

## **Sec. 22-131 PUD planned unit development**

The regulations for the PUD planned unit development district are as follows:

**(1) Purpose and intent.** The PUD district is established to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than lot-by-lot regulation. The developer benefits from better land utilization and design flexibility. Review of and approval of the development plan by the Mayor and Council provides an opportunity to ensure that the development will be in harmony with the character of the neighborhood in which the development is located. The PUD district may be located within any residential category as defined by the City of Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007. The PUD district is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning to ensure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment. PUD development shall be compatible with surrounding development.

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

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

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

- (2) Having a record of having such an impairment; or
- (3) Being regarded as having such an impairment.

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

**b. Livestock, nondomestic, and wild animals and poultry** means animals, nondomestic, and wild animals and species of the aviary family which are or may be raised for the purpose of providing food, transportation or being resold or bred, excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets.

- 1. Such animals shall only be permitted on a lot containing not less than two acres.
- 2. All buildings used for animals shall be set back not less than 200 feet from any property line.
- 3. All animals shall be maintained at least 25 feet from any residential property line.
- 4. Except in the RR district, there shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.
- 5. These rules are effective with respect to new construction, not existing uses.
- 6. In the case of nondomestic or wild animals, all state and federal requirements must be met and a special land use permit is required.

**c. Riding stable** means a building for the shelter and feeding of domestic animals, especially horses.

- 1. Such stable shall be established on a lot having an area of not less than ten acres.
- 2. Any structure shall be located at least 200 feet from any property line.
- 3. All animals shall be maintained at least 100 feet from any property line.

**(3) Permitted uses.** Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

Condominiums.  
Customary home occupations.  
Executive golf courses.  
Golf courses, 18-hole regulation, public and private.  
Golf courses, par 3.  
In-home day care.  
Livestock, nondomestic and wild animals, and poultry.  
Multi family dwelling units.  
Private parks SLUP required.  
Riding stables.  
Single-family dwelling units (detached).  
Temporary uses (as defined by this Ordinance).  
Townhouse dwelling units (attached).  
Two-family dwelling units.  
Combinations of the uses listed in this subsection.

**(4) Lot size and setback requirements.** Lot size and set back requirements are as follows:

- a. Minimum lot size (single family dwelling): 8,500 square feet.
- b. Minimum side yard: 10 feet.
- c. Minimum back yard: 30 feet.
- d. Minimum front yard: 40 feet measured from right-of-way line.

**(5) Landscape buffer and screening requirements.** Unless otherwise noted within this district's requirements, any property within a PUD district which abuts a more restrictively zoned residentially zoned property shall have a minimum ten-foot landscaped screening buffer. Additionally, during the construction phase, a 40-foot undisturbed buffer shall be maintained except for access points, required detention/retention facilities or utilities. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Standards. Buffers or berms shall be required when a PUD district is located adjacent to a more restrictive residential district; a minimum ten-foot buffer is required.

1. Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards.

- i. Plantings are to be a mix of evergreen trees and shrubs.
- ii. Species are to be ecologically compatible to the site and appropriate for the design situation.
- iii. Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
- iv. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
- v. Fencing or walls are to be a minimum of six feet in height (fence to be located on exterior of buffer) as approved by city staff.
- vi. Trees included in buffer plantings may be counted toward site density calculations as required by the City of Austell subject to review and approval of city staff.
- vii. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
- viii. When topography and existing conditions allow, the required ten-foot buffer should be an undisturbed buffer.

ix. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

2. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

- i. Berms shall be utilized when consistent with surrounding property features.
- ii. Berms shall be stabilized.
- iii. Berms shall be constructed to be consistent with natural or proposed drainage patterns.
- iv. Berms shall be regularly maintained by the property owner.

**(6) Floodplain and wetlands preservation requirements.** Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

**(7) Building and structure requirements.**

- i. Maximum building height is 35 feet.
- ii. No more than 30 percent of total number of home in a PUD development to have a minimum of 1,200 square feet of heated floor space.
- iii. No less than 50 percent of homes to have a minimum of 1,600 square feet of heated floor space.
- iv. Mayor and Council may allow that 400 square feet of this space may be studded and plumbed for future completion, i.e.: bonus room, basement room, etc.
- v. All homes to have two car garages.

**(8) Parking requirements.**

- i. See section 22-172 for paved parking specifications.
- ii. All homes shall have a minimum of 20 feet wide driveways from street to garage.
- iii. All subdivision roads must be a minimum of 24 feet wide (two 12 foot lanes).
- iv. All roads must cul-de-sac. No dead ends will be allowed. Cul-de-sacs containing landscaped islands or infiltration islands are encouraged.
- v. Sidewalks must be installed on at least one side of the road opposite the side that has the water line installed and must be a minimum of 4 feet wide.

**(9) Lighting requirements.**

- i. All utilities must be underground unless otherwise approved by Mayor and Council.
- ii. All subdivisions including PUD developments must have street lights. The street lighting plan must be approved by the Public Works director or his/her designee.

**(10) Use limitations.**

- a. A PUD district shall be located within any residential category as defined by the City of Austell Comprehensive Land Use Plan: A Policy Guide, so long as it meets the standards set

forth in this section and is compatible with surrounding uses and zoning districts and does exceed the density set forth in the comprehensive plan.

b. Maximum density shall not exceed 3.5 units per acre. Floodplain or wetlands acreage may not be used in calculating the overall density.

c. A PUD shall require ten contiguous acres unless the acreage is being added to an existing PUD as an extension of or additional phase to an already approved PUD which originally met the minimum ten-acre requirement.

d. A minimum of 550 square feet per dwelling unit in a PUD shall be reserved for open space, parks, other recreational uses or other public uses, subject to the following:

1. No more than 50 percent of the land so reserved may lie in a flood plain or wetland.
2. While such open space shall not be required to be contiguous, the open space must be useable and functional for open space, parks, other recreational or other public uses.
3. The required yards, parking and right-of-way areas shall not be credited toward the minimum open space requirements.
4. The amount of required common open space will be automatically reduced as the density of development is reduced and will be automatically increased as the density of development is increased.
5. The required open space shall be developed and landscaped by the developer in accordance with an approved landscaping plan.

e. All PUD developments shall be zoned and subject to a specific site plan.

f. The entire PUD shall be included within private deed covenants running with the land to ensure the continuance of the PUD in accordance with approved plans and developments.

g. The overall residential development should be compatible with surrounding uses and zoning.

h. Relation to residentially developed property lying outside the PUD. The sides, rear, or front of a lot developed for multifamily dwellings shall neither abut nor lie across the street from property lying outside the PUD that is developed with single family dwellings.

i. No outside storage is permitted, excluding firewood and lawn furnishings.

j. During the construction phase only, a 40-foot undisturbed buffer shall be maintained, except for access points, required detention/retention facilities or utilities.

Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

**(11) Special exception uses.** See section 22-171 for requirements for special exception uses. Special exception uses for the PUD district are the uses listed as follows:

- a. Any other facility for the disposal of the dead.
- b. Cemeteries.
- c. Churches, chapels, temples, synagogues and other places of worship.
- d. Mausoleums
- e. Club or lodge, private.
- f. Private schools of general and special education.

**(12) Accessory buildings, structures, uses and decks.** Any accessory building or structure in excess of 650 square feet of gross space shall be located to the rear of the primary structure and at least 100 feet from any property line. Any accessory building or structure which exceeds 650 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs or his/her designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain.

- a. Accessory buildings, structures, uses and decks shall be subject to the following conditions:
  1. Maximum height is two stories or 35 feet.
  2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.
  3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.
  4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.
  5. Architectural style and design shall be approved by the Building Official or his/her designee.
  6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or other accessory building, structure, use or deck shall be located closer than five feet to a side or rear lot line or within any required buffer, whichever is greater.

10. When an accessory building is attached to the principal building by breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached. This shall not apply to decks.

b. Antennas and satellite dishes shall meet the requirements set forth in section 22-174.

c. Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

d. Neighborhood recreation centers, amenities and swimming pools are subject to the following:

1. Site plans must be approved by the Building Official or his/her designee to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The landscape plan must be submitted to and approved by the Building Official or his/her designee. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.

2. Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.

i. Upon written consent of all owners of property within 100 feet of the property line, setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located.

ii. The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property. Such landscaped buffer shall be shown on the landscaping plan specified in subsection (12)d.1 of this section and must be approved by the Building Official or his/her designee.

iii. When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from the Building Official or his/her designee.

3. Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and the City of Austell.

4. Outdoor activity shall cease by 11:00 p.m.

5. Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed Cobb County or Austell public road, a lighting plan must be submitted and approved by the Mayor and Council to ensure no light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.

6. No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.

7. Parking requirements are as follows:

i. A minimum of twenty (20) spaces shall be provided for amenities which include a swim facility or swim/tennis facility with up to four (4) courts. Additional spaces at the minimum of four (4) spaces per court shall be provided for each court over four (4) in number. A minimum of ten (10) spaces for every two (2) courts shall be provided for amenities which include tennis courts only.

ii. In addition to the requirement 12 6. i. above, a minimum of five (5) spaces for each fifty (50) residents, or pro-rated share thereof, over one hundred (100) shall be provided.

iii. Parking spaces shall be paved and striped according to section 22-172, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

8. No park, playground, tennis court, basketball court, or as the like shall be allowed to be constructed unless the following criteria are met, except those recreational improvements included in a site plan approved by the Mayor and Council:

i. The adjacent property owners shall be in favor of the proposed recreational improvement.

ii. Sixty percent of the subdivision, if located in a subdivision shall be in favor of the proposed park.

iii. Approval has been received by Mayor and Council.



**Sec. 22-132. RD residential duplex district.**

The regulations for the RD residential duplex district are as follows:

(1) **Purpose and intent.** The RD district is established to provide locations for the development of affordable single-family detached or attached owner-occupied residential dwelling units, including duplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall. This residential use is designed to be located within or on the edge of properties delineated for medium density residential categories as defined and shown on the City of Austell Comprehensive Plan: A Policy Guide, adopted July 2, 2007. When residentially compatible institutional and recreational uses are developed within the RD district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

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

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

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

- (2) Having a record of having such an impairment; or
- (3) Being regarded as having such an impairment.

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

**b. Livestock, nondomestic and wild animals, and poultry** means animals, nondomestic and wild animals, and species of the avian family which are or may be raised for the purpose of providing food or transportation, or being resold or bred, excluding only dogs, cats, rabbits, fish, pet mice, hamsters, gerbils, parrots and parakeets.

1. Such animals shall only be permitted on a lot containing not less than two acres.
2. All buildings used for animals shall be set back not less than 200 feet from any property line.
3. All animals shall be maintained at least 25 feet from any residential property line.
4. Except in the RR district, there shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm.
5. These rules are effective with respect to new construction, not existing uses.
6. In the case of nondomestic or wild animals, all state and federal requirements must be met and a special land use permit must be obtained.

**c. Riding stable** means a building for the shelter and feeding of domestic animals, especially horses.

1. Such stable shall be established on a lot having an area of not less than ten acres.
2. Any structure shall be located at least 200 feet from any property line.
3. All animals shall be maintained at least 100 feet from any property line.

**(3) Permitted uses.** Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

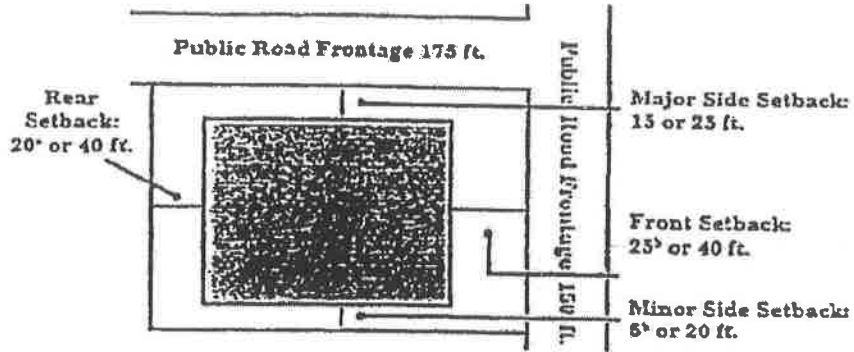
Customary home occupations.  
Executive golf courses.  
Golf courses, 18-hole regulation, public and private.  
Golf courses, par 3.  
In-home day care.  
Private parks SLUP required.  
Single-family dwelling units (attached).  
Single-family dwelling units (detached).  
Temporary uses (as defined in this Ordinance).  
Two-family dwelling units.

**(4) Lot size and setback requirements.** Lot size and setback requirements are as follows:

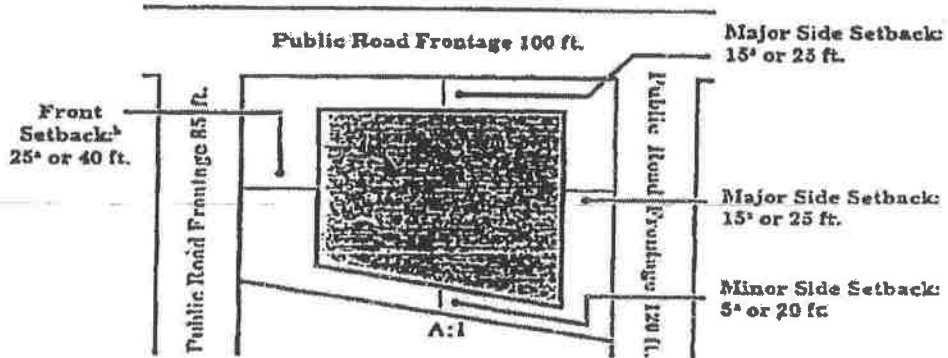
- a. Minimum lot size: 20,000 square feet.
- b. Minimum lot width at front setback line: 75 feet; cul-de-sac, 50 feet.
- c. Minimum public road frontage: 75 feet; cul-de-sac, 50 feet.
- d. Minimum building setbacks: As shown and applied in the following diagram:

**MINIMUM BUILDING SETBACK REQUIREMENTS FOR RD DISTRICT**

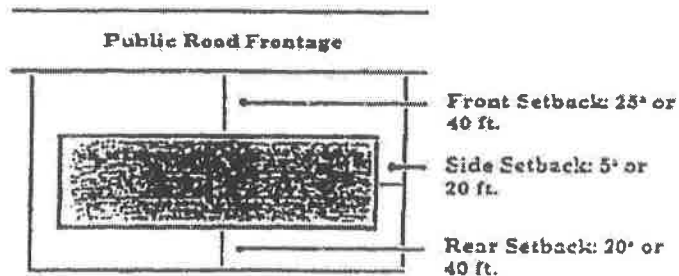
Note: All setbacks shall be measured from future right-of-way.



Example for Property with two (2) Public Road Frontages



Example for Property with three (3) Public Road Frontages



Example for Property with one (1) Public Road Frontage

Notes:

- a Distance if interior portion of development.
- b Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).
- c If structure fronts a major side setback, major side setback shall be 35 feet.

**(5) Landscape buffer and screening requirements.** Unless otherwise noted within this district's requirements, any property within an RD district which abuts a more restrictive residentially zoned property shall have a minimum ten-foot landscaped screening buffer adjacent to all residential property. The buffer shall be subject to approval by city staff. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

a. Objectives. Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

b. Standards. Buffers or berms shall be required when an RD district is located adjacent to a more restrictive residential district. A minimum ten-foot buffer is required.

1. Buffers. Landscape buffers are subject to review and approval by city staff in accordance with the following standards:

- i. Plantings are to be a mix of evergreen trees and shrubs.
- ii. Species are to be ecologically compatible to the site and appropriate for the design situation.
- iii. Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
- iv. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
- v. Fencing or walls shall be a minimum of six feet in height (fence to be located on exterior of buffer) as approved by city staff.
- vi. Trees included in buffer plantings may be counted toward site density calculations as required by City of Austell subject to review and approval of city staff.
- vii. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
- viii. When topography and existing conditions allow, the required ten-foot buffer should be an undisturbed buffer.
- ix. Any appeals from a determination by city staff shall be to the board of variance and zoning appeals.

2. Berms. Berms are subject to review and approval by city staff in accordance with the following standards:

- i. Berms shall be utilized when consistent with surrounding property features.

- ii. Berms shall be stabilized.
- iii. Berms shall be constructed to be consistent with natural or proposed drainage patterns.
- iv. Berms shall be regularly maintained by the property owner.

**(6) Floodplain and wetlands preservation requirements.** Subject to the conditions set forth in the City of Austell Floodplain Management and Prevention Ordinance.

**(7) Building and structure requirements.** Maximum building height is 35 feet.

**(8) Parking requirements.** See section 22-172 for paved parking specifications.

**(9) Lighting requirements.** Any project permitted within the RD district which proposes any outdoor lighting must have approval from the Building Official or his/her designee.

**(10) Special exception uses.** See section 22-171 for requirements for special exception uses. Special exception uses for the RD district are the uses listed as follows:

- a. Any other facility for the disposal of the dead.
- b. Cemeteries.
- c. Churches, chapels, temples, synagogues and other places of worship.
- d. Mausoleums
- e. Club or lodge, private.
- f. Private schools of general and special education.

**(11) Use limitations.**

- a. There shall be a maximum of four units per acre.
- b. Where single family dwelling units are proposed to be constructed in area zoned RD, the minimum house size shall be 1,000 square feet and the minimum lot size for an individual attached unit shall be 12,500 square feet.
- c. Architectural style and design shall be compatible with or upgrade the existing neighborhood.
- d. No outside storage is permitted, excluding firewood and lawn furnishings.
- e. Maximum impervious surface shall not exceed 35 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the Building Official or his/her designee, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer: public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to.

Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

**(12) Accessory buildings, structures, uses and decks.**

a. Any accessory building or structure in excess of 400 square feet of gross space shall be located to the rear of the primary structure and at least 50 feet from any property line. Any accessory building or structure less than 400 square feet and greater than 144 square feet must be located to the rear of the primary structure within the building setbacks. Any accessory building or structure which exceeds 400 square feet of gross space must have the approval of the Building Official or his/her designee as to the location, architectural design and size prior to commencing construction. The Building Official or his/her designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 144 gross square feet shall be required to submit for plan review through the community affairs department or receive approval from the director of the community affairs or his/her designee. Accessory structure plans must be accompanied by a signed affidavit from the property owner stating that such structure will not be used for a dwelling or commercial gain.

b. Accessory buildings, structures, uses and decks shall be subject to the following conditions unless otherwise defined as in subsection (12)a. of this Code section:

1. Maximum height is two stories or 35 feet, when located within building setbacks or at least 100 foot from a property line, otherwise maximum height is one story.

2. Accessory uses shall include garbage pads, heating and air conditioning units, jacuzzis, tennis courts, swimming pools (private), playhouses and playgrounds.

3. All accessory uses shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side or rear.

4. The rear of the principal building shall be where the main portion of the building ends without consideration of wings.

5. Architectural style and design are to be approved by the Building Official or his/her designee.

6. Such structures or buildings shall be located on the same lot as and to the rear of the principal building to which they are accessory. Decks may be located to the rear or side of the principal building subject to the limitations in this subsection.

7. No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.

8. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.

9. No garage or accessory building, structure, use or deck less than 144 gross square feet, shall be located closer than five feet to a side or rear lot line or within any required buffers, whichever is greater, regardless if the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway. If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached.

c. Antennas and satellite dishes shall meet the requirements set forth in section 22-174.

d. Incidental storage is permitted, provided that the material stored is incidental to the permitted use, as determined by the Building Official or his/her designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

e. Neighborhood recreation centers, amenities and swimming pools are subject to the following:

1. Site plans must be approved by the Building Official or his/her designee to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.

2. Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.

i. Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the Building Official or his/her designee.

ii. The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line unless also reduced in accordance with subsection (12)d.2.i of this section. Such landscaped buffer shall be shown on the landscaping plan specified in subsection (12)d.1 of this section and must be approved by the Building Official or his/her designee.

iii. When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from the Building Official or his/her designee.

3. Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and the City of Austell.

4. Outdoor activity shall cease by 11:00 p.m.

5. Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed Cobb County or Austell public road, a lighting plan must be submitted and approved by the Mayor and Council to ensure that no light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.

6. No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.

7. Parking requirements are as follows:

i. A minimum of twenty (20) spaces shall be provided for amenities which include a swim facility or swim/tennis facility with up to four (4) courts. Additional spaces at the minimum of four (4) spaces per court shall be provided for each court over four (4) in number. A minimum of ten (10) spaces for every two (2) courts shall be provided for amenities which include tennis courts only.

ii. In addition to the requirement 12 d. 7. i. above, a minimum of five (5) spaces for each fifty (50) residents, or pro-rated share thereof, over one hundred (100) shall be provided.

iii. Parking spaces shall be paved and striped according to section 22-172, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

8. No park, playground, tennis court, basketball court, or as the like shall be allowed to be constructed unless the following criteria are met, except those recreational improvements included in a site plan approved by the Mayor and Council:

i. The adjacent property owners shall be in favor of the proposed recreational improvement.

ii. Sixty percent of the subdivision, if located in a subdivision shall be in favor of the proposed park.

iii. Approval has been received by Mayor and Council.