

ORDINANCE 2022-13

AN ORDINANCE OF THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, APPENDIX A, ZONING, SECTIONS 402, 601, 714.1, 802, 902, and 1104.

Article IV – Definitions of the Zoning Ordinance shall be amended to add definitions of specific uses related to the Heavy Industrial zoning district to Section 402. The proposed definitions shall be added and some existing sections shall be amended as follows (the added and amended sections are highlighted):

(402.2.1) *Amusement center*: Any freestanding privately owned and operated commercial recreational area containing an assortment of rides, games, arcades, attractions, water slides, and tracks for amusement vehicles.

(402.2.2) *Ancillary retail sales (Heavy Industrial)*: The retail sale of goods and services which is secondary in nature to the primary industrial use of the property in so much that the goods for sale have been produced on-site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a freestanding business.

(402.6.1) *Automotive paint and body repair shop*: An establishment for restoring auto bodies, painting or refinishing, with all activities carried on entirely within an enclosed building.

(402.6.2) *Automotive salvage and wrecking yard*: An establishment used for the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

(402.6.3) *Automotive storage yards and wrecker service for damaged and confiscated vehicles (Heavy Industrial)*: An establishment used for the short-term storage of damaged or confiscated vehicles.

(402.6.4) *Barrel*: 53 gallons of distilled spirits or 31 gallons of malt beverages.

(402.7.1) *Biomedical waste disposal facility*: A facility engineered and designed for the collection or transfer of biomedical waste products such as used gauze, syringes, needles, bandages, test tubes and surgical wastes from a collector vehicle to a larger transport vehicle to another destination for incineration.

(402.17.1) *Community fair (heavy industrial)*: A festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 250 feet from any property line. Any event shall not exceed 21 days.

(402.18.1) Designated recycling collection locations: Metal or heavy-duty plastic containers designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass and paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion and shall not encompass an area larger than 280 square feet. Such location shall be visually screened and maintained. Such location shall be within the building setbacks unless otherwise approved by the division manager of zoning or his designee due to topography, safety, internal traffic flow, site distance or other site-related circumstances not created by the property owner.

(402.18.2) Distilled spirits: Any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

(402.18.3) Distiller: A manufacturer of distilled spirits. In the case of distilled spirits, "manufacturer" means any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits.

(402.18.4) Distillery: Any establishment where distilled spirits are manufactured.

(402.28) Grade: An average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

(402.28.1) Heavy automotive repair establishment: An indoor/outdoor repair establishment for performing automotive and truck repair, including engine and transmission overhauls.

(402.28.2) Heavy manufacturing establishment: Manufacturing establishments, other than those classified as light manufacturing, including those involving the conversion of raw materials into usable finished products, provided that manufacturing that will generate liquid waste from the manufacturing process or air pollutants shall comply with antipollution standards established by the state. This use shall also allow incidental on-site sale of manufactured materials only.

(402.29) High-rise apartment development: A building or buildings of at least four stories or 45 feet in height located on a tract of land of at least two acres and developed in accordance with article X, section 1015.

(402.33.2) Landfill (private): A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of the operating day.

(402.33.3) Light automotive repair establishment: An indoor repair establishment (no outside storage) for performing light auto and small truck repair (under one ton) such as brake repair, oil changes, lubrication, transmission repair, installation of belts and hoses, inspections and the like.

(402.33.4) Light manufacturing establishment: An establishment for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products; however, the manufacturing and production of any product which emits noxious noise, odor or fumes, bulk storage of flammable materials for resale, and other heavy manufacturing uses listed in this section shall not be permitted. This use shall also allow incidental on-site sale of manufactured materials only.

(402.42.2) Mining: A process involving the removal or extraction of dirt, sand, soil, rock, gravel, minerals, petroleum, natural gas or other natural resources.

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

(402.51.2) Recycling center: A center or location designed for sorting or collection of recyclables from designated recycling collection locations and other private entity sources.

(402.51.3) Special event: An event or gathering using private or public property, that draws an estimated number of participants and spectators for or has the seating capacity to accommodate at least 2,000 people present on any day of the event.

Article VI – Establishment of Districts of the Zoning Ordinance shall be amended to add the Heavy Industrial zoning district to the list of zoning districts under Section 601. Section 601 of the Zoning Ordinance shall be amended as follows (the amended section is highlighted):

Sec. 601. - District designation.

For the purpose of this article, the City of Smyrna, Georgia, is divided into ~~26~~ districts, designated as follows:

R-30	Single-family residential, 30,000 square feet, 1.3 dwelling units per acre
R-20	Single-family residential, 20,000 square feet, 2 dwelling units per acre
R-15	Single-family residential, 15,000 square feet, 2.7 dwelling units per acre

R-12	Single-family residential, 12,000 square feet, 3.4 dwelling units per acre
R-10	Single-family residential, 10,000 square feet, 4 dwelling units per acre
R-8	Single-family residential, 8,000 square feet, 5 dwelling units per acre
RDA	Residential detached and/or attached, 6 dwelling units per acre
RMC-8	Multifamily residential condominium ownership, 8 dwelling units per acre
RM-10	Multifamily residential, 10 dwelling units per acre
RM-12	Multifamily residential, 12 dwelling units per acre
RM-15	Redevelopment district, Multifamily residential, 15 dwelling units per acre
RD	Multifamily residential, maximum 2 units per 12,500-square-foot lot
RD-4	Multifamily residential, maximum 4 units per 17,000-square-foot lot
TD	Multifamily residential, maximum 10 units per acre
FC	Future commercial
RHR	Residential high-rise, 12 dwelling units per acre, or as provided in article X
LC	Limited commercial
OI	Office-institutional
NS	Neighborhood shopping
CBD	Central business district
GC	General commercial
OD	Office-distribution
LI	Light industrial
HI	Heavy Industrial
TS	Tourist services
MU	Mixed use

Article VII – Use Provisions of the Zoning Ordinance shall be amended to add Section 714.1 for the creation of a Heavy Industrial zoning district. The proposed section shall read as follows (the added section is highlighted):

Sec. 714.1 - HI, Heavy industrial district.

The intent of this section, in establishing the HI district, is to provide areas within the city for the manufacture, storage, sale and distribution of goods and the conduct of related commercial and industrial activities. The HI district is comprised primarily of those existing industrial use areas that are located on or have ready access to major thoroughfares and/or rail facilities and are well adapted to industrial development. The HI district is established to provide locations for heavy industrial uses such as intensive automobile repair and service, heavy manufacturing, chemical manufacturing and storage, petroleum or petrochemical storage, and warehousing and storage.

Within any HI industrial district, the following uses shall be permitted:

(714.1.1) Ambulance Services

(714.1.2) Amusement centers, subject to the following minimum requirements:

1. Minimum acreage is five acres.
2. Such use shall not be located closer than 500 feet to any school property.
3. Such use shall not be located closer than 200 feet to any residential property line.
4. An overall parking and landscape plan shall be reviewed and approved by city staff. The plan will provide for safe and efficient vehicle and pedestrian circulation and aesthetics.

(714.1.3) Animal hospitals.

(714.1.4) Asphalt plants or concrete plants, subject to the following minimum standards:

1. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
2. Compliance with all applicable state and federal laws is required.
3. All necessary state and federal permits shall be obtained.
4. A spill containment plan shall be approved by city staff.
5. Minimum acreage is five acres.
6. No use shall be located closer than 1,000 feet to any residential dwelling or school.
7. Hours of operation shall be limited to daylight hours.
8. Noise abatement and air pollution abatement plans shall be approved by city staff.

(714.1.5) Assembly halls.

(714.1.6) Any industrial use which involves manufacturing, processing, or assembly operations or the storage and sale of heavy materials, products or equipment; but not including those uses which emit obnoxious, injurious or offensive noise, vibrations, smoke, dust, gas fumes or odors or create fire or explosion hazards or other objectionable conditions.

(714.1.7) Automobile and truck sales and service, provided the minimum lot area is one acre or more.

1. Minimum of one acre of a paved surface is required for parking of vehicles, excluding any area used for, but not limited to buildings, offices, service or sales areas:

2. If any entity sells more than five cars per year, they are considered a dealer which requires a city occupational tax certificate.
3. All vehicles are required to be parked off any right-of-way or easement.

- (714.1.8) Automobile salvage and wrecking yards, subject to the following minimum requirements:
1. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
 2. Such use shall be enclosed by a fence or wall not less than eight feet in height which provides visual screening.
 3. No such activity may be conducted within 100 feet of any property line or 200 feet of any property zoned or used for residential purposes.
 4. The incidental sale of auto parts removed from cars on the site shall be permitted.

- (714.1.9) Automobile storage yards and wrecker services for damaged or confiscated vehicles, subject to the following minimum requirements:
1. Such use shall be enclosed by a fence or wall not less than eight feet in height which provides visual screening.
 2. No dismantling, repair or other such activity shall be conducted.
 3. Such use shall be located at least 40 feet from any residential district or use.
 4. Such automobiles shall not be held longer than provided by state and local law.
 5. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.

- (714.1.10) Automotive paint and body repair shops. Such uses shall not be established upon a lot which is either adjacent to or directly across the street from any residential district.

- (714.1.11) Automotive parking lots or garages.

- (714.1.12) Automotive repair and maintenance facilities.

- (714.1.13) Automobile service stations, provided that all gasoline pumps shall be located at least 15 feet from any property line.

- (714.1.14) Automotive upholstery shops.

- (714.1.15) Aviation airports (private).
 - 1. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.

- (714.1.16) Banks and financial institutions with drive-in establishments or automated transfer machines.

- (714.1.17) Biomedical waste disposal facilities or hazardous waste sites, subject to the following minimum requirements:
 - 1. A spill containment plan shall be approved by city staff.
 - 2. Such use shall not be located closer than 1,000 feet to any residential dwelling or school.
 - 3. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
 - 4. Such use shall be carried on within an enclosed building, with no outside storage of any materials or biomedical waste except for vehicles used for the operation.
 - 5. All necessary state and federal permits shall be obtained.
 - 6. Compliance with all applicable state and federal laws is required.
 - 7. Minimum acreage is five acres.
 - 8. The facility must be designed with an impervious liner.
 - 9. The facility must have an on-site water purification system which returns water to a potable condition.

- (714.1.18) Boat sales and service.

- (714.1.19) Breeding and boarding kennels.

- (714.1.20) Breweries, distilleries, wineries and brewpubs, including accessory tasting rooms:
 - 1. Manufacturing shall be conducted within a wholly enclosed building.

- (714.1.21) Building materials stores.

- (714.1.22) Bus stations and bus stations for freight.

- (714.1.23) Business, medical, professional and contractors offices, including general building, heavy construction and special trade.

- (714.1.24) Carwashes.

- (714.1.25) Cemeteries.

1. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
- (714.1.26) Churches, chapels, temples, synagogues, and other such places of worship.
- (714.1.27) Clinics.
- (714.1.28) Clubs or lodges (noncommercial).
- (714.1.29) Coliseums, stadiums, and convention centers (privately owned), subject to the following minimum requirements:
1. Minimum acreage is ten acres.
 2. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
 3. A traffic and parking plan shall be approved by the city engineer.
 4. Hours of operation shall be approved by the board of commissioners at the time of the special land use permit public hearing.
 5. A noise abatement plan shall be approved by the city council at time of the special land use permit public hearing.
- (714.1.30) Colleges and universities (private), including but not limited to research and training facilities.
- (714.1.31) Commercial greenhouses and plant nurseries, provided that all goods stored outside shall be stored in a designated area.
- (714.1.32) Commercial produce and agricultural product stands.
- (714.1.33) Community fairs.
- (714.1.34) Contractors (general, heavy or special).
- (714.1.35) Corporate or administrative offices.
- (714.1.36) Crematories, human or animal, with the following minimum requirements:
1. Minimum lot size is two acres.
 2. When abutting any residential property line, a 50-foot natural or landscaped buffer shall be approved by city staff (see subsection (5) of this section).
 3. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
 4. All necessary state and federal permits, if any, shall be obtained.

- (714.1.37) Dairies.
- (714.1.38) Designated recycling collection locations.
- (714.1.39) Drive-in theaters, subject to the following minimum requirements:
 - 1. Minimum acreage is two acres.
 - 2. Driving and parking areas shall be paved.
 - 3. The theater screen, projection booth or other buildings shall be set back not less than 50 feet from any property line (unless the front setback is greater).
 - 4. The theater screen shall not be visible from an expressway, arterial or major collector roadway.
 - 5. No damaged or confiscated vehicles shall be stored on-site.
- (714.1.40) Dry cleaning plants, provided that:
 - 1. Dry cleaning plants using systems which make use of solvents rated at above 40 according to the Underwriters' Laboratories, Inc. Standard of Classification, known as Class II and III systems, shall not be established in buildings which shall be set back not less than 20 feet from any side or rear property line and another building.
 - 2. The applicant for such a plant shall certify in writing at the time of application that all the above conditions shall be met.
 - 3. Such dry cleaning plant shall comply with all of the requirements of the city and state fire prevention codes.
 - 4. Such plant shall be designed to operate in a manner that will not emit smoke, odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant.
- (714.1.41) Eating establishments, including restaurants, drive-in restaurants and cafeterias.
- (714.1.42) Electrical supply stores.
- (714.1.43) Emissions and inspections stations.
 - 1. No temporary buildings/tents to be utilize.
- (714.1.44) Exterminators.
- (714.1.45) Farm equipment stores and repair establishments.
- (714.1.46) Farm and garden supply stores.

- (714.1.47) Film and movie studios.
- (714.1.48) Freight terminals.
- (714.1.49) Fuel and ice dealers.
- (714.1.50) Full service gasoline stations.
- (714.1.51) Golf courses, 18-hole regulation, public and private.
- (714.1.52) Golf courses, par 3.
- (714.1.53) Group homes.
- (714.1.54) Heavy automotive repair establishments.
- (714.1.55) Heavy manufacturing establishments, subject to the following minimum requirements:
 - 1. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
 - 2. Such use shall not be located closer than 500 feet to any residential property line.
 - 3. Such use shall be carried on entirely within an enclosed building, with no outside storage except for vehicles used for the operation.
 - 4. All necessary state and federal permits shall be obtained.
 - 5. Compliance with all applicable state and federal laws is required.
- (714.1.56) Heavy repair service and trade shops.
- (714.1.57) Helicopter landing areas.
 - 1. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
- (714.1.58) Indoor recreational and outdoor facilities. Outdoor recreational facilities shall be screened when adjacent to residential property and operated only with the normal times that the facility is open to participants.
- (714.1.59) In-home day care.
- (714.1.60) Landscape contractors.
- (714.1.61) Laundry and dry cleaning pickup establishments.
- (714.1.62) Light automotive repair establishments.

- (714.1.63) Light manufacturing establishments.
- (714.1.64) Linen and diaper services.
- (714.1.65) Livestock, nondomestic and wild animals, and poultry.
- (714.1.66) Lumber, hardware and other building material establishments.
- (714.1.67) Machine shops.
- (714.1.68) Mausoleums.
- (714.1.69) Medical and dental laboratories (with no limitations other than state and federal regulations).
- (714.1.70) Mining, subject to the following minimum requirements:
 - 1. Removal or extraction of dirt, sand and soil is subject to the following:
 - i. The removal area shall be completely enclosed with a fence not less than six feet in height when considered necessary by the community development department.
 - ii. Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit.
 - iii. Such uses shall not be established within 500 feet of a residential use or 200 feet of any other use.
 - iv. This subsection shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes.
 - 2. Removal or extraction of rock and gravel is subject to the following:
 - i. The removal area shall be sealed by fencing or grading or some other device from general public access. All entrances shall be fenced and locked during nonbusiness hours.
 - ii. Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit.
 - iii. The operational and removal area of such uses shall not be established within 4,000 feet of a residential use or 2,000 feet of any other use.
 - 3. No mining shall be allowed except after advertisement of a public hearing by the city council for the purpose of determining whether

or not any adverse effect would result to surrounding property owners and whether or not a nuisance, as defined by state law, would be created.

- (714.1.71) Mobile home and travel trailer sale.
- (714.1.72) Newspaper publishing facilities.
- (714.1.73) Nonautomotive repair service establishments.
- (714.1.74) Office service and supply establishments.
- (714.1.75) Other facilities for disposal of the deceased.
 - 1. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
 - 2. All necessary state and federal permits, if any, shall be obtained.
- (714.1.76) Outdoor commercial racing of motorcycles, automobiles, trucks, tractors and motorized vehicles, subject to the following minimum requirements:
 - 1. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
 - 2. All necessary state and federal permits, if any, shall be obtained.
 - 3. A traffic impact study must be submitted with the application.
 - 4. No damaged vehicles shall be stored on site for more than seven days.
 - 5. A noise abatement plan and air pollution abatement plan shall be approved by the community development department.
 - 6. Hours of operation shall be limited as per the city noise ordinance.
- (714.1.77) Outdoor golf driving ranges.
- (714.1.78) Parking for vehicles.
- (714.1.79) Petroleum or bulk storage facilities or chemical plants or storage facilities, subject to the following minimum standards:
 - 1. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
 - 2. Compliance with all applicable state and federal laws is required.
 - 3. All necessary state and federal permits shall be obtained.
 - 4. A spill containment plan shall be approved by the city fire marshal.
 - 5. Minimum acreage is five acres.
 - 6. No use shall be located closer than 1,000 feet to any residential dwelling or school.
 - 7. Hours of operation shall be limited to daylight hours.

8. Noise abatement and air pollution abatement plans shall be approved by community development department.
9. A fire prevention, evacuation and safety plan shall be approved by the city fire marshal.

(714.1.80) Planned industrial parks.

(714.1.81) Plumbing and heating equipment dealers.

(714.1.82) Printing, publishing and reproducing establishments.

(714.1.83) Private community centers.

(714.1.84) Private landfills, composting centers or recycling centers, subject to the following minimum requirements:

1. A special land use permit is required as provided in section 1510 of the Zoning Ordinance.
2. All necessary state and federal permits shall be obtained.
3. Compliance with all applicable state and federal laws is required.
4. Such facilities shall only be allowed in a heavy industrial zoning district, provided that the city council may grant a variance for filling of a specific natural land depression provided such fill shall not include garbage or other materials subject to decomposition.
5. Such facilities shall be approved by the city council after public hearing. Both a development permit from the community development department and written approval of the health department shall be issued before any landfill operation begins.
6. Such facilities shall be allowed only in areas incapable of development without landfill operations as determined by community development department.
7. No hazardous wastes as defined by state and federal law shall be disposed or discharged into the landfill site.
8. No garbage shall be disposed of within 2,000 yards of the public highway, a residence, or any gathering place unless approved by the board of commissioners.
9. Truck traffic routes and entrances to the facility shall be approved by the traffic engineer.
10. The sanitary landfill site must be accessible without travel over residential streets.
11. All sanitary landfills shall have and keep on their premises in good working order a crawler-type tractor equipped with either a straight blade bulldozer, an angle blade bulldozer, a scraper (eight cubic yards or larger), a front end loader, a bull clam, or other attachments of a similar nature. The combined weight of such_

tractor and accessories as set forth in this subsection shall be not less than 18,000 pounds.

12. All sanitary landfills hereafter established or operated shall be enclosed with a fence at least six feet high with openings therein not more than those in two-inch mesh wire, or some other similar fencing materials or device. Such fencing shall be adequate to prevent paper and similar or related refuse from blowing from the landfill onto neighboring property.
13. All sanitary landfills shall have an operator in attendance at all times when the fill is in use, and such fill must be barricaded when closed to the public.
14. Any changes in the normal drainage of the property upon which the sanitary fill is located shall be accommodated by storm sewers as necessary to properly care for drainage. Such storm sewers shall be installed at the expense of the user.
15. All operators of sanitary landfills must pack and cover daily all materials placed thereon with at least six inches of earth in such a manner as to prevent fires and meet any and all other requirements of the fire code. All completed landfills must be covered with at least two feet of earth. Burning of any kind of refuse on the landfill is prohibited.
16. This section shall not prohibit the dumping for disposal by burial of dry waste building materials concurrently with and on the same property as a structure under construction. Such waste shall be covered with at least two feet of earth before occupancy of the structure, but no such waste may be buried within 20 feet of any structure, drainage easement or drain field.

- (714.1.85) Private parks.
- (714.1.86) Private schools of general and special education.
- (714.1.87) Pro shops, if accessory to driving ranges or golf courses.
- (714.1.88) Public buildings and uses.
- (714.1.89) Radio and television stations.
- (714.1.90) Radio, television and other communication towers and antennas, subject to section 1510 of the Zoning Ordinance.
- (714.1.91) Rail stations.
- (714.1.92) Railroad car classification yards.

- (714.1.93) Railroad stations for freight.
- (714.1.94) Recreation grounds other than tennis courts and golf courses.
- (714.1.95) Repair services and trade shops, including sheetmetal, upholstery, electrical, plumbing, carpentry, sign painting and other similar activities.
- (714.1.96) Research, development centers and experimental testing laboratories.
- (714.1.97) Reupholstery and furniture repair establishments.
- (714.1.98) Sawmills (temporary).
- (714.1.99) Self-service storage facilities.
- (714.1.100) Shelters (homeless).
- (714.1.101) Signs and outdoor advertising facilities.
- (714.1.102) Sports training facilities.
- (714.1.103) Taxi stands and taxi dispatching agencies.
- (714.1.104) Temporary uses.
- (714.1.105) Tire retreading and recapping plants.
- (714.1.106) Trailer salesrooms and sales lots.
- (714.1.107) Transportation equipment storage and maintenance facilities.
- (714.1.108) Truck terminals.
- (714.1.109) Utility facilities (private).
- (714.1.110) Vocational schools (commercial).
- (714.1.111) Warehouse and storage facilities.
- (714.1.112) Wholesale sales offices.
- (714.1.113) Wholesale trade and distribution facilities, including packing of wholesale commodities for distribution, subject to the following:

1. Unless in a district in which manufacturing is permitted, no fabricating of goods to be sold shall be permitted.
2. Unless in a district in which heavy manufacturing is permitted, no wholesaling activity shall be permitted which processes the goods handled in a manner that produces liquid or solid waste or noise, odor, fumes or dust which can be detected beyond the walls of the building in which such wholesaling activity is housed.

(714.1.114) Wholesale trade offices in conjunction with office showrooms.

(714.1.115) Within planned industrial parks, archery and gun ranges (indoor), provided they meet all federal regulations and the National Rifle Association standards governing such activities, as approved by the city building inspector and fire marshal.

Article VIII – Area, Yard and Height Requirements of the Zoning Ordinance shall be amended to add the area, yard and height requirements for the Heavy Industrial zoning district. Section 802 of the Zoning Ordinance shall read as follows (the amended section is highlighted):

Sec. 802. Nonresidential districts.

Districts	Minimum Lot Area (square feet)	Maximum Lot Coverage by Buildings and Other Structures Including Paving (percent)	Minimum Lot Width at Setback Line (feet)	Minimum Yard Requirement ¹			Minimum ² Side Yard (feet)	Minimum ³ Rear Yard (feet)	Maximum Height of Structures ⁵ (feet)
				Major Thoroughfares	Minor Thoroughfares	Other			
CBD	None	100	None	12	12	12	100	100	35 or 3 stories
LC	8,000	80	85	50	40	35	10	30	55 or 5 stories
NS	20,000	100	100	50	40	40	15	30	55 or 5 stories
OI	20,000	80	100	75	50	50	15	40	55 or 5 stories
GC	20,000	100	100	50	40	40	10 ⁴	30	(Additional height must be approved by the mayor and city council)
OD	30,000	80	100	75	50	50	20	30	
LI	40,000	90	100	75	50	50	20	30	
<u>HI</u>	<u>40,000</u>	<u>90</u>	<u>150</u>	<u>75</u>	<u>50</u>	<u>50</u>	<u>20</u>	<u>40</u>	<u>55 or 5 stories</u>
PS	20,000	100	100	50	40	40	10 ⁴	30	

¹No building in any of the nonresidential districts shall be located closer than 50 feet to any property line which abuts a residential district.

²If a side property line abuts a railroad right-of-way, no side yard is required.

³If a rear property line abuts a railroad right-of-way, no rear yard is required.

⁴May be reduced to zero if using common wall with adjoining property owners.

⁵Buildings in excess of 35 feet must be approved by the fire chief to insure adequacy of fire protection facilities and services.

Article IX – Off-Street Parking and Loading Requirements of the Zoning Ordinance shall be amended to add an exemption for gravel parking for heavy equipment and semi-trailers over 12,500 pounds for the Heavy Industrial zoning district to Section 901. The added section to Section 901 of the Zoning Ordinance shall read as follows (the added section is highlighted):

- (j) Surfacing. The parking of any vehicle on any lot in any district other than a surface treated and hardened with concrete, asphalt, tar and gravel mix, or the like, to accommodate such vehicle, is prohibited except as provided in this section. (All tires of vehicle must be on hardened surface.) In heavy industrial (HI) zoning districts, parking may be provided on gravel for heavy equipment (such as but not limited to dozers, loaders, compactors, cranes and the like in excess of 12,500 pounds) or semi-tractor trailers as long as there is a paved apron from the right-of-way 75 feet into the property that is at least 20 feet wide; said parking must be screened with a combination of landscaping and/or fencing subject to the approval of the community development department when visible from an adjacent property zoned in a more restrictive category or a local or minor roadway as defined on the City of Smyrna Thoroughfare Plan, as may be amended from time to time. If there is a building on a property zoned heavy industrial (HI), there shall be paved access to and around the building in accordance with all fire access requirements. Any required parking based on building size or use for vehicles under 12,500 pounds shall be paved and striped to city standards.

Article XI – Non-Conforming Uses of the Zoning Ordinance shall be amended to add a section to address special land use permits for properties annexed via legislative annexation. Section 1104 of the Zoning Ordinance shall be amended and read as follows (the amended section is highlighted):

Sec. 1104. - Nonconforming use of annexed property.

- (a) Any parcel or parcels of land annexed to the City of Smyrna (a) having multifamily dwelling use, (b) consisting of ten or more acres of land, and (c) containing existing buildings and structures comprising a density of greater than 12 units per acre, shall constitute a legal nonconforming use of such land and the buildings and structures located thereon, in accordance with this ordinance. Moreover, notwithstanding anything to the contrary contained in section 1103 of this ordinance, in the event any building or structure

on such land is damaged to an extent exceeding 50 percent of its replacement cost at the time of such damage or destruction, as determined by the City of Smyrna Building Inspector, than any replacement repair, reconstruction or use of such building or structure may be substantially [the] same as existed immediately prior to such damage, including, without limitation, the density (units per acre) and setback encroachments (if any) that existed immediately prior to such damage; provided, however, that all such repaired or reconstructed buildings and structures must otherwise meet all current applicable fire, safety and building codes to the extent required by other applicable laws. The provisions of this paragraph shall be applicable to all parcels annexed since January 1, 1968. In the event any such parcel of annexed land is divided into two or more parcels and rezoned in part but not in whole after the date of annexation this paragraph shall not apply to the rezoned portion. After such division, in the event an area exceeding 10 acres remain zoned for a multifamily use, this paragraph shall apply.

- (b) Any parcels or parcels annexed into the City of Smyrna through annexation that have existing active special land use permits with the county shall be permitted to transfer and maintain those special land use permits with the city. Any change of use or discontinuance of use for one year or longer will require formal approval of a special land use permit by the city council in accordance with section 1510 of the Zoning Ordinance.

This ordinance shall take effect on July 6, 2022 and is passed and duly adopted this 7th day of June, 2022.

CITY SEAL:

The Honorable Derek Norton
Mayor, City of Smyrna, Georgia

ATTEST:

Heather Peacon-Corn
City Clerk, City of Smyrna, Georgia

Approved as to form:

Scott A. Cochran, City Attorney