessory buildings and uses which are permitted in the underlying districts shall be permitted within the overlay district, except that any detached accessory building on any lot shall be designed and constructed with the same material as the principle building as to be compatible with the principle building with which it is associated. All accessory buildings shall have a roof.
- (e) *Paving requirements.* All parking areas shall be finished with a hard surface such as asphalt, concrete or other materials approved by the community development department.
- (f) *Underground utilities.* All utilities including, but not limited to, electric, cable, and phone services shall be underground unless otherwise approved by the community development department after written submittal providing justification for overhead utility services.
- (g) *Truck and trailer parking.* Overnight parking of tractor trailers, semi-trucks, commercial trucks, semi-trailers, boats, campers, or recreational vehicles is strictly prohibited within the New Town Overlay District.

(Comp. Ords. 2005, § 5-1816(L))

Secs. 44-208—44-211. Reserved.

DIVISION 5. CORRIDOR OVERLAY DISTRICT

Sec. 44-212. C-O corridor overlay district.

(1) *Purpose, intent, and authority.*

- a. *Purpose.* It is the purpose of this district to establish standards for the design of sites, buildings, structures, plantings, signs, street hardware and such other improvements that are visible to the public and affect the physical development of land within the Georgia State Routes 6, 6 Business and 61 corridors which shall be designated as corridor overlay district.

The following standards shall be considered in evaluating projects proposed within the corridor overlay district:

- 1. All structures will be evaluated on the overall appearance of the project and shall be based on the quality of its design and its relationship to the surrounding area.
- 2. The quality of design goes beyond the materials of constructions to included scale, mass, color, proportion and compatibility with adjoining developments.
- 3. Colors shall be harmonious and only the use of compatible accents shall be permitted.
- 4. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
- 5. Any design in which the structure frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.

6. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
- b. *Statement of intent.* These standards are intended to promote high quality creative development that will combine imagination, innovation, and variety in the appearance of buildings and sites in the overlay corridors. These standards are further intended to preserve and enhance property values and to promote the public health, safety and welfare by providing for consistent and coordinated treatment of the property encompassed by the Georgia State Route 6, 6 Business and 61 Corridors.
- c. *Title.* This portion of the zoning ordinance shall be known as the corridor overlay district of the City of Dallas, Georgia.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-213. Boundaries.

- (a) *State Route 6 (Jimmy Campbell Parkway).* The boundaries of the State Route 6 corridor overlay district are located on either side of the centerline of State Route 6 and incorporate any parcel of land with right-of-way frontage on or that is visible from the highway corridor.
- (b) *State Route 6 Business (Merchants Drive, East Memorial Drive, West Memorial Drive and Buchanan Highway).* The boundaries of the State Route 6 business corridor overlay district are located on either side of the centerline of State Route 6 business beginning at the east city limits of the City of Dallas, Georgia and ending at the west city limits. This corridor shall incorporate any parcel of land with right-of-way frontage on or that is visible from the highway corridor.
- (c) *State Route 61 (Nathan Dean Boulevard, Merchants Drive, East Memorial Drive and Confederate Avenue).* The boundaries of the State Route 61 business corridor overlay district are located on either side of the centerline of State Route 61 beginning at the south city limits of the City of Dallas, Georgia and ending at the north city limits. This corridor shall incorporate any parcel of land with right-of-way frontage on or that is visible from the highway corridor.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-214. Planning commission approval.

Approval by the City of Dallas Planning Commission or such agency designated by the mayor and council of the City of Dallas, Georgia shall be required for any proposed or revised development plan or NEW structure in the corridor overlay district. Prior approval of the architectural design, landscaping, sewerage, drainage, parking, signage, lighting and access to the property shall be necessary prior to: (1) the establishment of any use of the land; (2) the issuance of any improvement location permit; (3) the construction of any building(s) in the corridor overlay districts or (4) modification or revision of any site development plan. Any alteration to, or replacement of existing signage within the corridor overlay district shall conform to Section 5 of this section.

The City of Dallas Planning Commission, in reviewing applications, shall examine factors concerning the site, site plan, and the surrounding area, which include but are not limited to the following items:

- (1) Topography;
- (2) Zoning on site;
- (3) Surrounding zoning and existing land use;
- (4) Streets, curbs, gutters, and sidewalks;
- (5) Access to public streets;
- (6) Driveway and curb cut locations in relation to other sites;
- (7) General vehicular and pedestrian traffic;
- (8) Internal site circulation including connectivity with adjoin parcels and developments;
- (9) Special and general easements for public or private use;
- (10) On-site and off-site surface and subsurface storm and water drainage;
- (11) On-site and off-site utilities;
- (12) The means and impact of sanitary sewage disposal and water supply technique;
- (13) Dedication of City of Dallas approved streets and right-of-way;
- (14) Protective restrictions or covenants and/or recorded commitments;
- (15) Outdoor storage areas;

- (16) Provisions for adequate and acceptable setbacks, lighting, signage, screening, landscaping, and compatibility with existing platted residential use; and
- (17) Effects the proposed projects may have on the entire Corridor Overlay District.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-215. Building design standards.

(a) *Architectural design requirements/non-residential.*

- (1) Exterior metal walls shall be prohibited on all buildings erected, constructed, altered, repaired, or used in the overlay district, which abut are adjacent to, or are visible to State Routes 6, 6 Business or 61.
- (2) Building facades may be constructed from masonry or glass, as defined below, or other materials or products which provide the same desired stability and quality. Products other than those listed below must be approved by the city.
 - a. *Masonry construction:* Which shall include all masonry construction that is composed of solid, faced, or veneered-wall construction with standard brick size (excluding masonry boards and cinder blocks, unless otherwise approved by the city).
 - i. Stone material used for masonry construction may consist of [f] granite, sandstone, slate, limestone, marble, or other hard or durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.
 - ii. Brick material used for masonry construction shall be composed of hard fired (Kiln-fired) all weather standard brick or other all-weather facing brick.
 - b. *Glass walls:* Which shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads, and which may consist of a combination of metal, glass and other surfacing materials supported in a metal framework.
 - c. *Wood construction.*
- (3) The materials and finishes of exposed roofs shall complement those used for the exterior walls. Exposed roofs shall be defined as that portion of a roof visible from ground level of the corridor or any adjacent public thoroughfare or residentially zoned or used area.
- (4) Roof mounted equipment on exposed roofs shall be screened from view. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
- (5) All building mechanical and electrical equipment located adjacent to the building and visible from a public thoroughfare or a residentially zoned or used area shall be screened from view. Such screens and enclosures shall be treated as an integral element of the building's appearance.
- (6) The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition; free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked or otherwise deteriorated shall be refinished, repainted or replaced.
- (7) Refuse and waste removal areas, loading berths, service yards, storage yards, and exterior work areas shall be screened from view from public ways.

(b) *Relationships of buildings to site.*

- (1) The site shall be planned to accomplish a desirable transition with the streetscape and provide for adequate planting, safe pedestrian movement and parking area.
- (2) Site planning in which setbacks and yards are in excess of zoning restrictions is encourage[d] to provide an interesting relationship between buildings.
- (3) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms or other innovative means so as to attractively landscape and/or screen parking areas from view public ways.
- (4) Without redistricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- (5) Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

(c) *Minimum building height.* All uses within the corridor overlay districts shall have minimum building heights of 14 feet with a minimum of 12 feet to the lowest eaves for a building with a gable, hip or gambrel roof.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-216. Signage standards.

- (a) *Residential subdivisions and multi-family complexes:* These residential uses shall be permitted one freestanding sign (ground mounted) per main entrance, not to exceed two signs per development. Signs shall

be monument in construction and limited to a maximum of 100 square feet per sign. Maximum sign height should not exceed 15 feet.

- (b) *Commercial and industrial uses*: Each parcel shall be permitted one freestanding sign, provided all other standards are met. In addition, each structure shall be permitted one on-structure sign. For the purposes of this section, a shopping center or similar use shall be permitted one main freestanding sign; no freestanding signs shall be permitted for individual establishments in shopping centers or similar uses. Signs shall be monument construction and limited to a maximum of 100 square feet. Maximum sign height should not exceed 25 feet. Out-parcels located within an overall shopping center complex are allowed one monument sign not to exceed 50 square feet with a maximum height not to exceed 15 feet.
- (c) *Location*: Signs shall be located ten feet off a street right-of-way and not obstruct sight distances nor shall signs impede pedestrian access.
- (d) *On-structure signs (wall signs)*: Signs (wall signs) shall not project above the eaves line for buildings with pitched roofs or above the roofline for buildings with flat roofs. In addition, the top of the wall sign shall be placed no higher than 20 feet above the ground nor extended from the wall more than 12 inches.
- (e) *Construction*: Freestanding signs shall be ground mounted, monument type structures constructed of the same material as the principle building designed to complement the principle building architecture. Signs shall not have reflective backgrounds or reflective lettering. Digital or electronic controlled message components shall comprise no more than 50 percent of sign area. No flashing or scrolling text shall be permitted and with the exception of the date, time and temperature, no message shall be displayed for an interval of less than 30 seconds. Signs may be illuminated only by an externally located stationary light source, shielded and directed solely at the sign (one source per sign face). Colored lamps are not permitted.
- (f) *Landscaping*: Landscaping shall be integrated with installation of freestanding signs, provided sight distances and pedestrian access can be maintained.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-217. Landscaping plan.

- (a) A landscaping plan shall be submitted to the city for approval at the same time other plans (i.e., architectural design, lighting, parking, signage and site plans) are submitted to the city for review. This plan shall be drawn to scale, including dimensions and distance, shall delineate all existing and proposed structures, private parking areas, walks, ramps for handicapped, terraces, driveways, signs, lighting standards, steps and other similar structures; and shall delineate the location, size and description of all landscape materials. Landscape treatment for plazas, roads, paths, service and private parking areas shall be designed as an integral and coordinated part of the landscape plan for the entire lot. Additional information may be requested by the city for the filing of landscaping plans.
- (b) *Areas to be landscaped*:
 - (1) *Greenbelt*.
 - [a.] (*Non-Residential*). The Greenbelt (located on the front-side of buildings) shall be suitably landscaped and shall be otherwise unoccupied except for steps, walks, terraces, driveways, lighting standards, and other similar structures, but excluding private parking areas. The Greenbelt shall be a minimum of ten feet wide. Mounding and other innovative treatments are to be especially encouraged in this area.
 - [b.] (*Residential*) The Greenbelt shall include a 20-foot landscaped strip along the site's frontage along the corridor and other public roads excluding curb-cut right-of-way(s). Landscaping shall include evergreen trees, other acceptable vegetative material, berms or a combination thereof.
 - (2) *Peripheral planting*. There shall be peripheral landscaping strip, four feet in depth, located along the side of any private parking area which abuts any side or rear property line.
 - (3) *Planting within parking lots*. All parking lot landscaping shall be a quality to improve and enhance the site and its surrounding area. Effective use of mounding and existing topography is encourage[d]. Landscaping and planning areas shall be reasonably dispersed throughout the parking area and not less than five percent of a private parking lot shall be landscaped. (For purposes of this computation, landscaping in: 1) the Greenbelt; 2) adjacent to buildings; and 3) on the periphery of the lot shall not be included.) Landscaping shall be specifically provided at the ends of parking rows and as a means of separating parking from major circulation isles within lots.
- (c) *Landscaping standards*.
 - (1) The interior dimensions, specifications and design of any planting area or planting medium proposed to be constructed shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth.
 - (2) Primary landscaping materials used in the Greenbelt and adjacent to buildings shall consist of one of a combination of the following: shade trees, ornamental trees, shrubs, ground covers, grass, mulches, etc.
 - (3) The primary landscaping materials used in and around private parking areas shall be trees, which provide shade at maturity. Shrubbery, hedges, and other planting material may be used to complement tree landscaping, but shall not be the sole contribution to the landscaping.

- (4) All shade trees proposed to be used in accordance with any landscaping plan shall be a minimum of eight feet in overall height and have a minimum trunk diameter, 12 inches above the ground of two inches upon planting. They should be of a variety which will attain an average mature spread greater than 20 feet. The types of trees shall be approved by the city prior to installation.
 - (5) Landscaping materials selected should be appropriate to local growing and climatic conditions. Wherever appropriate existing trees should be conserved and integrated into the landscaping plan. Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Indigenous and other hardy plants that are harmonious to the design, and of good appearance shall be used.
 - (6) The landscaping plan shall ensure that sight distances are not obstructed for drivers of motor vehicles.
 - (7) Where natural or existing topography patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography shall be permitted where it contributes to good appearance.
 - (8) Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
 - (9) Landscape treatment shall be provided to enhance architectural features, strengthening vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
 - (10) Unity of designs shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
 - (11) In locations where plants will be susceptible to injury by pedestrians or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices.
 - (12) Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.
 - (13) Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.
 - (14) In areas where general planning will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
 - (15) Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings and proportions shall be attractive.
 - (16) Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.
- (d) *Landscaping installation and maintenance.*
- (1) *Installation.* All landscaping required by the approved landscaping plan shall be installed prior to the issuance of a building certificate of occupancy permit if said permit is issued during a planting season, or within six months of the date an occupancy permit is issued during a non-planting season. If not planted, a bond shall be required for plantings for a period of one year (12 months) from the date of certificate of occupancy.
 - (2) *Maintenance.* It shall be the responsibility of the owners and their agencies to ensure proper maintenance of the landscaping, in accordance with the standards set by this [chapter] and as indicated on the landscaping plan, which has been approved by the city. This is to include, but not limited to, replaced dead plantings with identical varieties or a suitable substitute, and keeping the area free of refuse and debris.
 - (3) *Changes after approval.* No landscaping which has been approved by the city may later be altered, eliminated or sacrificed, without first obtaining further approval from the city.
 - (4) *Inspection.* The city shall have the authority to visit any lot within the corridor overlay district to inspect the landscaping and check it against the approved plan on file.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-218. Parking requirements.

Parking is to be discouraged between the required Greenbelt and the building(s) when other suitable areas for parking exist on the property; however, a maximum of 20 percent private parking may be permitted in the area between the Greenbelt and the planting on the periphery of the property. Efforts to break up large expanse of pavement are to be encourage[d] by the interspersing of appropriate planting areas wherever possible. The number of parking spaces required is established in the City of Dallas Zoning Ordinance, depending upon the zoning and the intended land use. Alternatives to the established parking requirements may be granted to developments which have a mixture of uses whose peak parking requirements do no[t] coincide in time and thereby may share parking spaces. The applicant shall provide expertly prepared justification for seeking such exception (i.e., a reference such as "share parking," Urban Land Institute). There shall be an appropriate number of parking spaces, accessible to the building(s) and identification as reserved for use by handicapped individuals, and these spaces shall be of sufficient width to accommodate their needs. All parking standards shall comply with the zoning ordinance.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-219. Lighting requirements.

In reviewing the lighting plan for a lot proposed to be developed in the corridor overlay district, factors to be considered by the city shall include but are not limited to:

- (1) Safety provided by the lighting;
- (2) Security provided by the lighting;
- (3) Possible light spillage or glare onto adjoining properties or streets. (Down-shielding is encouraged and spillage or glare onto adjoining properties is prohibited);
- (4) Attractiveness of the lighting standards and their compatibility with the overall treatment of the property;
- (5) Height and placement of lighting standards considering the use (maximum height of 30 feet); and
- (6) Exterior lighting, when used, shall enhance the building and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-220. Access to individual sites.

The Corridor streets by their functional nature as primary thoroughfares, must have reasonable restrictions as to the number and location of access points within the overlay districts.

State Road 6 (Jimmy Campbell Parkway) represents a major thoroughfare, which must be controlled as to the number of access points ('curb cuts') permitted.

Therefore, in order to provide safe and sufficient traffic movement to and from adjacent lands and to protect the functional integrity of the corridors primary thoroughfares, in many cases frontage roads, access roads and distributor roads, will have to be built. Such roads shall be coordinated with those of continuous lots and designed to preserve the aesthetic benefits provided by the greenbelt areas. Access at the side or rear of buildings is encouraged. New access points onto the primary thoroughfares in the corridor shall be coordinated with existing access points whenever possible. The following curb cut policy shall apply throughout all corridors:

Access to proposed developments shall be provided per Georgia Department of Transportation and the City of Dallas access management standards, policies, guidelines, and regulation.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-221. State route access to potential development sites.

Stub streets shall be built in all cases where adjacent lots have reasonable potential for development. Reasonable potential shall include any adjacent parcel of adequate size for commercial or residential development or any adjacent parcel so determined by the city.

(Ord. No. OA-2012-04, 3-19-2012)

Sec. 44-222. Other standards.

- (a) *Outside storage.* Outside display of merchandise will be limited to where the primary business is retail sales of outdoor merchandise including but not limited to power mowers, ATV's, landscape material and products, trees, plants, shrubs, decorative rock, pavers, etc. Excludes thrift stores, second hand stores and any other businesses whose merchandise is primarily for indoor use.
- (b) *Loading berth requirements.* Loading berth requirements shall be as specified in the underlying zone district(s) except that any loading or unloading berth or bay shall be screened from view beyond the site by landscaping or other screening.
- (c) *Accessory buildings and uses.* All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted within the corridor overlay districts, except that any detached accessory building on any lot shall be designed to be architecturally designed and constructed with the same material as the principle building and to be compatible with the principle building which it is associated. All accessory buildings shall have a roof.
- (d) *Paving requirements.* All parking areas shall be finished with a hard surface such as asphalt, concrete or other materials approved by the city.
- (e) *Utility requirements.* All utilities including but not limited to electric, cable and phone services shall be underground unless otherwise approved by the city after written submittal providing justification for overhead utility services.
- (f) *Truck and trailer parking.* Overnight parking of tractor trailers, semi-trucks, commercial trucks, semi-trailers, boats, campers, or recreational vehicles is strictly prohibited within the Corridor Overlay District.

(Ord. No. OA-2012-04, 3-19-2012; Ord. No. OA-2014-02, 5-5-2014)

Secs. 44-223—44-237. Reserved.

ARTICLE IV. SUPPLEMENTAL REGULATIONS

Sec. 44-238. Applicability.

Except as hereinafter provided:

- (1) *Use.* No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, construed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- (2) *Height and density.* No building or other structure shall hereafter be erected or altered, unless a variance is obtained from the board of zoning appeals:
 - a. To exceed the height limits;
 - b. To accommodate or house a greater number of families or occupy a smaller lot area per family; or
 - c. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
- (3) *Yard service to one building.* No part of a yard, or other open space, or off-street parking or loading space required about, or in connection with, any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (4) *Only one principal building.* Every building or structure hereafter erected shall be located on a lot or tract as defined herein and there shall not be more than one principal building on one lot, plus its accessory buildings, except as provided in section 44-242(d).
- (5) *Reduction of lot area.* No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side or rear yard, lot area per family, or other requirements of this chapter, are not maintained. This section shall not apply when a portion of a lot is acquired for public purposes.
- (6) *Street frontage.* No principal building shall be erected on any lot which does not have immediate frontage on at least one public street or has a legal and binding easement from an adjoining property owner that does have frontage. The minimum width of said easement shall be 25 feet.
- (7) *Corner and double frontage lots.* On lots having frontage on more than one street in residential districts, the minimum front yard shall be provided for each street in accordance with the provisions of this chapter.
- (8) *Inspection of required buffers.* In the event a screen, wall, fence, planted dividing strip, or any other type of buffer is required by this chapter for any use, such screen, wall, etc., will be subjected to periodic inspections by the building inspector to determine that such required walls, fences, etc., are being properly maintained. Failure to maintain such required walls, fences, etc., to an acceptable standard may be deemed a violation of this chapter.
- (9) *Continuance of a nonconforming use.*
 - a. Any building, structure, or use of land existing at the time of the original 1975 enactment or subsequent amendment of the ordinance from which this chapter is derived, but not in conformity with its use regulations and provisions, may be continued subject to the limitations set forth in this subsection. A nonconforming use shall not be:
 1. Changed to another nonconforming use;
 2. Extended or enlarged except in conformity with this chapter;
 3. Reestablished after discontinuance; or
 4. Rebuilt, altered, or repaired after damage exceeding 50 percent of the value of the building. The value shall be computed from the amount the building is assessed for tax purposes by the city.
 - b. Newly annexed property. All property annexed to within the city shall be in compliance with O.C.G.A. § 36-66-4(d) and shall be subject to the same procedures as an amendment to the city zoning maps as required in division 3 of article II of this chapter.

(Comp. Ords. 2005, § 5-1805; Ord. No. 96-17, 8-5-1996)

Sec. 44-239. Off-street parking and loading requirements.

- (a) *Off-street automobile parking and storage.* Except in the C-1 central business district, off-street automobile parking or storage space shall be provided on every lot on which any of the following uses are hereafter

established. Such automobile parking or storage space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific uses as set forth below. Each off-street parking space shall be at least eight feet, six inches wide and 18 feet deep.

- (1) If the required automobile parking or storage space cannot be provided on the same lot on which the principal use is located, the board of zoning appeals may permit such space to be provided on other off-street property provided such space is within 500 feet of such principal use. Such space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- (2) All off-street automobile parking and storage space in residential districts shall be so arranged that vehicles will not be required to back onto a public street, road, or highway when leaving the premises.
- (3) Minimum parking requirements. Minimum parking requirements are set forth in the following table:

Use Classifications	Minimum Requirements
Single-family residential dwelling unit	Two spaces for each structure
Two-family and multifamily residential structures	Two spaces for each dwelling unit
Rooming houses, boardinghouses, or hotels	One space for every two units
Churches, synagogues or other places of worship	One space for each four seats in the main assembly room
Fraternal organization and other places of public assembly	One space for each four seats in main assembly room
Tourist homes, tourist courts, or motels	One space for each accommodation
Hospitals, nursing homes, similar institutions	One space for each two beds intended for patients plus one space for every three employees.
Retail business	One space for each 100 square feet of sales floor area
Offices, including banks	One space for each 200 square feet of total floor area
Filling stations	Two spaces for each gas pump plus three spaces for each grease rack or similar facility
Mortuary or funeral parlor	One space for each four seats in the chapel, one additional space for each two employees, one additional space for each resident family, and one space for each funeral vehicle
Restaurant or similar eating establishment	One space for each four seats provided for patron use and one additional space for each two employees
Wholesaling	One space for each two employees
Industrial	One space for each two employees at maximum employment on a single shift
Schools, elementary or junior high	One space for each six seats in the main assembly room
High schools	One space for each six seats in the main assembly room plus one additional space for every three faculty members or other persons employed at the school

- (b) *Off-street loading and unloading space.* Every building or structure used for business, trade, or industry, shall provide space as indicated herein for the loading and unloading of vehicles off the right-of-way of the street or public alley. Such space shall have access to an alley or if there is no alley, to a street. Such space shall have at least 14 feet of vertical clearance. Such space shall be so arranged that no vehicle is required to back onto a public street, road, or highway in order to leave the premises.
 - (1) Retail business: one space, ten feet by 25 feet, for each 3,000 square feet of floor area or any part thereof.
 - (2) Wholesale and industry: one space, ten feet by 50 feet, for each 10,000 square feet of floor area or any part thereof.
 - (3) Bus and truck terminals: sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at the terminal at any one time.

(Comp. Ords. 2005, § 5-1806)

Sec. 44-240. Conditional zoning.

- (a) *Policy and definition.* The city recognizes that in certain instances, in order to provide compatibility of land use with the use of surrounding property and/or to provide buffer zones between dissimilar property uses, it is desirable that a change of property use from one use district to another (hereinafter referred to as a "rezoning") is subject to certain conditions which would limit the use to which such property could otherwise be put. For such reason, any rezoning of a tract of land from one use district to another may be made contingent upon certain conditions as may be deemed appropriate by the mayor and council. Such contingent rezoning shall be known as "conditional zoning."
- (b) *Procedure.* Conditional zoning may take place at the request of the property owner or at the instance of the mayor and council, as hereinafter set forth:
 - (1) Whenever any application for rezoning is supported by specific plans and/or designs for a particular development and/or use, such application shall be deemed to be an application for conditional zoning.

The mayor and council may, after public hearing and recommendation by the city planning commission, approve such rezoning as a conditional zoning. If such conditional zoning is granted, the building inspector shall issue a building permit for the development of such property only in strict compliance with the plans and/or designs submitted.

- a. Whenever such conditional zoning is granted, the applicant shall furnish two copies of such specific plans and/or designs, one of which shall be made a part of the ordinance or resolution granting such conditional zoning, and the other of which shall be furnished to the building inspector for his use.
 - b. If for any reason the development and/or use of the subject property in accordance with the submitted plans and/or designs cannot be accomplished, such plans and/or designs shall not be altered, changed, or varied except after the express authority of the mayor and council.
 - c. Unless substantial progress has been made toward the development and/or use of the subject property within 12 months of the granting of the conditional zoning, the zoning classification of such property shall revert to its status immediately prior to the granting of the conditional zoning.
- (2) Whenever any application for rezoning is made, whether or not accompanied or supported by specific plans and/or designs, the mayor and council shall have the right to condition the grant of such application on such reasonable conditions as it may deem necessary to ensure the compatibility of the use of such land with the use of surrounding land, and to ensure the use of such land in conformity with the overall land use scheme within the city. The conditions which may be placed upon the use of such property may be as follows:
- a. The requirement of buffer zones or strips, as well as the size of such buffer zones and use of certain plants or fencing on such buffer zones;
 - b. Limitation as to the portion of the lot or tract upon which a building or buildings may be constructed;
 - c. The size of the building or buildings to be constructed thereon;
 - d. The density of land use;
 - e. Architectural design of the building or buildings to be constructed thereon;
 - f. Setback requirements;
 - g. Specific use to which the property may be put;
 - h. Limitation on the size, number, or design of signs which may be placed on such property.
- (3) Whenever the mayor and council shall grant an application for rezoning and shall place conditions upon such rezoning, the rezoning shall be deemed to be a conditional zoning, and the subject property may be developed only in strict compliance with such conditions. Any such conditions placed thereon shall be made a part of the ordinance or resolution by which such conditional zoning is granted.

(Comp. Ords. 2005, § 5-1807)

Sec. 44-241. Area, yard, and height requirement.

- (a) *Minimum lot size and minimum yard requirements.*
- (1) *R-1 single-family residential district.*
 - a. Minimum lot size: 15,000 square feet.
 - b. Minimum lot size per dwelling: 15,000 square feet.
 - c. Minimum lot width: 90 feet.
 - d. Minimum front setback from a primary street: 35 feet.
 - e. Minimum front setback from other streets: 30 feet.
 - f. Minimum distance from side lot lines: 10 feet.
 - g. Minimum distance from rear lot line: 20 feet.
 - h. Maximum height of structures: 35 feet.
 - (2) *R-2C Residential district.*
 - a. Minimum lot size: 7,500 square feet.
 - b. Minimum lot size per dwelling: 7,500 square feet.
 - c. Minimum lot width: 50 feet.
 - d. Minimum front setback from a primary street: 25 feet.
 - e. Minimum front setback from other streets: 20 feet.
 - f. Minimum distance from side lot lines: 5 feet.
 - g. Minimum distance from rear lot line: 20 feet.

- h. Maximum height of structures: 35 feet.
- (3) *R-2 Residential district.*
- a. Minimum lot size: 7,500 square feet.
 - b. Minimum lot size per dwelling: 7,500 square feet.
 - c. Minimum lot width: 65 feet.
 - d. Minimum front setback from a primary street: 35 feet.
 - e. Minimum front setback from other streets: 30 feet.
 - f. Minimum distance from side lot lines: 10 feet.
 - g. Minimum distance from rear lot line: 20 feet.
 - h. Maximum height of structures: 35 feet.
- (4) *R-3 Residential District High density.*
- a. Minimum lot size: 43,560 square feet.
 - b. Minimum lot size per dwelling: 5,000 square feet.
 - c. Minimum lot width: 100 feet.
 - d. Minimum front setback from primary street: 35 feet.
 - e. Minimum front setback from other streets: 30 feet.
 - f. Minimum distance from side lot lines: 20 feet.
 - g. Minimum distance from rear lot line: 20 feet.
 - h. Maximum height of structures: 35 feet.
- (5) *R-4 Mixed Use/ Residential District High-density.*
- a. Minimum lot size: 21,780 square feet.
 - b. Minimum lot size per dwelling: 3,600 square feet.
 - c. Minimum lot width: 100 feet.
 - d. Minimum front setback from a primary street: 5 feet.
 - e. Minimum front setback from other streets: 5 feet.
 - f. Minimum distance from side lot lines: 5 feet.
 - g. Minimum distance from rear lot line: 5 feet.
 - h. Maximum height of structures: 75 feet.
- (6) *Manufactured home parks.* (See regulations in article V of this chapter.)
- a. Minimum area required for park: five acres.
 - b. Minimum size of each home space: 3,000 feet.
 - c. Minimum front setback of park from all streets: 50 feet.
- (7) *C-1 central business district (old downtown district).* There is no minimum lot size, lot width, setbacks, side, or rear lot minimums, but there is a maximum height restriction of 65 feet.
- (8) *C-2, commercial districts, and C-N neighborhood district.* There is no minimum lot size, lot width or minimum lot size for each structure, but the following setbacks are required:
- a. Minimum distance from a street when front parking is provided: 40 feet.
 - b. Minimum distance from a street when no front parking is provided: 20 feet.
 - c. Minimum distance from side lot lines when abutting a residential district: 20 feet.
 - d. Minimum distance from side lot lines when not abutting a residential district: 10 feet.
 - e. Minimum distance from rear lot lines when abutting a residential district: 20 feet.
 - f. Minimum distance from rear lot lines when not abutting a residential district: 10 feet.
 - g. Maximum height of structures: 35 feet.
- (9) *O-1 office-institutional district.*
- a. Minimum lot size: 7,500 square feet.
 - b. Minimum lot width: 60 feet.
 - c. Minimum front setback from a primary street: 35 feet.
 - d. Minimum front setback from other streets: 30 feet.
 - e. Minimum distance from side lot lines: ten feet.
 - f. Minimum distance from rear lot line: 20 feet.

- g. Maximum height of structures: 35 feet.
- (10) *G general industrial district.*
 - a. Minimum lot size: 7,500 square feet.
 - b. Minimum lot width: 100 feet.
 - c. Minimum front setback from a primary street: 40 feet.
 - d. Minimum front setback from other streets: 30 feet.
 - e. Minimum distance from side lot lines when abutting a residential district: 40 feet.
 - f. Minimum distance from side lot lines when not abutting a residential district: 15 feet.
 - g. Minimum distance from rear lot lines when abutting a residential district: 40 feet.
 - h. Minimum distance from rear lot lines when not abutting a residential district: 15 feet.
 - i. Maximum height of structures: 35 feet.
- (11) *H-1 heavy industrial district.*
 - a. Minimum lot size: 87,120 square feet.
 - b. Minimum lot width: 100 feet.
 - c. Minimum front setback from a primary street: 40 feet.
 - d. Minimum front setback from other streets: 30 feet.
 - e. Minimum distance from side lot lines when abutting a residential district: 100 feet.
 - f. Minimum distance from side lot lines when not abutting a residential district: 15 feet.
 - g. Minimum distance from rear lot lines when abutting a residential district: 100 feet.
 - h. Minimum distance from rear lot lines when not abutting a residential district: 15 feet.
 - i. Maximum height of structures: 50 feet.

- (b) *Setback requirements for outdoor advertising signs.* The minimum yard requirements set out in subsection (a) of this section shall apply to outdoor advertising signs. Any outdoor advertising sign must be erected in an area properly zoned commercial or industrial and must be permitted by the state department of transportation, if required by state law.

(Comp. Ords. 2005, § 5-1809)

Sec. 44-242. Exceptions and modifications.

- (a) *Lots of record.*
 - (1) *Single lots.* Where the owner of a lot at the time of the adoption of the ordinance from which this chapter is derived of his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, such lot may be used as a building site for a single-family residence in a district where residences are permitted.
 - (2) *Adjoining lots.* If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of the ordinance from which this chapter is derived and such lots individually are too small to meet the yard, width, and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lots in one ownership shall be subject to the requirements of this chapter.
- (b) *Front yard setbacks for dwellings.* The setback requirements of this chapter for dwellings shall not apply to any lot where the average existing building setback line on lots located wholly or in part within 100 feet on each side of such lot, within the same block and zoning district, and fronting on the same side of the street as such lot, is less than the minimum setback required. In such cases, the setback on such lots may be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots, and in no case less than ten feet from the street right-of-way.
- (c) *Height limits.* The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, radio towers, television towers, masts, aerials, and similar structures.
- (d) *Group projects.*
 - (1) Such uses are limited to those permitted within the district in which the project is located;
 - (2) The distance of every building from the nearest property line shall meet front yard setback and side yard requirements of the district in which the project is located;
 - (3) The building heights do not exceed the height limits permitted in the district in which the project is located.

- (e) *Waiver of parking requirements in C-1 central business district.* Minimum off-street automobile parking and storage space requirements as set forth in section 44-239 may be waived in their application to the C-1 central business district.

(Comp. Ords. 2005, § 5-1810)

Secs. 44-243—44-262. Reserved.

ARTICLE V. MANUFACTURED HOME PARKS

Sec. 44-263. Definitions.

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

Manufactured home means:

- (1) A new or used structure;
- (2) Transportable in one or more sections, which, in the traveling mode;
 - a. Is eight body feet or more in width;
 - b. 40 body feet or more in length; or
- (3) When erected on site, is:
 - a. 320 or more square feet;
 - b. Built on a permanent chassis; and
 - c. Designed to be used as a dwelling, with or without a permanent foundation;
connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

(Comp. Ords. 2005, § 5-1820(a))

Sec. 44-264. Purpose and scope.

The purpose and scope of this article is to provide for locations within the city for development of planned manufactured home parks. These areas should be developed and so located as to provide safe and sanitary living conditions for park occupants and to be convenient to shopping centers, schools and other community facilities.

(Comp. Ords. 2005, § 5-1820(b))

Sec. 44-265. Application for a manufactured home park.

- (a) It shall be unlawful for any person to place or maintain any manufactured home for living or sleeping purposes on any premises in the city limits unless it is contained within a planned manufactured home park duly permitted and pursuant to the provisions of this chapter.
- (b) The planning commission may recommend approval of a planned manufactured home park when all provisions of this article have been met. An application and all accompanying plans and supporting data shall be filed in triplicate with the planning commission at least two weeks prior to a regular meeting of the commission. The application shall be in writing and shall contain:
 - (1) The name and address of the applicant;
 - (2) The location and description of the boundaries of the property proposed for the planned manufactured home park development;
 - (3) A complete manufactured home park plan showing all existing conditions and proposed site development as required in this article including preliminary plans of all buildings, improvements and facilities constructed or to be constructed within the manufactured home park (on a topographic map with a minimum of five-foot contours); and
 - (4) Any other information requested by the planning commission to determine the proposed park's compliance with legal requirements, the effect which the proposed park may have on its environment and the compatibility of the adjacent areas for park development within the framework of long-range land development objectives.
- (c) Dimensional and site development requirements. The manufactured home park plan shall show or propose all requirements listed in this article, and, in addition, all said requirements shall be complied with completely before a certificate of occupancy can be issued.

(Comp. Ords. 2005, § 5-1820(c))

Sec. 44-266. Minimum number of manufactured home spaces.

No park shall be permitted with less than 15 spaces.

(Comp. Ords. 2005, § 5-1820(d))

Sec. 44-267. Required lot size.

Well-defined manufactured home spaces shall be provided, consisting of a minimum of 3,000 square feet for each space.

(Comp. Ords. 2005, § 5-1820(e))

Sec. 44-268. Yard requirements.

Each space shall be at least 40 feet wide and clearly defined. There shall be at least a 15-foot side yard and a 15-foot clearance between manufactured homes, including manufactured homes parked end-to-end. No manufactured home shall be located closer than 15 feet to any building within the park; or within 20 feet of any exterior street or boundary line of the park.

(Comp. Ords. 2005, § 5-1820(f))

Sec. 44-269. Drainage.

The manufactured home park shall be located on a well-drained and properly graded site. Necessary site drainage improvements as approved by the city shall be provided.

(Comp. Ords. 2005, § 5-1820(g))

Sec. 44-270. Interior drives and walkways.

All manufactured home spaces shall abut upon a hard-surfaced drive no less than 20 feet in width. Interior drives must be no less than 20 feet in width and shall have unobstructed access to a public street or highway in accordance with ordinances of the city. Hard-surfaced walkways, no less than three feet wide, shall be provided from the manufactured home spaces to service buildings. All interior drives and walkways within the park shall be adequately maintained by the owner.

(Comp. Ords. 2005, § 5-1820(h))

Sec. 44-271. Off-street parking.

Each manufactured home space shall be provided with at least two off-drive parking spaces, paved and adequately marked.

(Comp. Ords. 2005, § 5-1820(i))

Sec. 44-272. Signs.

The following nonflashing and nonanimated signs are permitted under the conditions specified:

- (1) *Park identification sign.* One Park identification sign shall be permitted not to exceed 24 square feet in area for the purpose of denoting the name of the manufactured home park.
- (2) *Manufactured home occupant identification signs.* One manufactured home occupant identification sign not exceeding one square foot in area shall be permitted for each manufactured home. Said sign shall indicate only the name and address of the occupant of the manufactured home.

(Comp. Ords. 2005, § 5-1820(j))

Sec. 44-273. Improvements to manufactured homes.

No permanent addition of any kind shall be built onto or become a part of any manufactured home.

- (1) The owner of a manufactured home park shall provide a concrete patio of at least two inches thick on the access side of the manufactured home so as to lie beneath both doors, provided however, said patio shall be a minimum of eight feet in width and a minimum of 20 feet in length.

- (2) No sign shall be located so as to impede vehicular visibility at any intersection of street lines with one another or the edge of driveways with street lines.

(Comp. Ords. 2005, § 5-1820(k))

Sec. 44-274. Special conditions and safeguards.

In recommending any planned manufactured home park, the planning commission may attach special conditions and safeguards to protect both the occupants of the park and the occupants of surrounding property, including such matters as protection against noise, lights, and dust. Where required to serve these ends, walls, plantings, surfacing or other natural or artificial means for protection may be required as a part of such special conditions on which the recommendation for a manufactured home park is based. Failure to meet such conditions shall be grounds for refusal of issuance of a certificate of occupancy.

(Comp. Ords. 2005, § 5-1820(l))

Sec. 44-275. General requirements.

- (a) *Minimum size of manufactured homes.* No manufactured home shall be placed in a planned manufactured home park which has less than 350 square feet of floor space and does not contain a built-in bathroom with water closet, lavatory and shower or tub which are in working condition. Section 44-139(3)a prohibits any manufactured home constructed prior to 1976 to be located within the city.
- (b) *Water, sewerage, and electricity.* Each manufactured home space shall be provided with and each manufactured home shall be connected to the sanitary sewers and water supply system of the city. Electrical outlets shall be provided as specified by the city building inspector.
- (c) *Lighting.* All interior drives and walkways within the park shall be lighted at night with lighting as approved by the city.
- (d) *Refuse collecting facilities.* Individual refuse containers shall be used on each manufactured home site. Stands must be provided to hold the cans upright or buried.

(Comp. Ords. 2005, § 5-1820(m))

Sec. 44-276. Development compliance.

At least 15 spaces of a planned manufactured home park must be completely constructed, according to the manufactured home park plan approved by the planning commission, within two years after the planned manufactured home park is established. The failure of the developer or applicant to construct this minimum phase completely within the specified period of time may be cause for the planning commission to reconsider the planned manufactured home park.

(Comp. Ords. 2005, § 5-1820(o))

Secs. 44-277—44-300. Reserved.

ARTICLE VI. ADULT ENTERTAINMENT³

Sec. 44-301. Definitions.

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

Adult bookstore means any commercial establishment in which is offered for sale any book or publication, film, video, or other medium which depicts sexually explicit nudity or sexual conduct.

Adult movie house means any movie theater which on a regular, continuing basis shows films rated "X" by the Motion Picture Coding Association of America or any movie theater which presents for public viewing on a regular, continuing basis so-called "adult films" depicting sexual conduct.

Explicit media outlet means any commercial establishment which has an inventory of goods that is composed of at least 50 percent of books, pamphlets, magazines, or other printed publications, films, or other media which depicts sexually explicit nudity or sexual conduct.

³Editor's note(s)—The ordinance from which this article is derived, Ord. No. 03-21 was passed on 12-1-2003, but the effective date was delayed due to court challenge.

Sexual conduct means acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is female, breast which, to the average person, applying contemporary community standards, taken as a whole, lacks serious literary, artistic, political, or scientific value and predominantly appeals to the prurient interest, that is, a shameful, or morbid interest in nudity or sex.

Sexually explicit nudity means a state of undress so as to expose the human male or female genitals or pubic area with less than a full opaque covering or the depiction of covered or uncovered male genitals in a discernibly turgid state which, to the average person, applying contemporary community standards, taken as a whole, lacks serious literary, artistic, political, or scientific value and predominantly appeals to the prurient interest, that is, a shameful, or morbid interest in nudity or sex.

(Comp. Ords. 2005, § 5-401(c.1); Ord. No. 03-21, 12-1-2003)

Sec. 44-302. Penalty.

Any person, firm, or corporation violating this article shall be guilty of a misdemeanor. Each day of operation shall be deemed a separate offense.

(Comp. Ords. 2005, § 5-401(c.3); Ord. No. 03-21, 12-1-2003)

Sec. 44-303. Location of adult entertainment establishments.

All adult bookstores, explicit media outlets, and adult movie houses shall be located only in commercial or industrial zoned districts; provided, however, that no adult bookstore, explicit media outlet or adult movie house shall be located within 1,000 feet of any school building, school grounds, college campus, public place of worship, or area zoned primarily for residential purposes. As used in this article, the term "school building" shall only apply to public or private school buildings. In determining the distance requirement provided in this chapter, the measurement shall be from the closest property line of the adult bookstore, explicit media outlet or adult movie house to the closest property line on which any school building, school grounds, college campus, public place of worship, or area zoned primarily for residential purposes, is located.

(Comp. Ords. 2005, § 5-401(c.2); Ord. No. 03-21, 12-1-2003)

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE

CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2023.

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA Date