



# Newnan Special City Council Meeting

MARCH 10, 2020

Newnan City Hall

Richard A. Bolin Council Chambers

25 LaGrange Street

1:30 PM

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## CALL TO ORDER

## INVOCATION

## UNFINISHED BUSINESS

- [A.](#) Continuation of 2/25/20 Agenda Item- Consideration of Ordinance- Purpose of adopting an amendment to Article 6, Section 6-14 of the Zoning Ordinance pertaining to Mixed Use Development District

## ADJOURNMENT

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE  
OF THE CITY OF NEWNAN, GEORGIA, BY ADOPTING CERTAIN  
TEXT AMENDMENTS TO DIVISION II-MIXED USE DEVELOPMENT  
DISTRICT OF ARTICLE 6 MASTER PLANNED DEVELOPMENTS; AND FOR  
OTHER PURPOSES**

WHEREAS, the City Council of the City of Newnan has discussed the issue of providing for certain text amendments to the City's Zoning Ordinance with regard to certain regulations and requirements of the City's Zoning Ordinance adopted September 12, 2017, as amended, to Division II-Mixed Use Development District of Article 6-Master Planned Developments; and referred the issue to the Planning Commission for consideration and recommendation of certain text amendments to the City's Zoning Ordinance; and

WHEREAS, in accordance with the requirements of the City Zoning Ordinance, the Planning Commission of the City of Newnan has forwarded its recommendation to the City Council with regard to such text amendments to Division II-Mixed Use Development District of Article 6-Master Planned Developments; and

WHEREAS, pursuant to said requirements of the City Zoning Ordinance, the City Council has conducted a properly advertised public hearing on the rezoning application not less than fifteen (15) nor more than forty-five (45) days from the date of publication of notice, which public hearing was held on the 25<sup>th</sup> day of February, 2020; and

WHEREAS, after the above referenced public hearing, the City Council has determined that it would be in the best interest of the residents, property owners and citizens of the City of Newnan, Georgia to adopt certain text amendments to the City's Zoning Ordinance by amending Sec.6-14 (a), Sec. 17 (2) (3), Sec. 19 (e), Sec. 25 (c) (9), Sec. 25 (d) (1) (2) (3) (4) (5), Sec. 25 (e), and Sec. 26 (h) of Division II-Mixed Use Development District.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Newnan, Georgia, and it is hereby ordained by authority of the same that the text amendments referenced hereinabove to the City's Zoning Ordinance to Division II-Mixed Use Development District of Article 6-Master Planned Developments be and are hereby adopted and Division II-Mixed Use Development District of Article 6-Master Planned Developments and as amended be and is hereby adopted to read as follows:

## **SECTION I: DIVISION II – MIXED USE DEVELOPMENT DISTRICT**

### **Sec. 6-14. - Purpose.**

- (a) The MXD, Mixed Use District, is intended to:
- (1). Accommodate mixed-use buildings with neighborhood-serving retail, service and other uses, including residential, on the ground floor and/or residential uses above non-residential uses.
  - (2). Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
  - (3). Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.
  - (4). This zoning district is intended to provide for vertical and horizontal mixed uses. It is intended to integrate uses primarily within the same building or group of buildings. This may permit buildings and uses to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale and other public benefits. In the MXD district smaller lots than might otherwise be under traditional zoning districts may be allowed; however, the purpose is not merely to allow smaller lots or reduce development requirements but to achieve other goals including the protection of sensitive environmental, historic or aesthetic resources as well as the provision of site amenities such as plazas, parks, open space, walking trails, etc.

The MXD district is not intended to encourage greater density of development, nor circumvent traditional zoning by separating uses into parcels or different project areas; rather, it is to facilitate compatible commercial and noncommercial uses and provide quality developments which enhance the surrounding area. MXD may also be utilized to foster the adaptive reuse of existing buildings. A minimum of two (2) different use categories is required for an MXD district.

- (b) See also the Use of Land and Structures Article for specific purposes of this district.

### **Sec. 6-15- Applicability.**

- (a) The MXD District is a separate zoning district and shall follow the same amendment procedures as other zoning districts. Unless otherwise indicated in this Division, the land uses and development standards that are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning approval.

(b) Any MXD District that was approved prior to the adoption of this Zoning Ordinance or amendments to the Ordinance shall continue to be developed under the provisions and conditions of zoning approval that applied at the time of rezoning.

**Sec. 6-16. - Infrastructure Requirements.**

(a) Utilities.

Public water and sewer is required. All utility lines in a MXD development shall be placed underground except that adaptive reuse developments may have this provision waived upon a finding by City staff that such requirement would require the replacement or relocation of existing lines. The developer or subdivider shall ensure final and proper completion and installation of utility lines as provided in the Subdivision Regulations. Standards for street lighting shall be provided by the developer in accordance with the approved site plan.

(b) Roads/Streets.

All interior streets and roads must meet the requirements for such facilities for the City of Newnan. The city may require interior streets and sidewalks through the development that connect to existing street and sidewalk infrastructure. Approved development plans containing new public roads, road extensions, or other similar infrastructure shall be provided according to the approved plan. Deviation from plans shall require a revised development plan.

(c) Sidewalks.

Sidewalks are required on all perimeter roads and streets. An internal sidewalk or path system must be provided. If the residential density of the project is greater than 4 units per acre, sidewalks must be provided along the sides of all streets except residential cul-de-sacs of 200 feet length or less. Sidewalks along exclusively residential frontages must be a minimum of 4 feet in width and separated from the curb by a minimum 3 foot tree lawn except that a sidewalk of 7 feet in width may be provided in lieu of a tree lawn provided that street trees are planted in planter beds spaced at no greater than 30 feet on center. Sidewalks in non-residential areas and in mixed residential/non-residential areas shall be a minimum of 6 feet in width with a 3 foot tree lawn. No tree lawn is required if a minimum 8 foot sidewalk is provided. If the residential density is less than 4 units per acre, a walking path may be provided that shall link all land uses in the development. Such a path must be a minimum of 4 feet in width and may be constructed out of Portland cement, bituminous asphalt, or pea gravel provided that the path be framed with boxboards to a depth of 10 inches.

(d) Parking.

The parking requirements shall be derived from the proposed uses making up the concept plan. Each use shall determine its share of required parking. Moreover, spaces calculated for residential units, office condominiums, and other permanent spaces shall be physically separated

and dedicated exclusively for that use. Parking decks are recommended but not required. A shared parking plan prepared by a certified traffic or transportation planning consultant may be submitted which indicates a shared parking formula and supporting information. Up to 20% of total combined required parking may be waived with an approved plan.

**Sec. 6-17. - Additional Development Requirements**

(1) General Requirements.

(2) Single Ownership and Design.

MXD developments must be built as a single integrated design entity. The project must be under single ownership or control when the project receives final approval. Should any part of the project be designed for ownership transfer, this shall be so stated in the application. The management plan for the development shall include language that ties subsequent owners of any part of the development to belong to a management entity overseeing the entire site. A mandatory homeowners association or similar entity shall be created that will be responsible for the upkeep and maintenance of all front yards and common areas including fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development. Mixing requirements should balance a mixture of residential and pedestrian-friendly commercial uses, either by vertical, horizontal or a combination of structure uses.

(3) Mixture of residential uses in project site. A variety of residential housing types is encouraged to suit a variety of lifestyles, price points and life cycles.

(4) Mixed Uses in Same Structure.

Within the district, there shall be no restriction on combining different categories of use within the same building other than those imposed by the building code or other federal, state, or local regulations.

(5) Location of Parking.

Unless physically impossible, all parking for MXD developments shall be located to the rear, a mixture of side and rear, or underground.

(6) Illumination of Parking.

All parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the MXD development nor to uses adjacent or nearby the MXD development.

(7) Fences and Walls.

MXD developments are expected to become part of the fabric of the city rather than be isolated and fenced in. However, fences and walls may be established in accordance with the Standards for Fences and

Walls Section in Division I of the Restrictions on Particular Uses Article.

**Sec. 6-18. - Non-Residential Performance Development Requirements.**

(a) Location of Commercial Uses.

General commercial and service uses shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the district, workers within the district, and visitors. Commercial uses shall be located as to be uninterrupted by residential, office, or other non-commercial uses. It is highly preferable that commercial uses maintain a street presence in a traditional storefront configuration. Other acceptable locations include an arcade, interior mall, or in the lobby of a building containing other allowable uses. Strip commercial with front parking is prohibited.

(b) Common Walls.

Common walls between residential and non-residential uses should be constructed so as to minimize the transmission of noise and vibration. Such common walls shall meet minimum standards for fire walls as required by the City of Newnan's adopted building codes.

(c) Nuisances.

No commercial use shall be designed or operated so as to expose residents to offensive odors, dust, electrical interference, and or vibration.

(d) Limitation of Hours and Activity.

Commercial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic and late night activity. In addition, no amplified music shall be audible to neighboring residents.

(e) Outdoor Lighting.

All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not be directed toward residential units nor shall such lighting blink, flash, oscillate, or be of unusual brightness or intensity.

(f) Storage of Refuse.

Commercial units shall maintain a separate refuse storage container from that used by residential uses. It shall be clearly marked for commercial use only and use by residential tenants is prohibited. Refuse storage containers shall be screened on all sides with a latchable gate. Screening material shall be of the same finishing material predominantly used on the principal building. Commercial refuse containers shall be screened by an attractive fence or wall at least 6 feet in height.

**Sec. 6-19. - Compatibility Standards.**

- (a) All uses shall conform to the purposes of the MXD district and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed MXD development. In order to assist in accomplishing such external compatibility, the following requirements shall apply:
  - (1) No building shall be constructed to a height greater than its distance from any adjoining property designated for residential use on development plan, unless the City Council finds that approval of a waiver of this requirement will not adversely affect the adjacent property.
- (b) MXD developments must provide public infrastructure improvements that are compatible in design and function to those of surrounding and adjacent properties. Improvements such as sidewalks, street lighting, trash receptacles, street furniture, and other public elements shall be compatible unless this provision is waived by the City Council based on a conclusion that the proposed improvements are a clear improvement over the existing adjacent infrastructure or public elements.
- (c) General Private Deed Covenants.

The entire MXD district shall be included within private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and developments.
- (d) Compliance with the requirements in Sec. 6-19 shall not, in and of itself, be deemed to create a presumption of compatibility.
- (e) Outdoor storage is not permitted.

**Sec. 6-20. - Minimum Landscaping Requirements.**

Minimum standards for landscaping in MXD developments are necessary to ensure that higher standards of site planning are realized and to tie the separate elements of the mixed use development together.

- (a) A landscape plan meeting the requirements of the "Tree Preservation and Landscaping" Ordinance within the City of Newnan Code of Ordinances must be submitted as part of the preliminary development plan. This can be a separate plan or may be integrated with the improvements plan required as part of the preliminary plan submittal. If the project is phased, only the first phase will be required to be provided in detail but calculations and proposed plant materials and treatments must be provided for the entire development.
- (b) Entry points to the development shall be landscaped in an attractive manner using plant specimens utilized throughout the remainder of the development.

- (c) All interior and perimeter roads and streets shall provide street trees allowed by the City of Newnan's Plant Palate. Such trees shall be planted no more than 20 feet apart along all street frontages.
- (d) All boulevards shall provide attractive, low maintenance plantings in the center islands and be grassed throughout the remainder of the islands.
- (e) Landscaping shall be provided adjacent to all buildings and structures including solid waste receptacles.
- (f) A minimum of 5% of the project site shall be landscaped.

**Sec. 6-21. - Open Space Requirements.**

- (a) Open Space, Generally.
  - (1) Common open space is an important element in a mixed use development serving to provide resting and gathering places, recreation areas, aesthetic complements, stormwater percolation areas, and other purposes.
  - (2) Open space for the purpose of the MXD district shall be defined as a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, scenic, recreational, resting, or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated, and at times to the general public.
  - (3) Open space may include a limited proportion of space so located and treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or adjacent landowners, or a general appearance of openness.
  - (4) Open space shall include parks, commons, plazas, community green or lawn, landscaped areas, decorative plantings, formal or informal garden, pedestrian walkways or paths, active and passive recreation areas including playgrounds and swimming pools.
  - (5) MXD zones must, at a minimum, provide 15% of the site in open space distributed according to the following:



**Table -A: MXD Minimum Open Space Requirements**

Use Group	Required Open Space*
<b>Residential Uses</b>	20
<b>Office Uses</b>	12
<b>Retail and Commercial Service Uses</b>	10
<b>Other Uses</b>	8

\* Number of sq. ft. of open space required for each 100 sq. ft. of gross floor area in the use group

- (b) Open space may not consist of required buffer area, streets, parking lots, driveways, loading areas, sidewalks located in the public right-of-way (except as may be internal to a dedicated park), and area normally inaccessible to pedestrian circulation.
- (c) No more than 50% of required open space may be landscaped area.
- (d) Not more than 50% of required open space may lie in a floodplain, groundwater recharge area, wetland, area of steep slopes (greater than 15%), or other undevelopable or sensitive area.
- (e) Landscaped open space shall be provided by the developer in accordance with an approved landscape plan which meets the minimum requirements of this and other applicable Ordinances.
- (f) Open space may not consist of unimproved or vacant land that does not provide any natural or man-made amenity. This shall include but not be limited to abandoned or overgrown lawn area, scrub land or urban fields, eroded areas or areas of exposed soil, or other land area that, in the opinion of the City Council, does not have any functional or aesthetic use as open space.
- (g) Open space shall be set aside and improved no later than the date on which certificates of occupancy are issued for the first one-third (1/3) of the total number of residential units to be constructed as part of the project. If residential uses will not be a part of the project, such open space shall be set aside no later than the date on which certificates of occupancy are issued for the first 25% of commercial space to be leased or sold as part of the project.
- (h) All common open space required under this Section shall be conveyed to a homeowners association, merchants association, or other association so created for the purpose of maintaining common area within the project area.

**Sec. 6-22. - Reduction of Required Open Space.**

(a) Adjacent Open Space.

The minimum amount of open space required for an MXD development may be reduced by a maximum of 50% if the MXD site bounds, along at least one property line for a minimum of 100 feet, public open space including a park, playground, plaza, garden, or other open space available for and accessible to public use for recreation, relaxation, walking, etc.

(b) Open Space Substitutions.

Pedestrian and bicycle amenities may substitute for required open space in the following manner:

- (1) Dedicated bike path connected to existing or planned bike route.
- (2) Open pedestrian bridge.
- (3) Raised pedestrian deck.
- (4) Enclosed pedestrian bridge.
- (5) Elevated pedestrian bridge.
- (6) Shopping or through block arcade.
- (7) Each amenity may be substituted in a 1:1 ratio related to square feet up to 50 percent of required open space.

**Sec. 6-23. - Street Frontage Requirement.**

In an MXD development, the street frontage requirements for townhouses or mixed-family dwellings may be waived.

**Sec. 6-24. - Application Procedures and Requirements.**

(a) Development Summary Report Required.

Applications for rezoning to MXD shall require a written report that establishes the type, nature, size, intent and characteristics of the proposed development. At a minimum, the report shall include the following:

- (1) A complete listing and general description of every land use category proposed within the development, including total acreage of the MXD development, and the total amount of acreage and percentage devoted to each use category, as well as the total number of residential units by type and density, and Floor Area Ratio (FAR) of nonresidential uses. Common open space acreage is to be listed separately.
- (2) Individual areas of an MXD development are to be described as to their specific use and development standards, and keyed to the Master Concept Plan Map (see Sec. 6-25). Each area description must include

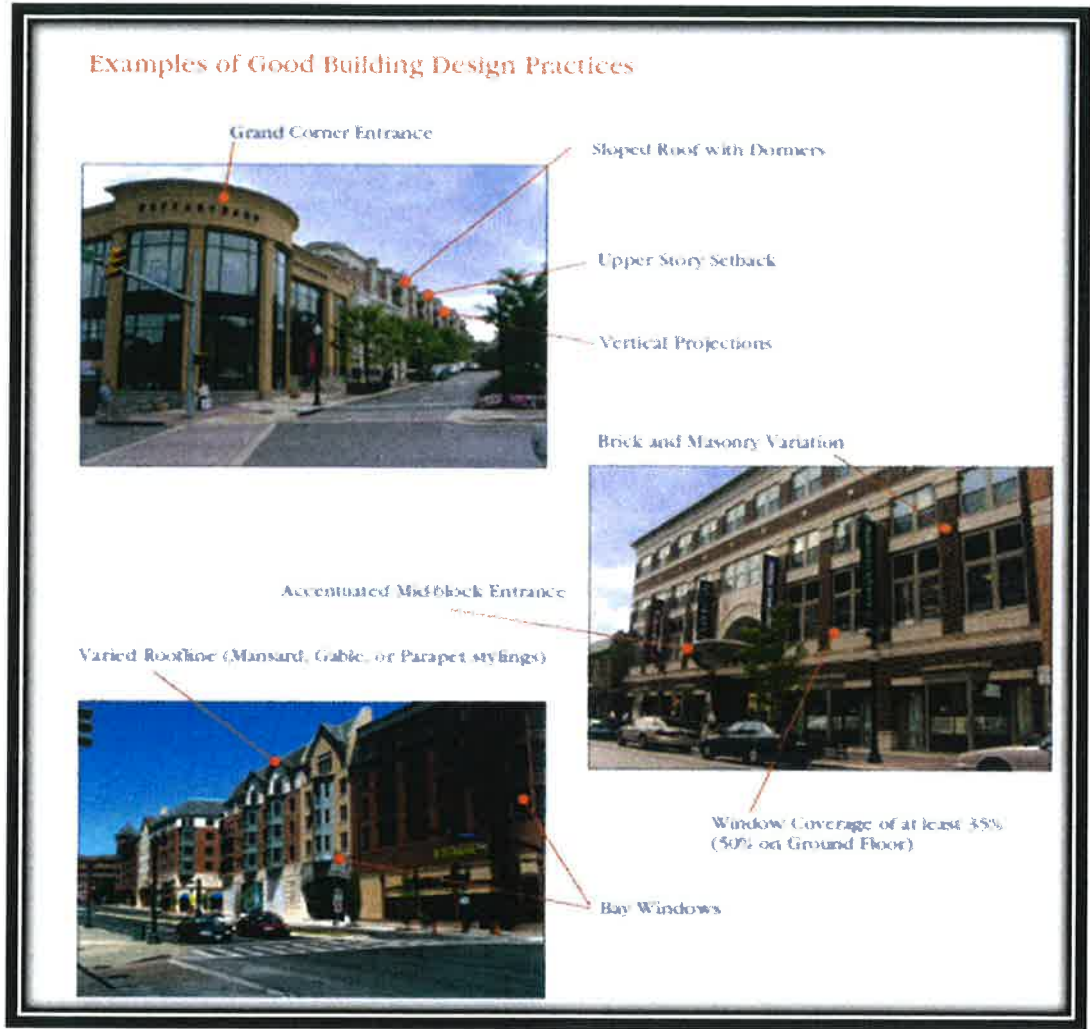
the following subject matter, as relevant to the proposed character of development:

- a. Principal and accessory uses proposed for the development. All uses not specifically included in the Development Summary Report, either in a general land use category or detailed for individual areas, and approved by City Council are prohibited unless the application is subsequently amended in accordance with applicable procedures.
- b. Gross acreage of the individual area and approximate acreages of separate land use or development areas, including common open space.
- c. Intensity of development, such as:
  1. For residential uses: Density controls (units/acre) or minimum lot size, minimum lot area per dwelling unit, minimum lot width, minimum lot frontage, minimum floor area or residential dwelling unit sizes, and maximum total number of dwelling units by type, as applicable to the character of the development proposed.
  2. For mixed-use and nonresidential uses: Floor area ratio (FAR), dwelling unit sizes and total dwelling units, as applicable to the character of the development proposed.
- d. Principal building setbacks or build-to lines along all streets and property lines.
- e. Maximum building heights.
- f. Buffers, landscape strips and open space standards.
- g. Exceptions or variations from the sign, parking or street design requirements of this Ordinance or other city regulation, if any are being requested.
- h. An indication whether the internal streets will be public or private.
- i. A description of intended plans for the provision of utilities, including water, sewer, drainage facilities and street lighting, as applicable.
- j. For all streets and utilities not proposed for dedication to the public, provisions for the ownership and maintenance must be explained.
- k. Proposed restrictive covenants (for informational purposes only).
- l. Any other relevant or applicable standard or requirement for the individual area.
- m. Applications may include prospective front, side and rear elevation drawings of representative building types. These drawings shall indicate general architectural characteristics. If

the MXD district is approved, general compliance with the architectural elevations shall be required.

**Sec. 6-25. - Master Concept Plan Required.**

- (a) Applications for rezoning to the MXD District shall require a Master Concept Plan, including, at a minimum, those items listed below. The Planning and Zoning Director, Planning Commission and/or City Council may require, in addition, such other information, studies, plats, plans or architectural elevations deemed necessary to perform an adequate review of the proposed application.
- (b) Master Concept Plans shall be prepared by a professional engineer, architect, land surveyor, land planner or landscape architect, and his/her seal of registration or professional initials shall be indicated on such plans.
- (c) All Master Concept Plans required by this Section shall contain, at a minimum, the following information:
  - (1) Boundaries of the subject property based on the boundary descriptions or boundary survey submitted with the rezoning application.
  - (2) Title of the proposed development and the name, address and contact information of the property owner or their designated representative.
  - (3) The name, address and contact information of the architect, engineer or other designer of the proposed development.
  - (4) Scale, date, north arrow, and general location map showing relationship of the site to the surrounding area, streets and/or natural features.
  - (5) All existing streets within or adjacent to the property, including right-of-way and street pavement widths; location of existing buildings to be retained or removed; water courses and impoundments, wetlands and the limits of the 100-year flood plain; and other physical characteristics of the property relevant to the development proposal.
  - (6) Common open space areas to be retained.
  - (7) The general location of the proposed major street circulation system to be located within the development.
  - (8) General approximate delineation of individual areas of the proposed development that differ by land use or development standards, keyed to a description for each area contained in the Development Summary Report prepared in accordance with this Section.
  - (9) Proposed building designs and architectural elements.



(d) Key Elements

(1) Diverse Mix of Uses

(2) Attractive Central Plaza



(3) Pedestrian-Friendly Building Design

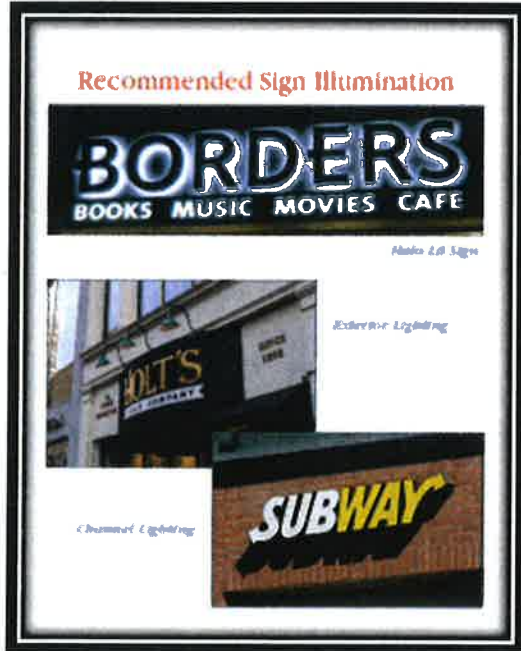


(4) Appropriately scaled height

(5) Distinctive



(e) Sign package



**Sec. 6-26. - Review Standards for MXD Rezoning.**

In considering and acting upon applications for rezoning to the Mixed Use Development District, in addition to the standards for rezoning consideration in the Procedures and Permits Article, the City Council may consider and base their recommendation and decision, respectively, on the following information:



- (a) Conformity with the intent and purpose of the MXD District.
  - (b) Conformity with the Comprehensive Plan and, if located in the downtown area, the Newnan Livable Centers Initiative.
  - (c) Compatibility with adjacent land uses. The uses proposed will not be detrimental to present surrounding uses and potential surrounding development as shown on the Future Land Use Plan.
  - (d) Quality of architectural, landscaping and site design.
  - (e) Preservation of natural features.
  - (f) Provision and type of open space and the provision of other amenities designed to benefit the general public.
  - (g) Adequacy of utilities and other public works.
- (h)** The Mayor and City Council for the City of Newnan may require changes or alterations in the master concept plan during the approval process in order to further promote the intent and standards of the MXD District.

**Sec. 6-27. - Report and Concept Plan Establish MXD Uses and Requirements**

- (a) The approved development summary report, master concept plan, and all other information, studies, plats, plans or architectural elevations submitted in the application, or required to be submitted by the City Council, shall establish the standards and minimum requirements for the subject property and shall become the conditions of zoning approval that apply to the subject property, regardless of changes in property ownership.
- (b) After rezoning is approved, development of the MXD zoned site or any portion of the site will require submission and approval of subdivision plats and site development plans, in accordance with the Site Development Plan requirements in the Procedures and Permits Article, as well as the City of Newnan Subdivision Regulations.

**Sec. 6-28. - Revisions to Approved MXD Requirements.**

- (a) Any changes that, in the opinion of the Planning and Zoning Director, result in a development of such intent and character that has not been conceptually approved by the City Council shall require additional approval in accordance with procedures established in the Procedures and Permits Article for a revision of conditions of rezoning approval.
  - (1) Such changes may be additions in the types of land uses, increases in square footage or density, decreases in lot sizes, changes in the location or dimensions of major streets, decreases in dwelling unit floor areas, major alterations in the land use patterns, or other substantial changes that are inconsistent with the summary report or the master concept plan approved for the MXD proposal.
  - (2) Minor changes may be approved by the Planning and Zoning Director prior to issuance of development or building permits.

- (b) As development of each portion of an MXD development proceeds, the Master Concept Plan map shall be updated to show each final subdivision plat as it is approved for recording, and each site development plan for a multifamily or nonresidential project upon its approval for a land disturbing activity permit. No certificates of occupancy will be issued within those areas until the Planning and Zoning Director has received the updated Master Concept Plan Map.

Section II. All Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

Section III. Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

Section IV. This Ordinance shall be effective upon adoption.

DONE, RATIFIED, and PASSED by the City Council of the City of Newnan, Georgia, this \_\_\_\_\_ day of \_\_\_\_\_, 2020 in regular session assembled.

ATTEST:

\_\_\_\_\_  
Della Hill, City Clerk

\_\_\_\_\_  
L. Keith Brady, Mayor

REVIEWED AS TO FORM:

\_\_\_\_\_  
C. Bradford Sears, Jr., City Attorney

\_\_\_\_\_  
George M. Alexander, Mayor Pro-Tem

\_\_\_\_\_  
Cleatus Phillips, City Manager

\_\_\_\_\_  
Cynthia E. Jenkins, Councilmember

\_\_\_\_\_  
Raymond F. DuBose, Councilmember

\_\_\_\_\_  
Rhodes H. Shell, Councilmember

\_\_\_\_\_  
Dustin Koritko, Councilmember

\_\_\_\_\_  
Paul Guillaume, Councilmember