

ORDINANCE 2022-21

AN ORDINANCE OF THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA AS IT RELATES TO TOWNHOME DEVELOPMENT.

Amend Section 402 under Article IV of Appendix A - Zoning of the City's Code of Ordinances to add definitions relating to townhome development (highlighted words and underlined words are the added words to the section) and to eliminate the section numbers for the defined words within the section.

Sec. 402 Defined words and terms.

For the purpose of interpreting this ordinance, certain words and terms used herein shall be defined as follows:

~~(402.1)~~ Accessory building or use: A use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building, provided any such structure is built with or after the construction of the principal building. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

~~(402.1.1)~~ Accessory special event parking: The provision of special event parking to the public for a fee in a parking area that normally provides required or excess parking for a particular non-residential establishment.

~~(402.1.2)~~ Accessory special event parking area: The designated area(s) to be used for accessory special event parking as designed per section 901 of the zoning ordinance.

~~(402.2)~~ Alley: A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.

~~(402.3)~~ Apartment building: A building containing three or more dwelling units operated under single ownership and rental agreements and occupied by families living independent of each other.

~~(402.4)~~ Apartment development: Two or more apartment buildings located on a tract of land of at least two acres and developed in accordance with section 1009.

~~(402.4.1)~~ Assisted living facility: A facility designed for housing adults who need help with everyday tasks, such as dressing, bathing, eating, or using the bathroom, but they do not need full-time nursing care. Rooms are generally self-contained, i.e., having their own small efficiency kitchenette, bathroom, living area, and bedroom. Alternatively, individual living spaces may resemble a dormitory or hotel room consisting of a private or semi-private sleeping area and a shared bathroom. Common areas for socializing, as well as a central kitchen and dining room for preparing and eating meals, are required. Rooms are leased, rather than owner-occupied. Because they do not have complete kitchens or meet the

minimum square footage for dwelling units as defined by the city's Zoning Ordinance, assisted living facilities are not considered dwelling units.

~~(402.4.2)~~ Automobile broker office: An office used by a dealer to provide the service of arranging, negotiating, assisting, or effectuating the purchase of a motor vehicle, not owned by the dealer for another. No vehicles will be allowed for sale, displayed, or stored at the location. The location may be used as an office only. The only vehicles allowed on the property shall be the employee's and client's. Any exterior signs shall indicate automobile broker's office only.

~~(402.5)~~ Automobile service station (gas, filling station): A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.

~~(402.6)~~ Automobile storage yards or lots: A lot or group of contiguous lots used for the storage, display or sale of operable automobiles.

Balcony: A platform projecting from the wall of an upper story, enclosed by a railing or balustrade, with an entrance from the building and supported by brackets, columns, or cantilevered out.

Balustrade: A railing composed of small posts (balusters) with a rail running along the top, usually found along the edge of stairs, a porch, a balcony, a roof, or a stoop.

~~(402.6.1)~~ Barrel: 53 gallons of distilled spirits or 31 gallons of malt beverages.

~~(402.7)~~ Basement (cellar): A portion of the building partly underground which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story unless the ceiling is six feet or more above the average grade.

Bay Window: A window that protrudes from the rest of the building, usually polygonal or square.

~~(402.7.2)~~ Brewer: A manufacturer of malt beverages.

~~(402.7.3)~~ Brewery: Any establishment other than a brewpub, which is licensed by the state as contemplated by the Official Code of Georgia at Article 2, Chapter 5 of Title 3, as amended, where malt beverages are manufactured and sold for consumption on and off of the premises.

~~(402.7.4)~~ Brewpub: Any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation established by state law. As used in this paragraph, the term eating establishment means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that when determining the total annual gross food and beverage sales, barrels of malt beverages sold to licensed wholesale dealers, or to the public for consumption off premises, shall not be used.

~~(402.8)~~ Buffer strip: That portion of a lot set aside for open space and visual and/or sound screening purposes; such space to be developed or improved with appropriate plantings

and/or a fence or wall as may be required in certain locations to reduce the conflicting or adverse effects of different uses abutting each other.

(402.9) Building: Any roofed structure attached to the ground and enclosed and isolated by exterior walls and constructed, intended or used for residence, business, industry or other private or public purposes; or use accessory thereto.

(402.10) Building, height of: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the average height between the eaves and ridge of a gable, hip or gambrel roof. "Grade" is defined as the average elevation of the ground on all sides of a building.

(402.11) Building, principal: A building in which is conducted the principal use of the lot on which said building is situated.

(402.12) Building setback line: A line establishing the minimum allowable distance between the main or front wall of the building and the street right-of-way line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into the required yard.

(402.12.1) Carnival: An enterprise engaged in the operation of carnival rides subject to regulation by any state or federal agency or department.

(402.12.2) Carnival rides: Any mechanical device, subject to regulation by any state or federal agency or department which conveys passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills, or excitement but excluding coin operated rides on stationary foundations and playground equipment such as swings, seesaws, slides, jungle gyms, rider propelled merry-go-rounds, and moonwalks.

(402.13) Carwash: A building, or portion thereof, where automobiles are washed with the use of a chain conveyor and blower, steam cleaning device, roll-over device or other mechanical technique, and also including self-service carwashes.

(402.13.1) Central business district (CBD): The central business district (CBD) encourages the intensive development of a centralized business center for the city through uses which will benefit from close proximity to one another.

(402.14) Church: Any building whose primary function is to serve as a place of worship and within which religious education and related activities may be conducted as an accessory use.

(402.14.1) Circus: A traveling show or entertainment which consists of a combination of any of the following: clowns, a menagerie, aerial, acrobatic or animal feats, sideshows, or related amusements.

(402.14.2) Class A apartment complex: A newly constructed apartment complex that meets current upscale multifamily industry standards with regards to site design, architectural design, interior features and amenity features.

(402.15) Clinic: A "medical or dental clinic" is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic may include laboratory facilities in conjunction with normal clinic services; however, no overnight stay of patients shall be permitted.

~~(402.16)~~ Club or lodge, private: Building and facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Cornice: A horizontal molded projection that crowns or completes a building or wall.

~~(402.17)~~ Curb break: Any interruption or break in the lines of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

~~(402.17.1)~~ Dessert wine: A wine having an alcoholic strength of more than 14 percent alcohol by volume but not more than 24 percent alcohol by volume.

~~(402.18)~~ Condominium: Individual ownership units in a multifamily dwelling combined with joint ownership of common areas of the building and grounds, used in accordance with all applicable provisions of this ordinance and the Apartment Ownership Act of 1963 (Ga. Laws 1963, p. 561) and the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.).

~~(402.18.1)~~ Distilled spirits: Any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

~~(402.18.2)~~ 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.

~~(402.18.3)~~ Distillery: Any establishment where distilled spirits are manufactured.

Dormer: A small structure that projects from a sloping roof with a window in the façade face.

~~(402.19)~~ Drive-in establishment: An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon [the] premises.

~~(402.20)~~ Dwelling, multifamily: A building designed for and containing three or more dwelling units.

~~(402.21)~~ Dwelling, single-family: A building designed for and containing one dwelling unit.

~~(402.22)~~ Dwelling, single-family, attached: A dwelling unit which is located on an individual lot of record and which is attached to another dwelling unit or an adjoining lot by a common party wall.

~~(402.23)~~ Dwelling, two-family (duplex): A building designed for and containing two dwelling units.

~~(402.24)~~ Dwelling unit: A building, or portion thereof, designed, arranged and used for living quarters for one family only, but not including units in hotels or other structures designed for transient residence. An individual bathroom and complete kitchen facilities, permanently installed, shall be contained within each dwelling unit.

~~(402.24.1)~~ Extended stay motel and hotel: One or more buildings in which lodging, or dwelling are provided for tenants, wherein the term of stay is designed for more than one night's lodging. Rental units consist of one or more rooms plus a bath, without separate

kitchen facilities common to apartments. Any atypical motel or hotel unit used as an apartment. Included, but not by way of limitation, in distinguishing extended stay facilities from apartments or hotels are:

- a. Weekly rental rates, as opposed to nightly charge with 24-hour check-in/check-out periods.
- b. Whether or not daily mail service is provided.
- c. Whether or not linens, towels and the like usually found in motel and hotels are furnished.
- d. Any other factors which tend to demonstrate that the business depends upon extended tenant occupancy, excluding property zoned apartments.

Façade: The exterior faces of a building.

(402.25) Family: One or more related persons or three or less unrelated persons occupying a dwelling unit and living as a single housekeeping unit.

(402.25.1) Fence: A barrier consisting of posts, wire and/or boards which shall be constructed of only the following materials where allowed in such zoning district; chainlink, woven wire, decorative or ornamental rail, split rail, picket, stockade, basket weave, brick, rock, block, concrete or stucco. The height of any fence, unless noted otherwise, shall not exceed eight feet.

Fenestration: The arrangement of windows and doors on the façade of a building.

(402.25.2) Flea market: A place where merchandise is exposed for sale in an open area or enclosed structure where groups of individual sellers with designated positions occupied by different sellers offer merchandise for sale to the public.

(402.26) Floodplain: That area within the intermediate regional flood contour elevations subject to periodic flooding as designated by the Cobb County Roads and Bridges Director based upon the U.S. Corps of Engineers' Flood Plain Information Reports and other federal, state or county hydraulic studies.

(402.27) Floor area: The gross horizontal areas of the several floors of a building, exclusive of garages, basements, open porches, and equipment and service areas, measured from the exterior face of the exterior walls of a building.

(402.27.1) Fortified wine: Any alcoholic beverage containing not more than 24 percent alcohol by volume made from honey, fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

Gable: The triangle end of a wall formed by the slope of a roof.

(402.28) 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.

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

~~(402.30)~~ Home occupation: An occupation or activity customarily conducted entirely within a dwelling unit by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and is conducted in accordance with the applicable provisions of section 505. Home occupation shall include the use of premises by salesmen, manufacturer's agents, insurance agents or representatives and contractors, when said salesmen, agents, representatives or contractors do not carry any inventory of goods or commodities for sale or warehousing upon the premises, other than samples which might be transported by hand and which are usually carried by such salesmen, agents, representatives or contractors into a prospect's office or place of business, also that the residence of said salesmen, agents, representatives or contractors is not used as a place where prospective clients would call in the normal course of business carried on by such salesmen, agents, representatives or contractors.

~~(402.31)~~ Hospital: A building or portion thereof designed or used for therapeutic treatment of bed patients who are physically or mentally ill.

~~(402.32)~~ Hotel: A building in which lodging or boarding and lodging facilities are provided for at least 15 transient guests, and offered to the public for compensation and in which ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours.

~~(402.32.1)~~ Independent senior living housing: A type of multi-family residential facility where the residents are adults, age 55 and older, that can live independently without daily assistance. Services and amenities may be provided within the building, such as meals, socialization, and recreation; but does not include assistance with daily personal tasks such as bathing, dressing, toileting or eating. Independent living includes both rental assisted and market rate apartments or cottages, or can be bought in perpetuity on the same basis as a condominium. Units are generally comparable in size to other non-senior housing in the market and therefore are considered to be dwelling units, as defined by the city's Zoning Ordinance.

~~(402.33)~~ Junkyard: Any land or building or other structure used for the storage, collection, processing or conversion of any wornout, cast-off, or discarded metal, paper, glass or other material which is ready for destruction, or has been collected or stored for salvage or conversion to some use.

~~(402.33.1)~~ Landscape contractor: A business principally engaged in the decorative and functional alteration, planting and maintenance of grounds, including the installation of hardscape such as stonework, patios, decks, arbors and other decorative elements of the landscape. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., irrigation or drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

Landscape zone: A landscaped area with a minimum width of 8-feet located immediately adjacent to the street and shall be located between the curb and sidewalk. This zone may be used for street trees, streetlights, benches, planters, trash receptacles, bicycle parking racks and other street furniture, pedestrian lights, landscaping, or sod.

~~(402.34)~~ Lot (parcel): A developed or undeveloped tract or parcel of contiguous land owned and legally transferable as a single unit of land.

~~(402.35)~~ Lot, corner: A lot fronting on two streets at their intersection, provided that the interior angle formed by the intersection is less than 135 degrees. When the frontage on one street exceeds the frontage on the other, the one with the least frontage shall be deemed the front of the lot.

~~(402.36)~~ Lot coverage: The percentage of a lot which may be covered with buildings or structures, excluding walks, drives, and other similar uses, and recreational facilities which are accessory to a permitted use.

~~(402.37)~~ Lot, double-frontage: A lot, other than a corner lot, which has frontage on two streets.

~~(402.38)~~ Lot depth: The average horizontal distance between front and rear lot lines.

~~(402.39)~~ Lot frontage: The distance for which the boundary line of a lot and a street right-of-way line are coincident.

~~(402.40)~~ Lot of record: A lot which is part of an approved subdivision, a plat of which has been recorded in the office of the Clerk of the Superior Court of Cobb County; or a parcel of land, the deed of which has been recorded in the office of the Clerk of the Superior Court of Cobb County as of the effective date of this ordinance.

~~(402.41)~~ Lot width: The distance between side lot lines measured at the minimum building setback line.

~~(402.42)~~ Major thoroughfare: A street or highway designated as an arterial thoroughfare upon the Thoroughfare Plan of the City of Smyrna, Georgia.

~~(402.42.1)~~ Malt beverage: Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

~~(402.43)~~ Minor thoroughfare: A street or highway designated as a collector thoroughfare upon the Thoroughfare Plan of the City of Smyrna, Georgia.

~~(402.44)~~ Mobile home: A detached, single-family dwelling unit designed to be transported on its own wheels, and designed for immediate and longterm occupancy and usually containing major appliances and furniture. Removal of the wheels and placement on a foundation does not change its classification. A travel trailer is not a mobile home.

~~(402.45)~~ Modular home: A factory-fabricated, transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes.

~~(402.46)~~ Motel: One or more buildings in which lodging or board and lodging are provided for transient guests (primarily the motoring public) for compensation. Ingress and egress to and from all rooms are made primarily directly from an exterior walkway rather than from an inside lobby.

~~(402.47)~~ Nonconforming use: Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the regulations of the district in which it is

situated. (Existing improvements which do not meet required parking and loading regulations, height regulations, area regulations, and residential floor area regulations for the district in which they are located are not nonconforming uses as defined above.)

~~(402.47.1)~~ Non-emergency ambulance service: A privately-owned facility for the dispatch, storage, and maintenance of medical care vehicles. The facility shall provide non-emergency transportation to and from hospitals, out-of-hospital medical care facilities and funeral homes.

~~(402.48)~~ Nursing home: Any building in which three or more aged, chronically ill or incurable persons are housed and furnished with meals and nursing care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment.

~~(402.49)~~ Open space: That portion of a lot, including required yards, which is open and unobstructed from its lower level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not part of the roof of any portion of any building.

~~(402.49.1)~~ Outdoor recreational facility: An outside area designed and equipped for the conduct of sports and leisure time activities, other than tennis courts or golf courses, which includes but is not limited to baseball, basketball, softball, volleyball, soccer, football, and lacrosse.

Parapet: A low protective wall or railing along the edge of a raised structure such as a roof or balcony.

~~(402.50)~~ Parking space: A usable, hard-surfaced area enclosed within a main or accessory building, or unenclosed, and permanently reserved for the temporary storage of one vehicle. Such space shall be connected with a public street or alley by a surfaced driveway which affords safe and adequate ingress and egress.

~~(402.51)~~ Parking lot or garage: An area or building designated and designed for the temporary storage of motor vehicles for a fee or as a service.

Patio: A patio is an at grade outdoor space generally used for dining or recreation that adjoins a structure and is typically paved.

Pilasters: A rectangular column, especially one projecting from a wall.

Porch: A roofed structure, usually open at the sides, projecting from the face of a building and used to protect the entrance.

Portico: An open porch composed of a roof supported by columns, leading to the entrance of a building.

~~(402.51.1)~~ Private dog park: A recreation area contiguous to the building that is owned or leased and maintained and controlled by the licensee and used exclusively for recreational purposes of dogs within an enclosed area.

Projection Window: A window that instead of being flushed to the wall, has an arched design made up of three or more panels that results in the window projecting from the wall on the exterior of the home.

~~(402.51.2)~~ 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.

~~Stoop: A small porch, platform, or staircase leading to the entrance of a house or building.~~

~~(402.52)~~ Story: That portion of a building, other than a basement, contained between the surface of any floor and the surface of the next floor above it, or if there is no floor above, then the space between the floor and the ceiling next above it. Each floor or level in a multistory building used exclusively for parking, even if below grade, shall be classified as a story.

~~(402.53)~~ Street: A dedicated and accepted public right-of-way which affords primary access to abutting property.

~~(402.54)~~ Street, centerline of: The line surveyed and monumented by Cobb County, the Georgia Department of Transportation, or the City of Smyrna, or if a centerline has not been surveyed and monumented, it shall be that line running midway between the right-of-way lines of the street.

~~(402.55)~~ Street right-of-way: The dividing line between a lot, tract or parcel of land and a street right-of-way.

~~(402.56)~~ Structure: Anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, including but not limited to tennis courts, fences, swimming pools and buildings.

~~(402.57)~~ Structural alteration: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any structural change in the roof or dimension of the rooms therein.

~~(402.57.1)~~ Temporary structure: Any building, structure or enclosure not having its exterior walls supported on in-ground permanent foundations or walls. This shall include, but not be limited to any shed, structure, building, portable structure, trailer, tent, temporary portable storage container or enclosure of any kind.

~~(402.57.1.1)~~ Table wine: A wine having an alcoholic strength of not more than 14 percent alcohol by volume.

~~(402.57.2)~~ Temporary portable storage container: A large portable structure designed or utilized for the temporary storage of commercial or residential goods, that does not contain a foundation or wheels for movement.

~~(402.57.3)~~ Townhouse/townhome: A single-family dwelling constructed as part of a series of three or more dwellings separated by property lines, all of which are either attached to the adjacent dwelling or dwellings by common walls or are located immediately adjacent thereto with no visible separation between the walls or roofs. These dwellings shall be at least two stories, not including a basement and be separated from adjoining houses in the same row or group by architectural style, changing of facade, or offsets. Ownership is in fee simple.

~~(402.58)~~ Trailer, camping: Any portable structure or vehicle designed for highway travel which is used or intended to be used for either living, sleeping, cooking or eating purposes, and which may include all or one of the following facilities: a flush water closet, a lavatory, a bath or shower, and kitchen sink, but which is not intended for permanent residence.

Turret: A small tower or tower shaped projection on a building.

~~(402.59)~~ Variance: A modification of the literal provisions of this ordinance when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

~~(402.59.1)~~ Wine: Any alcoholic beverage containing not more than 24 percent alcohol by volume made from honey, fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

~~(402.59.2)~~ Winery: Any establishment where wines are manufactured.

~~(402.60)~~ Yard: That area of a lot between the principal building and adjoining lot lines, open, unoccupied and unobstructed by any portion of a structure from the ground upward, except where encroachments and accessory buildings are expressly permitted herein.

~~(402.61)~~ Yard, front: An open, unoccupied space on the same lot with a principal building, extending across the full width of the lot between side lot lines, and situated between the street right-of-way line and that line representing the minimum front yard setback requirements.

~~(402.62)~~ Yard, rear: An open, unoccupied space on the same lot with a principal building, extending across the full width of the lot between side lot lines, and situated between the rear lot line and that line representing the minimum rear yard setback requirements.

~~(402.63)~~ Yard, side: An open, unoccupied space on the same lot with a principal building, situated between the sideline of the lot and that line representing the minimum required side yard setback and extending from the rear line of the front yard to the front line of the rear yard.

~~(402.64)~~ Satellite antenna: Any apparatus which is designed for the purpose of receiving telephone, radio, microwave, satellite or similar signals, with the exception of conventional television antennas.

(Ord. of 12-29-77; Ord. of 12-6-82, § 1; Ord. of 6-6-88 (88-11), § 1; Ord. of 10-15-90 (90-35); Ord. of 11-4-91 (91-36); Ord. No. 95-05, 8-7-95; Ord. No. 2002-10, 6-17-02; Ord. No. 2006-14, 6-19-06; Ord. No. 2007-7, 6-18-07; Ord. No. 2008-7, 6-16-08; Ord. No. 2009-6, 5-18-09; Ord. No. 2011-11, 6-20-11; Ord. No. 2013-08, 6-3-13; Ord. No. 2016-17, 6-6-16; Ord. No. 2017-02, 1-17-17; Ord. No. 2018-21, 12-17-18; Ord. No. 2019-20, 10-21-19; Ord. No. 2020-10, 9-21-20; Ord. No. 2020-16, 11-16-20; Ord. No. 2021-05, 4-19-21; Ord. No. 2021-10, 5-17-21)

Amend Article V – General Provisions to add Section 515 - Townhome Design Standards to Appendix A – Zoning of the City’s Code of Ordinances.

Sec. 515 - Townhome design standards

(515.1) Applicability.

These regulations shall apply to all townhome uses, unless specifically exempted herein. Where provisions in this section conflict with the remainder of the City’s Zoning Ordinance, the provisions provided herein shall govern.

(515.2) Purpose and Intent.

These requirements are intended to regulate the siting and design of townhome projects in pursuit of cohesive design and walkable development patterns. The regulations are intended to define elements of the development that supports both horizontal and vertical articulations and variations among units that provide architectural interest and reinforce high quality design and responsible site development practices to meet the goals and policies of the City’s Comprehensive Plan.

(515.3) Minimum Architectural Design Requirements.

- (1) The front façades of townhouse units shall have architectural modulation and detail that includes features such as varied materials and wall planes, varied roof forms and roof lines, balconies, porches, bay windows, varied window sizes and shapes, shutters, entrance doors, sidelights, pilasters, varied garage door designs, and other features to provide visual interest.
- (2) Façade materials for each unit may be combined on each façade only horizontally, with the lighter materials above the more substantial materials.
- (3) The exterior façade shall be comprised of brick and/or stone materials for a minimum of two stories for any building elevation visible from a public or private right-of-way. Where architectural projections are structurally limited from masonry cladding, those projections are permitted to be faced with cementitious lap and shake siding or other similar cementitious products. Molding, windows and doors, and other accents are exempt from this requirement.
- (4) The side elevations adjacent to a public or private right-of-way shall be consistent with the front façade in terms of articulation, fenestration, wall openings, proportions, architectural details, materials, and window styles.
- (5) Buildings that terminate a view or are located at public or private street intersections should provide distinct and prominent architectural features or otherwise create a distinctive visual landmark.
- (6) Any elevation visible from the public right-of-way may not use cementitious lap siding.
- (7) Any building containing more than three (3) units with common walls must have the front façade and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design.

- (8) Pitched roofs shall be symmetrically sloped no less than 6:12, except those roofs for porches and attached sheds may be no less than 2:12.
- (9) Low pitch or flat roofs shall be enclosed by a parapet that is a minimum of 42 feet in height, or a greater height as necessary to conceal mechanical equipment.
- (10) Dormers shall be roofed with a symmetrical gable or a shed configuration. There shall be no more than two (2) windows wide and placed no less than two feet from an end gable or party wall.
- (11) Each home shall have a two-car garage enclosed with architectural doors. Interior clear space a minimum of 18 feet wide by 22 feet deep is required. Standard panel doors are not permitted. A one-car garage may be allowed if approved by the City Council.
- (12) All main entrances to the units should have a porch or stoop facing the street that is at least six feet in depth and thirty (30) square feet in area.
- (13) All townhome units must provide a functional rear patio or deck with a minimum of 50 square feet in area.
- (14) The window systems for the townhome units shall be recessed from the façade of the building a minimum of one and three-quarters (1.75) inches. This reveal shall be accomplished through the design of the window casing reveals and frames.
- (15) All mechanical components for the townhome unit shall be located or screened in a manner not to be visible from the public or private right-of-way.

(515.4) Design Elements Catalogue.

Each townhome unit shall provide a minimum of one feature from each of the following categories:

- (1) Private outdoor space:
 - (a) Front porch (minimum 60 square feet in area).
 - (b) Front-facing balcony (minimum 60 square feet in area).
 - (c) Rear patio or deck (minimum 150 square feet in area).
 - (d) Rooftop terrace (minimum 150 square feet in area).
- (2) Architectural projection:
 - (a) Projection window (bay or bow).
 - (b) Turret.
 - (c) Covered balcony or porch.
 - (d) Alternative approved by the Community Development Director.
- (3) Roof element:
 - (a) Dormers.
 - (b) Front gable or pediment.
 - (c) Rooftop terrace.

(d) Varied gable system.

(e) Cornice detailing.

(f) Alternative approved by the Community Development Director.

(4) Unit or façade variation (required when more than five (5) units front on a single block face):

(a) Change in brick/stone color or a change in masonry material.

(b) Change in window composition.

(c) Projection or recess of an architectural feature that is a minimum of five feet deep or 15 feet tall (used to distinguish and separate façades vertically because of the significance of the projection).

(515. 5) Bulk Standards.

(1) Setbacks: Setback are based on the Residential Townhome zoning district under Section 801. Setbacks shall be measured for the development as whole as well as the from the interior public or private streets.

(a) Minimum overall development setbacks:

(i) Front – 50 feet

(ii) Side – 25 feet

(iii) Rear – 30 feet

(b) Minimum interior setbacks:

(i) Front:

a. Front-entry townhome – 20 feet from back of sidewalk or the outside edge of the landscape zone if no sidewalk is present.

b. Rear-entry townhome - 10 feet from back of sidewalk or the outside edge of the landscape zone if no sidewalk is present.

(ii) Street Side – 15 feet from back of sidewalk or the outside edge of the landscape zone if no sidewalk is present.

(c) Setback exceptions:

(i) If the townhomes are designed to front on an existing public right-of-way, the front setback for the overall development may be reduced to 25 feet.

(2) Building Separations: Townhome buildings shall maintain the following building separations:

(a) Front to Front – 50 feet

(b) Side to Side – 20 feet

(c) Side to Rear – 40 feet

(d) Rear to Rear – 40 feet

- (3) Maximum building height: 45 feet (or 3 stories).
- (4) Minimum floor area per unit: 1,000 square feet.
- (5) Minimum unit width: 24 feet
- (6) Lots:
 - (a) Unit lots shall be rectilinear in form.
 - (b) Irregular shaped lots are prohibited. The creation and establishment of spite strips, flag lots or other shape that is not rectilinear in configuration shall be prohibited.
 - (c) Common improvements. Common improvements shall be located on a stand-alone lot or as part of a lot held in common ownership by the required homeowner's association. Common improvements include but are not limited to stormwater ponds, open spaces, amenities and private roads or alleys.

(515.6) Live-work Units.

- (1) Live-work units shall only be allowed in acceptable zoning districts, such as the Mixed-Use and Central Business District zoning districts.
- (2) Live-work units shall be owner-occupied mixed-use dwellings that are fire separated from adjacent units as attached dwellings.
- (3) If any, the minimum number of live-work units in a building is two.
- (4) Each live-work unit shall contain a minimum of 2,400 gross square feet of which the non-residential component shall be no less than 500 square feet and shall be on the ground floor oriented to the public or private right-of-way.
- (5) The owner-proprietor of the business shall be the occupant of the residential portion of the unit.
- (6) An occupational tax certificate shall be required for operation of a business. The business shall not be considered a home occupation.
- (7) The business use or activity shall not employ more than two persons other than the owner-proprietor.
- (8) Permitted business uses in a live-work unit shall be one of the following types:
- (9) Professional office, workshop, or design studio (art, architecture, engineering, jewelry design, real estate, marketing, counseling, etc.).
- (10) Professional services (travel agent, hairdresser, nail salon, tanning salon, music sales or instruction, tutoring, etc.).
- (11) Specialty retail sales (newsstand, books, jewelry, clothing, shoes, antiques, confections, coffee/tea, ice cream).
- (12) Other similar uses subject to approval of the Community Development Director.
- (13) The façade of the live-work unit shall meet the requirements of Section 515.3.

(515.7) Site Development Standards.

Townhome developments shall comply with the following site standards:

(1) Use:

- (a) A townhome unit shall contain one single-family attached dwelling unit.
- (b) Where the applicable zoning district allows a mix of uses, live-work units are permitted and encouraged. These units shall be planned with the overall development and approved by the City Council.

(2) Buildings:

- (a) There shall be a maximum of six (6) units per building.
- (b) Rear loaded garages:
 - (i) A minimum of 25 percent (25%) of units shall be rear loaded.
 - (ii) Where the proposed project site is not readily situated to accommodate the percentage of rear-loaded units, the Community Development Director or their designee may consider the following in applying this requirement:
 - a. Topographical conditions which would require significant adjustments to the natural grade that would result in substantial cut and fill and/or large, expansive retaining walls that would not otherwise be required.
 - b. Proposed designs for alternative site layout.
- (c) Relationship external to the development:
 - (i) All units fronting on an external public or private street shall face the subject street with the front/primary façade and shall provide access from the interior of the development.
 - (ii) Driveways for individual units are not permitted to be accessed from streets external to the development.

(3) Driveways:

- (a) Driveway length must meet the minimum lengths:
 - (i) Townhomes with front-entry garages shall provide a minimum driveway length of 22 feet from garage door to back of sidewalk or the outside edge of the landscape zone if no sidewalk is present.
 - (ii) Townhomes with rear-entry garages shall provide a minimum driveway length of 20 feet from garage door to back of curb.
- (b) Reductions in driveway length or the elimination of driveways may be provided if the following conditions exists:
 - (i) There is adequate on-street parking within the development;
 - (ii) On-street parking must exceed the minimum requirements for guest parking with the development;

- (iii) The covenants for the homeowner's association require the use of the two-car garage for parking and preclude the use of the garage for the storage of personal items; and
- (iv) The City Council must approve all reductions in driveway length.
- (c) Driveways for adjoining front-entry units shall be paired together to create larger landscape areas in front of townhome buildings.
- (d) End units may utilize side loaded garages and driveways to provide more space for grouped landscaping at each end of the building.
- (4) Streets:
 - (a) All streets within townhome developments shall be accessed through an interconnected network. Cul-de-sac and other dead-end streets terminating interior to the development are prohibited.
 - (b) Sidewalks and streetscape elements are required on all streets internal to the development and along all exterior road frontages.
 - (i) All streets within the development shall provide a 5' sidewalk with an 8-foot landscape zone between the back of curb and the sidewalk on one side of the street. The side of the street opposite of the sidewalk shall provide an 8-foot landscape zone measured from back of curb.
 - (ii) Street trees shall be planted on both sides of all streets within the development within the required landscape zones.
 - (iii) Street trees shall be planted every 40 to 50 feet on center along all public and private streets within the development.
 - (c) Streets within a development shall provide the following street widths, as measured from back of curb to back of curb:
 - (i) Streets shall maintain a minimum width of 26 feet if the vertical distance between the grade plane and the eaves of the highest roof structure of the building along the street exceeds 30 feet.
 - (ii) Streets shall maintain a minimum width of 22 feet if the vertical distance between the grade plane and the eaves of the highest roof structure of the building along the street is less than or equal to 30 feet.
 - (d) All streets are required to be developed to public street standards and publicly dedicated, unless developments are proposed to be gated. Streets in gated developments shall be private but are to be developed to public street standards. The developer shall install and maintain Knox boxes or other public safety equipment required by first responder agencies.
 - (e) Where the proposed project site is not readily situated to accommodate an interconnected street network, the Community Development Director or their designee may consider the following in applying this requirement:
 - (i) Presence of extreme topographical conditions that prevent the feasibility of a crossing based on floodways or other environmental constraints.

(ii) Availability of adjacent properties to be incorporated into the development to provide interconnected access based on the age of the structures and/or ripeness for redevelopment.

(iii) Proposed designs for alternative pedestrian connections.

(5) Openspace:

(a) Each development shall set aside and program a minimum of five percent (5%) of the site as functional open space. In no case shall the open space area be less than 2,000 square feet in area.

(b) Open space may include common amenities, setbacks, planted buffers, parks, and other hardscaped elements and similar features which are located on private property and owned by the homeowner's association and operated as common space.

(c) A recreation area shall be provided at a ratio of 1 acre per 50 units (or a proportional percentage thereof) with a minimum of 10,000 square feet provided. Such area shall be developed with at least one (1) passive recreational feature, such as a walking trail, pavilion, gazebo or picnic area, and at least one (1) active recreational feature, such as a swimming pool, playground or tennis courts. Active recreational areas must be outside of any floodplain area and located in such a manner that at least 75 percent (75%) of the townhouses are within 300 feet, as measured from the building footprints. Any recreation area, whether passive or active, must be located in an area with a slope of less than 15 percent (15%), however, all recreation areas must meet ADA requirements for accessibility. Active recreational areas must be improved through the use of terracing or other techniques to provide a usable area, such that at least 25 percent (25%) of the entire recreational area shall have a slope of no greater than three percent (3%).

(d) Areas counted toward open space shall be specifically programmed as active or passive recreation.

(e) Required sidewalks, parking lot landscaping, and other unprogrammed pervious areas shall not be counted toward the open space requirements of this section.

(6) Utilities:

(a) Individual systems for water, electric, fuel/gas, fire suppression and HVAC shall be required for each unit.

(b) Individual metering shall be provided for water, electric, and fuel/gas.

(c) Individual utility service lines shall not be located under the driveway of the unit.

(d) Easements for all utility lines shall be provided in the common ownership area where lateral service connections shall take place.

(7) Parking:

(a) The development shall provide a minimum of two parking spaces per dwelling unit.

(b) In addition to the minimum parking requirements for the district/use, a minimum of 0.33 spaces per unit is required to accommodate guest parking within the townhome development. Guest parking count may either be accommodated as common spaces or dedicated to each individual unit.

(8) Mail Kiosk:

(a) A centrally located mail kiosk shall be provided within the townhome development with appropriate ADA access and parking facilities.

(9) Fire Protection and Accessibility:

(a) Rear Access for Fire Protection. Townhouse developments shall be designed to provide proper access to all dwelling units for firefighting purposes, as may be determined by applicable codes. Rear access, if required for firefighting purposes may and is encouraged to be accomplished by alleys or access easements.

(10) Common Property:

(a) For all developments containing eight (8) units or more, a mandatory homeowners association shall be created and recorded with Cobb County Superior Court that shall establish ownership and maintenance obligations for all front yards, common areas and private community infrastructure including, but not limited to: fencing, landscaping, amenities, stormwater management facilities and buffers, and shall include architectural control oversights for the development.

(b) The development shall be constructed and governed in conformity with the requirements of the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). A declaration of condominium shall be submitted and recorded in compliance of this act.

(515.8) Zoning Application Requirements.

Any application for a townhome project shall include the following information so a clear and accurate understanding of the proposed project elements can be evaluated during the legislative review process under Article XV of the Zoning Ordinance:

- (1) Concept site plan illustrating proposed improvements, facilities, structures, amenities, lots, and applicable dimensions to demonstrate compliance with zoning regulations.
- (2) Conceptual landscape plan to show proposed landscaping along project boundaries, in buffer areas, in the streetscape zone, and landscape as a component of any amenity requirements, at a minimum.
- (3) Area calculations and description of proposed amenities articulated on concept and/or landscape plan.
- (4) Concept building elevations that articulate the following:

- (a) General architectural style.
- (b) Proposed materials, colors, and other details to demonstrate compliance with minimum design requirements.
- (c) Architectural elements proposed to meet the minimum design elements.
- (d) Proposed variation between units.
- (5) All variances shall be identified and explicitly requested through the process outlined in Article XIV.

Amending Sections 704, 705, 706, 707, 707.1, 707.2, 707.3, 716, and 720 to require townhome developments to meet the townhome design standards in Section 515.

Sec. 704. - RDA, single-family residential attached and/or detached district.

The intent of this section, in establishing the RDA district, is to promote the development of single-family, owner-occupied attached and/or detached dwelling units at a low-medium density.

Within any RDA residential district, the following uses shall be permitted:

(704.1) All uses permitted in the R-12 residential district.

(704.2) Single-family attached dwellings which shall be owner-occupied, and developed in accordance with the provisions of Section 515 – Townhome Standards.

(704.3) Single-family attached subdivision in accordance with the provisions of sections 515 and 1013.

Sec. 705. - RMC-8, multifamily residential district.

The intent of this section, in establishing the RMC-8 district, is to promote and provide for the development of two- and multifamily dwellings at a low-medium density.

Within any RMC-8 residential district, the following uses shall be permitted:

(705.1) All uses permitted in the RDA residential district.

(705.2) Two-family and multifamily dwellings.

(705.3) Apartment development in accordance with the provisions of article X, section 1009.

(705.4) Residential group projects in accordance with the provisions of article X, section 1013.

(705.5) Community unit plans in accordance with the provisions of article X, section 1014.

(705.6) Townhomes shall be developed in accordance with the provisions of Section 515 – Townhome Standards.

Sec. 706. - RM-10, multifamily residential district.

The RM-10 district is comprised primarily of existing medium density residential areas of the City of Smyrna, and suitable vacant or open areas where similar residential development appears likely to occur. The intent of this section, in establishing the RM-10 district, is to preserve and protect existing residential development and to encourage similar and complementary type residential development together with associated recreational, religious and educational facilities.

Within any RM-10 residential district, the following uses shall be permitted:

(706.1) All uses permitted in the RMC-8 residential district.

(706.2) Townhomes shall be developed in accordance with the provisions of Section 515 – Townhome Standards.

(706.3) Multifamily dwellings.

(706.4) Reserved.

(706.5) Public uses other than schools including buildings, structures and uses of land by a unit of government provided there is no outdoor storage of equipment, vehicles or materials.

(706.6) Day nurseries and kindergartens provided that:

(1) The lot on which such uses are established shall have access on a major or minor thoroughfare.

(2) There shall not be less than 35 square feet of usable space per child. Kitchens, bathrooms, closets, halls, storage areas or rooms, offices, rooms designated for staff use, other single use areas and space occupied by adult size furniture shall be excluded in determining usable space. The minimum size of the outdoor area must be equal to 100 square feet × one-third of the center's licensed capacity for children.

(3) The outdoor play area shall be enclosed by a fence not less than four feet in height.

(4) A circular drive shall be provided for off-street loading and unloading of children.

(5) All applicable state and county regulations are conformed with.

(706.7) Public uses such as libraries, art galleries, and buildings, structures, and uses of land by a unit of government, provided that no building or structure is located less than 50 feet from any property line, provisions are made for a ten-foot buffer strip along all side and rear lot lines, and further provided that there is no outdoor storage of equipment or vehicles.

Sec. 707. - RM-12, multifamily residential district.

The RM-12 district is comprised primarily of existing medium density residential areas of the City of Smyrna, and suitable vacant or open areas where similar residential development appears likely to occur. The intent of this section, in establishing the RM-12 district, is to preserve and protect existing residential development and to encourage similar and complementary type residential development together with associated recreational, religious and educational facilities.

Within any RM-12 residential district, the following uses shall be permitted:

(707.1) All uses permitted in the RM-10 residential district.

(707.2) Nursing, convalescent, or rest homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics, provided:

(1) Such facilities meet the requirements of the state board of health.

(2) Plans receive approval from the county board of health and state fire marshal prior to issuance of a permit for construction and operation.

(707.3) Townhomes shall be developed in accordance with the provisions of Section 515 – Townhome Standards.

Sec. 707.1. - RD, residential duplex district; residential triplexes or quadraplexes.

The intent of this section, in establishing the RD district, is to promote and provide for the development of two-family dwellings at a low density; and within any RD district the following uses shall be permitted:

(707.1.1) All uses permitted in the RDA residential district;

(707.1.2) Two-family and multifamily dwellings;

(707.1.3) Residential group projects in accordance with the provisions of article X, section 1013;

(707.1.4) Community unit plans in accordance with the provisions of article X, section 1014.

(707.1.5) Townhomes shall be developed in accordance with the provisions of Section 515 – Townhome Standards.

Sec. 707.2. - TD, multifamily residential district.

The intent of this section in establishing TD districts is to promote and provide for the development of single-family attached dwellings in a row or group, each house separated from adjoining houses in a row or group by architectural style, changing of facade, offsets, and by firewalls or fire separations, where ownership of each dwelling unit is in fee simple.

Within any TD residential district, the following uses shall be permitted:

(707.2.1) All uses permitted in the RDA residential district;

(707.2.2) Two-family and multifamily dwellings;

(707.2.3) Residential group projects in accordance with the provisions of article X, section 1013;

(707.2.4) Community unit plans in accordance with the provisions of article X, section 1014.

(707.2.5) Townhomes shall be developed in accordance with the provisions of Section 515 – Townhome Standards.

Sec. 707.3. - RM-15, redevelopment district.

The RM-15 redevelopment district is established to provide for the complete redevelopment of existing apartment complexes into class A apartment complexes within the city limits of Smyrna or as part of an annexation request. The city recognizes the large inventory of apartment complexes which were constructed in the 1960's and 1970's and have begun to deteriorate. The RM-15 redevelopment district shall only be placed upon properties currently zoned RM-12 on the city's official zoning map.

Within any RM-15 redevelopment district, the following uses shall be permitted:

(707.3.1) All uses permitted in the RM-12 residential district.

(707.3.2) Nursing, convalescent, or rest homes not used primarily for the treatment of contagious diseases, addictions or disorders, provided:

(1) Such facilities meet the requirements of the state board of health.

(2) Plans receive approval from the appropriate county and state agencies prior to issuance of a permit for construction and operation.

(707.3.3) Townhomes shall be developed in accordance with the provisions of section 515 – Townhome Standards.

Sec. 716. – (CBD) Central Business District.

(716.3.) Dwelling, detached, attached, multifamily, townhouse, and condominiums. Townhomes shall be developed in accordance with the provisions of section 515 – Townhome Standards. Properties in the Urban Design District shall be controlled by Appendix E where a conflict exists with section 515.

Sec. 720. – (MU) Mixed Use District.

(720.2)(3) Dwelling, detached, attached, multifamily, townhouse, and condominiums. Townhomes shall be developed in accordance with the provisions of section 515 – Townhome Standards. Properties in the Urban Design District shall be controlled by Appendix E where a conflict exists with section 515.

Amend Section 801 under Article VIII – Area, Yard and Height Requirements to be consistent with the bulk requirements in Section 515.

Sec. 801. – Residential Districts

	Minimum Lot Area (square feet)						Minimum Front Yard Setback from Street Right-of-Way (feet)					
Districts	Single-Family Dwelling	Two-Family Dwelling (per unit)	Multi-Family Dwelling (per unit)	Minimum ¹ Floor Area (square feet)	Maximum Lot Coverage by Buildings and Other Structures Including Paving (percent)	Minimum Lot Width at Setback Line (feet)	Major Thoroughfare	Minor Thoroughfare	Other	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height of Structures (feet)
RTD	80,000 (6 units per row, maximum)	-	-	1,200 (per unit)	30 65	20 (30 for an end-unit) 24	75 50	50	Outside Development:			
									50	35 25	40 30	35 (2 ½ stories) 45
									Inside Development: 3			
									25 Front Entry 20 Rear Entry 10	30 0 Between Units 15 from streetside	40*	
										(with 0 for attached units)		

1 - Single-family detached dwelling in an RM district shall meet the minimum floor area requirements specified for the RDA detached district.

2 Single-family detached dwellings in RM districts shall meet the minimum side and rear yard requirements specified for the R-15 district.

3 In the RTD zoning district, the front and street side setbacks for the interior of the development shall be measured from the back of sidewalk or the outside edge of the landscape zone if no sidewalk is present.

Where an RMC-8, RM-10 or RM-12 or RHR use abuts or adjoins any other single-family district, a buffer area with a minimum width of 50 feet for an RMC-8 use and 75 feet for an RM-10, RM-12 or RHR use and a six-foot fence or

wall which provides visual screening shall be established and maintained between the use and the R district. However, the requirement for fence or wall may be waived by the mayor and council upon the presentation of field survey data by the owner or developer which shows that construction of the fence or wall would destroy existing vegetation which, in itself, provides visual screening between the use and the R district, or when the use abuts undeveloped property.

Within the R-30, R-20, R-15 and R-12 zoning districts no more than 25 percent of the required front or street side yard shall be covered by paving or other impervious surfaces. No driveway or other parking area shall be located closer than five feet to a side property line.

Amending Section under Article IX – Off-street Parking and Loading Requirements for townhome guest parking requirements.

(906.10.1) Guest parking for townhome and condominium communities: ~~One space per 25 percent of the total units.~~ **0.33 parking spaces per dwelling unit within the community.**

This ordinance shall take effect on October 1, 2022 and is passed and duly adopted this 19th day of September 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