

CHAPTER 240. - GENERAL USE REGULATIONS

ARTICLE 1. - PERMITTED AND PROHIBITED USES

Section 240-1. - Table of permitted and prohibited uses.

(a) The following regulations shall apply to uses in all zoning districts.

(1) *General use regulations.* No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered, except in conformity with the regulations of this Unified Development Ordinance (UDO).

(2) *Permitted uses.*

a. The following table states the permitted principal and accessory uses authorized within each zoning district. Symbols used in the table have the following meanings:

P = Permitted as a principal use;

A = Permitted as an Accessory Use - See Section 240-7;

S = Permitted subject to Supplemental Use Standards of Section 240-13;

T = Permitted as a Temporary Use - See Section 240-14;

b. The Development Director is authorized to prepare a written interpretation whether a proposed use not specifically listed in this table is so similar in nature to a permitted use that it is also intended to be permitted in the same zoning district(s). Such determination by the Development Director may consider factors such as:

1. The common usage of two or more terms to describe the same land uses;

2. The similarity in the scale and intensity of the uses;

3. The similarity in the impacts of comparable uses in terms of traffic, noise, light, parking requirements, customers, hours of operation, impacts on the environment, and impacts on abutting properties.

c. Any use not listed in the table as permitted within a district, and not determined by the Development Director to be similar in nature to a listed use, is prohibited within that district.

**Permitted Use Table**

District Type =>	Residential				Mixed-Use						Industrial		
	NR-1	NR-2	NR-3	VR	NC-1	NC-2	CC	CVC	VC	TOD	MU-BC	IT	I
<b>1.0 Residential</b>													
1.1 Single-family Residences													
1.1.1 Single-family detached, one dwelling unit per lot	P	P	P	P	P	P							
1.1.2 Accessory dwellings	A	A	A	A	A	A							

1.1.3 Single-family attached (Townhouse) dwellings			S	S	S	S			S				
1.1.4 Cottage Cluster development		S	S	S									
1.2 Multi-family Residences													
1.2.1 Multifamily development, including accessory uses (such as health club, tennis courts, pool, and similar uses)				S	S	S	S		S	S	S		
1.2.2 Live-work units			S	S	S	S			S	S	S		
1.3 Mixed-use													
1.3.1 Mixed-use development					S	S	S		S	S	S		
1.3.2 Convertible Space							S		S	S	S		
1.4 Home Occupations													
1.4 .1Home occupation	A	A	A	A	A	A	A		A	A	A		
1.5 Homes emphasizing special services, treatment or supervision													
1.5.1 Group Residential Facility, other than personal care			S	S									
1.5.2 Personal care homes, not used primarily for the treatment of contagious diseases, alcoholism, drug addiction or mental illness		S	S	S			S	S	S	S			
1.5.3 Child and personal care uses (including family daycare homes, group day care home, and child care learning centers)			S	S	S	S	S	S	S	S	S		

1.6 Institutional Residence or care or confinement facilities													
1.6.1 Hospitals, clinics, other medical (including mental health) treatment facilities							P	P	P	P	P	P	P
1.6.2 Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions				P			P	P	P				
1.6.3 Institutions (other than halfway houses) where mentally ill persons are confined							P						
1.7 Hospitality housing, rooms for rent situations													
1.7.1 Rooming houses, boarding houses				S									
1.7.2 Tourist homes (bed and breakfast), and other temporary residences renting by the day or week			P	P	P	P	P	P	P	P			
1.7.3 Hotels, motels and similar businesses or institutions providing overnight accommodations							P	P	P	P	P		
1.7.4 Extended-stay motels/hotels							S	S	S	S	S		
1.8 Temporary manufactured housing													
1.8.1 Temporary manufactured housing approved in the event of an emergency, construction, or repair	T	T	T	T					T	T			

2.0 Sales and Rental of Goods, Merchandise or Equipment													
2.1 Sales or rental of goods, merchandise or equipment establishments, 50,000 s.f. or less, not included in Sales and Rental uses listed below				P	P	P	P	P	P	P	P	P	P
2.2 Sales or rental of goods, merchandise or equipment establishments, over 50,000 s.f., not included in Sales and Rental uses listed below				P			P	P	P	P	P	P	P
2.3 Sales or rental establishments with drive-through facilities (not permitted on storefront streets)					S	S	S					S	S
2.4 Bicycle sales and repair shops				P	P	P	P		P	P	P	P	P
2.5 Camera and photographic supply stores				P	P	P	P	P	P	P	P	P	P
2.6 Convenient cash businesses							S	S	S			S	S
2.7 Corner commercial (see list of specific uses in Sec. 240-13)			S										
2.8 Drive-in theater							S					S	S
2.9 Electrical supply store							P		P	P		P	P
2.10 Farm equipment sales and service												P	P
2.11 Food stores and groceries 50,000 s.f. or less				P			P		P	P	P	P	P

2.12 Food stores and groceries greater than 50,000 s.f.				P	P	P	P		P	P	P	P	P
2.13 Lumber, hardware and other building material establishments							P					P	P
2.14 Growler Stores					P	P	P	P	P	P	P	P	P
2.15 Newsstands				P	P	P	P	P	P	P	P	P	
2.16 Office equipment and supplies, sales and service, including accessory printing operations							P	P	P	P	P	P	P
2.17 Outdoor retail sales of goods				T	T	T	T		T	T	T	T	T
2.18 Package stores for the sale of alcoholic beverages							S	S	S	S	S	S	S
2.19 Paint, glass, hardware and wallpaper stores				P	P	P	P	P	P	P	P	P	P
2.20 Pawn shops												S	
2.21 Plumbing and AC/heating equipment dealers							P	P	P			P	P
2.22 Printing, publishing and reproducing establishments, including photoengraving, typesetting, electrotyping and stereotyping and bookbinding related work							P		P	P	P	P	P
2.23 Private postal and delivery service							P	P				P	P
2.24 Shopping centers							P	P	P	P	P	P	P
2.25 Sporting goods retail (may include accessory indoor				S	S	S	S		S	S	S	S	S

shooting ranges)													
2.26 Stamp redemption stores							P	P	P	P	P	P	P
2.27 Tobacco products shop				S	S	S	S		S	S	S	S	S
2.28 Wholesale sales, with no outdoor display or storage of goods							P		P			P	P
2.29 Wholesale sales, with outdoor display or storage of goods												P	P
2.30 Art Shop									P	P	P		
2.31 Fireworks Sales											S	S	
<b>3.0 Restaurants</b>													
3.1 Restaurants with no substantial carry-out or delivery service, no drive-in or drive-through service, with no service or consumption outside fully enclosed structure (eating establishments with just inside dining)				P	P	P	P	P	P	P	P		
3.2 Restaurants with outdoor dining				S	S	S	S	S	S	S	S		
3.3 Restaurants with carry-out and delivery service, no consumption on the premise							P	P					
3.4 Brew pubs				S	S	S	S		S	S	S		
3.5 Restaurants with drive-through facilities (not permitted on storefront streets)							S						

3.6 Restaurant providing hookah							S						
3.7 Event Center							S		S	S	S		
4.0 Motor vehicle-related sales and service operations and modifications													
4.1 Automobile dealerships-motor vehicle sales and leasing, with repair and body work as an accessory use							S						
4.2 Automobile parts and tire stores, both retail and wholesale (e.g., tires, mufflers, etc.)							P					P	P
4.3 Motor vehicle repair and maintenance, not including substantial body work							P					P	P
4.4 Motor vehicle repair and maintenance, including painting and body work and modifications as a principal use							P					P	P
4.5 Automotive wash services (Car Wash), as a principal use							S					S	S
4.6 Manufactured Home and travel trailer sales												P	P
4.7 Automobile rental establishments							S						
4.8 Truck and trailer lease and rental establishments												P	P
4.9 Gasoline station with convenience store							S					S	S
4.10 Boat, boat trailer, and												P	P

other recreational vehicle sales and repair, provided all repair work is conducted within an enclosed structure													
5.0 Services - Office, Clerical, Repair, Research and Personal, not primarily related to the sale of goods or merchandise													
5.1 Personal Services													
5.2 Other personal services							P		P	P		P	P
5.3 Acupuncture Clinic					P	P	P		P	P	P	P	P
5.4 Ambulance services							P					P	P
5.5 Automatic Teller Machines (ATMs)							A		A	A	A		
5.6 Banks and financial institutions with no collateral goods storage on site							P	P	P	P	P		
5.7 Barber and beauty shops and other similar service establishments					P	P	P	P	P	P	P	P	P
5.8 Bus stop shelter							S	S	S	S	S	S	S
5.9 Businesses that serve other industries or others industries employees												P	P
5.10 Clinics, including medical, dental, chiropractic, osteopathic and similar operations						P	P	P	P	P	P	P	P
5.11 Bus station							S	S	S	S	S	S	S
5.12 Contractors offices including general building,								P	P			P	P



heavy construction and special trade, provided there is not outdoor storage of equipment, materials or construction vehicles													
5.13 Contractors offices with outdoor storage of equipment, materials or construction vehicles													P
5.14 Fortune tellers and psychics												P	P
5.15 Landscaping Service												P	P
5.16 Laundry and dry cleaning drop-off					P	P	P	P	P	P	P	P	P
5.17 Linen and diaper services													P
5.18 Locksmiths and gunsmiths							P	P	P			P	P
5.19 Medical and dental laboratories							P	P	P	P	P	P	P
5.20 Massage establishment (licensed by the state)					S	S	S	S	S	S	S	S	S
5.21 Photographic studios							P	P	P	P	P	P	P
5.22 Repair services and trade shops, including sheet metal, upholstery, electrical, plumbing, carpentry, sign painting and other similar activities								P				P	P
5.23 Research and Experimental testing laboratories												P	P
5.24 Satellite Dishes, as an	A	A	A	A	A	A	A	A	A	A	A	A	A

accessory structure													
5.25 Tailor, dressmaking and hat making shops					P	P	P	P	P			P	P
5.26 Tattoo establishments							S					S	S
5.27 Taxi stands and dispatching agencies							P	P	P			P	P
5.28 Spa establishment					S	S	S	S	S	S	S	S	S
5.29 Staffing Agency							P				P	P	
6.0 Recreation, amusement, entertainment													
6.1 Adult entertainment, including adult book stores, and adult movies													S
6.2 Baseball batting range							P		P			P	P
6.3 Bowling Alleys							P	P	P	P	P	P	P
6.4 Golf driving range, and/or miniature golf							P		P			P	P
6.5 Health clubs and other physical fitness establishments					P	P	P	P	P	P	P	P	P
6.6 Park, playground, community center, swimming pool and other recreational facilities as a principal use	P	P	P	P	P	P	P	P	P	P	P	P	P
6.7 Swimming pools, as an accessory structure	A	A	A	A	A	A	A	A	A	A	A	A	A
6.8 Theaters (indoor)							P	P	P	P	P	P	P
6.9. Performing Arts Center, as defined in Chapter 6							P	P	P	P	P		

6.10.Subdivision recreation area (private)	S	S	S										
6.11 Film Production or Recording Studio						P					P	P	
7.0 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise or equipment													
7.1 Manufacturing operations conducted entirely within fully enclosed permanent building, not otherwise specified						P					P	P	
7.2 Manufacturing operations conducted within fully enclosed building with outdoor storage, not otherwise specified											P	P	
7.3 Manufacturing operations that conduct some operations outside fully enclosed building													P
7.4 Baking Plants													P
7.5 Catering and commercial kitchens						P					P	P	
7.6 Cold storage plants													P
7.7 Craft brewery						S	S	S	S	S	P	P	
7.8 Craft distillery						S	S	S	S	S	P	P	
7.9 Dry cleaning plants													S
7.10 Enameling, painting or plating, except artist's studios											P	P	

7.11 Millworks												P	P
7.12 Newspaper offices and printing plants, incidental to such offices												P	P
7.13 Packaging and assembly												P	P
7.14 Printing and publishing plants													P
7.15 Soft drink bottling and distribution plants												P	P
7.16 Tire retreading and recapping plants													P
7.17 Innovator space						S	S	S	S			P	P
<b>8.0 Storage and Parking</b>													
8.1 Parking structures, multi-level, or surface parking lots as a primary use						S	S	S	S	S	S	S	S
8.2 Storage of goods not related to sale or use of those goods on the same lot where they are stored (see Subsection 240-13(h)(2), Outdoor Storage Standards													
8.2.1 Building material or other outdoor storage yards as a principal use												P	P
8.2.2 Building material or other outdoor storage						A						A	A
8.2.3 Truck terminal - carting, moving or hauling terminal or yard													P
8.2.4 Cold storage and freezer													P

lockers														
8.2.5 Self-storage							S						S	S
8.2.6 Warehouse, storage or distribution center as a principal use													P	P
8.3 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot (such as an auto dealership inventory storage lot)													P	P
<b>9.0 Services and enterprises related to animals</b>														
9.1 Boarding and breeding kennels and animal hospitals with outdoor boarding of animals													S	S
9.2 Keeping of animals	A	A	A	A	A	A	A	A	A	A	A	A	A	A
9.3 Veterinarian, including animal hospitals, veterinary clinics with no outdoor boarding of animals, and county animal control shelter						S	S	S	S	S	S	S	S	S
<b>10.0 Funeral Related Services (Human and Animal Related)</b>														
10.1 Cemetery	S	S	S	S	S	S	S	S	S	S	S	S	S	S
10.2 Crematorium							S	S					S	S
10.3 Funeral home							P	P					P	P

<b>11.0 Educational, cultural, religious, philanthropic, social or fraternal uses</b>														
11.1.1 Public and private schools offering general education courses (including associated grounds and athletic and other facilities)	S	S	S	P	P	P	P	P	P	P	P	P	P	P
11.1.2 Trade or vocational schools							P	P	P	P		P	P	
11.1.3 College, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)							P	P	P	P		P	P	
11.2 Assembly halls, including union halls, conference halls, civic halls and activities of a similar nature							P	P	P			P	P	
11.3 Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)				P			P	P	P	P	P	P	P	P
11.4 Places of worship and places of assembly (including associated residential structures for religious personnel and associated buildings)	S	S	S	P	P	P	P	P	P	P	P	P	P	P
11.5 Social, fraternal clubs and lodges, union halls and similar uses				P	P	P	P	P	P			P	P	
11.6 Clubs and lodges catering exclusively to members and their guests					P	P	P	P	P	P	P	P	P	P
<b>12.0 Miscellaneous Public</b>														

<b>and Semi-Public Facilities</b>													
12.1 General public buildings and uses, not including 12.x uses listed below	P	P	P	P	P	P	P	P	P	P	P	P	P
12.2 Communications facilities, including cellular tower	S	S	S	S	S	S	S	S	S	S	S	S	S
12.3 Collection Container (as an accessory use)					A	A	A	A	A	A	A	A	A
12.4 Emergency Services (Police, Fire, EMS, Ambulance, Civil Defense)				P	P	P	P	P	P	P	P	P	P
12.5 Solar energy system, accessory	A	A	A	A	A	A	A	A	A	A	A	A	A
12.6 Solar energy system, principal												S	S
12.7 Utility transmission and monitoring facilities	S	S	S	S	S	S	S	S	S	S	S	S	S
<b>13.0 Agricultural, Forestry, Mining, Quarrying Operations</b>													
13.1 Agricultural operations, farming and forestry (on lots 3 acres or greater)	P	P										P	P
13.2 Community Gardens	S	S	S	S	S	S	S	S	S	S	S	S	S
3.3 Greenhouse and horticultural nurseries							P		P			P	P
13.4 Recycling center													P
<b>14.0 Temporary Structures and Special Events used in connection with the construction of a permanent</b>													

<b>building or for some non-recurring purpose</b>													
14.1 Temporary Outdoor Sales Events							T	T	T	T	T	T	T
14.2 Mobile Food Unit				T	T	T	T		T	T	T	T	T
14.3 Temporary structures used in connection with the construction of permanent building or for some non-recurring purpose	T	T	T	T	T	T	T	T	T	T	T	T	T

- (3) The following uses of land and buildings are incompatible with existing and future development within the City limits and are prohibited in all districts. In addition, neither the Development Director, City Manager, nor the Mayor and City Council shall have the authority to grant variances or special exceptions for these prohibited uses:
- a. Meat packing, slaughtering, eviscerating and skinning;
  - b. Poultry killing, plucking and dressing;
  - c. Rendering of byproducts of slaughtering and killing animals or poultry;
  - d. Yards for the sale, transfer or temporary holding of livestock;
  - e. Use of equipment which causes off-site radio or television interference and interferes with airport operations;
  - f. Landfills and junkyards;
  - g. Outside storage on any property that is not customarily incidental and subordinate to the principal building or is not otherwise permitted by this section;
  - h. Adult Massage Establishment, see definition in Chapter 110 under "Adult entertainment establishment," this does not refer to a "Massage establishment" or "spa establishment," see definition in Chapter 110.
  - i. Those uses that emit obnoxious, injurious or offensive noise, vibrations, smoke, dust, gas fumes or odors or create fire or explosion hazards or other objectionable conditions shall be prohibited.

(Ord. No. [682](#), pt. I, 6-16-15; Ord. No. [683](#), pt. II, 8-18-15; Ord. No. [684](#), pt. I, 8-18-15; Ord. No. [687](#), pt. II, 9-15-15; Ord. No. [706](#), pt. I, 6-21-16; Ord. No. [711](#), pts. II—VI, 7-19-16; Ord. No. [717](#), pt. I, 8-16-16; Ord. No. [725](#), pts. II—IV, 10-18-16)

Sections 240-2—240-6. - Reserved.

ARTICLE 2. - ACCESSORY USE STANDARDS



Section 240-7. - Accessory use standards.

- (a) *General accessory use provisions.* Accessory uses shall be permitted as a subordinate use to the primary use existing on the site. Certain accessory uses shall be subject to the additional standards described in this section. Accessory uses shall be operated in a way that presents no nuisance to the surrounding properties or larger community.
- (1) Accessory uses for commercial development shall include those normally appurtenant to such development, as provided for in other sections of this UDO.
  - (2) Any accessory use normally appurtenant to a permitted use shall be allowed provided that such use conforms to all performance standards set forth for that district.
  - (3) Such structures and uses shall be located on the same lot as the principal building to which they are accessory.
  - (4) In all zoning districts, no accessory use shall be permitted in public rights-of-way.
  - (5) Should these standards conflict with other standards provided in the UDO, the following design and development standards shall apply.
- (b) *Specific accessory use provisions.* The following accessory use provisions are organized by major use category as presented in Section 240-1, Table of Permitted and Prohibited Uses. Permitted use table reference numbers are presented in brackets [#].
- (1) Single-Family detached, with an accessory dwelling [1.1.2]
    - a. The owner of the property shall reside on the property in either the principal dwelling or the accessory dwelling.
    - b. The accessory dwelling shall be located within the primary dwelling (e.g., accessory apartment) or shall meet the locational and dimensional requirements for accessory structures.
    - c. Accessory dwellings shall be permitted only on lots that are a minimum of 8,000 square feet in size.
    - d. Only one accessory dwelling shall be allowed per lot.
    - e. An entrance that is separate from the main dwelling shall be provided for the accessory dwelling unit.
    - f. The property shall retain a single-family appearance from the street.
    - g. There shall be at least one off-street parking space for the accessory dwelling unit in addition to base off-street parking requirements for the principal use as provided in Chapter 250.
    - h. The size of the accessory dwelling unit may be no more than 50% of the living area of the principal dwelling unit or a maximum of 800 square feet, whichever is less.
    - i. The accessory dwelling shall be constructed with exterior materials, roof forms, and fenestration that is similar to that of the principal dwelling.
    - j. No business activity is permitted in the accessory dwelling unless it meets the requirements of a home occupation.
  - (2) *Home occupations [1.4].*
    - a. It is the intent and purpose of this section to provide for certain types of restricted occupational uses. Such uses are restricted to those which:
      1. Are incidental to the use of the premises as a residence;
      2. Are compatible with residential uses; and
      3. Do not detract from the residential character of the neighborhood.

- b. Any building used for residential occupancy may conduct a home occupation use if:
1. The primary use of the unit is residential;
  2. The following standards are complied with in full at all times:
    - (a) Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be engaged and employed in such occupation, and the number of residents employed shall not exceed two;
    - (b) No mechanical or electrical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes;
    - (c) No outside operations, storage, or display of materials or products shall be visible from the right-of-way or from any adjacent property;
    - (d) No accessory buildings shall be used in connection with the home occupation, unless the accessory building is used as an accessory dwelling unit;
    - (e) No alteration of the residential appearance of the premises occurs, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the business;
    - (f) There shall be no exterior evidence of the home occupation;
    - (g) No commodity shall be stocked or sold on the premises to the general public;
    - (h) Visitors, customers or deliveries shall not exceed that normally and reasonably occurring for a residence and shall, under no circumstance, exceed more than two business visitors an hour and eight a day and not more than two manufacturer or wholesaler direct deliveries of products or materials per week;
    - (i) No on-street parking associated with the business shall be permitted;
    - (j) Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation;
    - (k) The home occupation shall be restricted to 25 percent of the dwelling and shall not exceed 200 square feet of floor area, whichever is less; and
    - (l) There shall be no group instruction, assembly, or activity.

(3) *Automatic teller machines (ATMs) [5.5].*

- a. ATM facilities may be located as follows when not located on storefront streets:
  1. As an accessory use with a drive-through service lane of a permitted bank.
  2. As a freestanding accessory structure with a drive-through service lane located in the parking lot of a multi-tenant commercial or mixed-use building,
  3. On the ground floor within a multi-story parking structure, provided that the entrance, exit and stacking lanes are separate from entrance and exit lanes of the parking structure; and
  4. As a walk-up vending machine adjacent to a public or private sidewalk when permitted as an accessory use to a bank, office building or commercial/retail use.
- b. On storefront streets, ATMs are permitted only when integrated into facades or when entirely internal to a building.
- c. All ATM installations shall comply with all the following requirements:

1. A five-foot deep and four-foot wide privacy area shall be provided in front of the ATM. This would require an ATM to be set back in an alcove when located adjacent to a sidewalk.
  2. At the time that the ATM is removed, the structure's facade shall have a finished appearance consistent with the existing structure and shall be subject to the approval of the Development Director.
  3. Outdoor security lighting shall be required, subject to approval of the Development Director.
  4. The ATM shall be designed to meet the requirements of the ADA.
  5. A trash receptacle shall be located within 10 feet of the ATM.
  6. Installation shall not reduce any required landscape or parking areas. Required trees must be located and species of trees chosen appropriately to allow security lighting to take precedence.
  7. Stand-alone ATMs shall not be visible from the public right-of-way.
  8. A maximum of two wall signs are permitted with a total aggregate sign surface area not to exceed 16 square feet.
- d. Development standards for ATM facilities in parking lots or drive-through service facilities:
1. Maximum height: 12 feet, including any signage or canopy.
  2. Minimum setback from right-of-way: 25 feet.
  3. Located a minimum of 125 feet from the property line corner of the nearest street intersection.
  4. ATMs are subject to the design requirements of Chapter 230 and the driveway and stacking space requirements of Chapter 250;

(4) *Satellite dishes [5.24].*

- a. Satellite dishes larger than 24 inches in diameter are prohibited from being installed in single-family residential districts.
- b. No satellite dish may be placed in the front or street side yard of a single-family residential district.
- c. If a satellite dish is installed in a front or side yard in any other district, the overall mounted height of the satellite dish and the mounting pole shall not exceed 6 feet in height above the ground and the entire assembly shall be screened by an aesthetically pleasing encasement or allowable vegetation.
- d. Satellite dishes shall not be mounted on or attached to trees.

(5) *Swimming pools [6.7].*

- a. Swimming pools having a minimum depth of two feet shall:
  1. Be located a minimum of ten feet from any property line, as measured from the edge of the water; and
  2. Be completely enclosed with an adequate protective fence of not less than six feet in height with latching or similar secure closure.

(6) *Building Material or other outdoor storage as an accessory use to sales [8.2.2].*

- a. Outdoor storage shall be set back at least 15 ft. from any side or rear property lines.

- b. Outdoor storage shall be screened by a solid fence as required to screen view from adjacent property and public streets.
  - c. Outside the fence, the perimeter of the outdoor storage area shall be landscaped to provide a year-round vegetative screen.
  - d. Outdoor storage shall not be located in a front or street side yard.
- (7) *Keeping of animals [9.2].* Small animals, domestic fowl, farm animals, and bees shall be subject to the following specific regulations and all regulations promulgated by the county health department:
- a. *Small animals.*
    - 1. Up to three (3) small animals are allowed (cats, dogs, rabbits, goats, etc.), accessory to each dwelling unit or business establishment. On lots of 20,000 sq. ft. or more, up to four (4) small animals are allowed. One additional small animal is permitted for each 5,000 sq. ft. of lot area in excess of 20,000 sq. ft.
    - 2. In no case is more than one potbelly pig allowed. Potbelly pigs may be no greater than 22 inches in height at the shoulder or more than 150 pounds.
    - 3. Goats may be kept if they are Miniature, Dwarf, or Pygmy. Goats must be dehorned, and male goats must be neutered.
  - b. *Domestic fowl.*
    - 1. Up to eight domestic fowl may be kept on any lot in addition to the small animals allowed. On lots greater than 10,000 sq. ft. that include a community garden or an urban farm, one additional fowl is permitted for every 1,000 sq. ft. of lot area over 10,000 sq. ft. in community garden or urban farm use.
    - 2. Roosters are not permitted.
    - 3. Structures housing domestic fowl must be located at least 10 feet away from any residential structure on an adjacent lot.
    - 4. Every person owning or keeping chickens or any other domestic fowl in the city is required to keep such fowl and chickens confined and not allow such chickens or fowl to enter any other property.
  - c. *Farm animals.*
    - 1. Cows, horses, sheep, and other similar farm animals shall be limited to property having a minimum lot area of three acres. Any structure, pen, corral or other building appurtenant to the keeping and raising of farm animals must be located a minimum of 200 feet from any property line. Pigs, other than potbelly pigs, are not allowed.
    - 2. On these lots, one farm animal for every 10,000 sq. ft. of lot area is permitted.
  - d. *Bees.*
    - 1. Bees are permitted in accordance with the State Department of Agriculture.
    - 2. Bees shall not be allowed on lots less than 10,000 sq. ft. in area.
    - 3. No more than four hives, each with only one swarm, are allowed on a lot.
    - 4. Hives may not be located within 20 feet of any lot line.
    - 5. Hives may be located in any side or rear yard.
- (8) *Collection Containers [12.3].*
- a. Are limited to one Collection Container per parcel.

- b. Shall only be permitted on a parcel that also contains a principal building that contains at least one operating business.
- c. Chamblee Police Department shall be furnished with a key to the locking mechanism.
- d. Shall be located as follows:
  - 1. Shall not be located within 1,000 feet of any other Collection Container.
  - 2. Shall not be located within 100 feet of any residentially zoned parcel.
  - 3. Shall not be located within 20 feet of any public right-of-way.
  - 4. Shall only be permitted in the rear or side yard and shall be located at least 5 feet from any property line.
  - 5. Shall not be permitted to obstruct pedestrian or vehicular circulation, nor be located in any public right-of-way, zoning buffer, front yard setback, street side yard setback, landscape zone, landscape island or strip, supplemental zone, parking space, fire lane or loading zone.
  - 6. Shall not be located on a parcel abutting a Storefront Street as identified on the Streetscapes and Gateways Map located in the Appendix of this UDO.
  - 7. Shall not be located between a building and a street.
- e. Shall only be permitted to display signage on one side.
- f. Shall be clearly visible from the principal building and be no more than ten feet from a continually operating light source of at least one-foot candle.
- g. Collection Containers shall:
  - 1. Be fabricated of durable and waterproof materials not including wood;
  - 2. Be placed on a surface that is paved with durable cement;
  - 3. Have a collection opening that has a tamper-resistant locking mechanism;
  - 4. Be no more than 84 inches high, 60 inches wide and 50 inches deep;
  - 5. Not be electrically or hydraulically powered or otherwise mechanized;
  - 6. Have the following information conspicuously displayed on at least two-inch type visible from the front of the Collection Container:
    - (a) The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the owner and operator of the Collection Container and the parcel owner/owner agent;
    - (b) Address and parcel number of the site;
    - (c) Instructions on the process to register a complaint regarding the Collection Container to the City Code Enforcement Division;
    - (d) The type of material that may be deposited;
    - (e) A notice stating that no material shall be left outside the Collection Container;
    - (f) The pickup schedule for the Collection Container;
    - (g) If owned by a nonprofit organization:
      - (1) A statement describing the charitable cause that will benefit from the donations; and
      - (2) The statement "This collection box is owned and operated by a nonprofit organization."

- (h) If owned by a for-profit entity:
  - (1) "This donation is not tax deductible." and
  - (2) "This collection box is owned and operated by a for-profit organization."
- h. No collection overflow, litter, debris or dumped materials shall be present at any time;
- i. Shall be maintained in good working order and be graffiti free at all times;
- j. Shall be serviced at least once per week between the hours of 9 AM and 6 PM.
- (9) *Solar energy system, accessory [12.5].*
  - a. *Nonresidential.* Active solar energy systems shall be allowed as an accessory limited use in all commercial or industrial zoning districts under the following standards:
    - 1. *Roof-mounted solar systems.* In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
      - (a) Pitched roof-mounted solar systems. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
      - (b) Flat roof-mounted solar systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.
      - (c) The underlying zoning district maximum height for these systems shall be complied with.
    - 2. *Ground-mounted solar systems.* Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located, or 25 feet, whichever is strictest. The height of the structure(s) shall not be taller than 25 feet in height.
    - 3. *Visibility.* Active solar systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way or adjacent residentially-zoned property per the standards of Chapter 320.
    - 4. *Approved solar components.* Electric solar system components must have a UL listing.
    - 5. *Plan approval required.* All solar systems shall require a limited use approval by the Development Director.
    - 6. *Plan applications.* Plan applications for solar systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
    - 7. *Plan approvals.* Applications that meet the design requirements of this section shall be granted administrative approval by the Development Director.
    - 8. *Compliance with building code.* All active solar systems shall meet approval of the building code.
    - 9. *Compliance with electric code.* All photovoltaic systems shall comply with the National Electrical Code, current edition.
    - 10. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Development Director that the owner has been approved by the utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

- b. *Residential*. An application for a proposed solar collector/energy system located at a residence must meet the following standards as a limited accessory use:
  - 1. All solar energy collectors, whether ground-mounted or mounted on an existing structure, shall meet the minimum accessory structure zoning setbacks for the zoning district in which located. The height of the structure shall not be taller than the maximum allowed height of a structure in the zoning district in which located.

(Ord. No. [682](#), pt. I, 6-16-15)

Sections 240-8—240-11. - Reserved.

### ARTICLE 3. - SUPPLEMENTAL USE STANDARDS

Section 240-12. - Measurements.

In interpreting the distance requirements between incompatible uses, measurements shall be made along a straight line drawn from the closest point of the property line of the site occupied by the subject use to closest point of the property line of the site occupied by the limiting use. This applies to the following use provisions found in Section 240-13: (1) Adult Entertainment, (2) Pawn Shops, (3) Personal Care Homes (group), (4) Kennels and animal hospitals, (5) Package Stores for the sales of alcoholic beverages, and (6) Tobacco products shop.

Section 240-13. - Supplemental use provisions.

- (a) Should these standards conflict with other standards provided in the UDO, the following design and development standards shall apply.
- (b) The following supplemental use provisions are organized by major use category as presented in Section 240-1, Table of Permitted and Prohibited Uses. Permitted use table reference numbers are presented in brackets [#].
  - (1) *Single-Family attached (townhouse) dwellings [1.1.3]*.
    - a. Minimum width of lot: 20 ft.
    - b. Total FAR (max): per zoning district
    - c. Maximum impervious surface: per zoning district and applied to the entire development
    - d. Max building height: per zoning district
    - e. Perimeter Yards: per zoning district
    - f. Interior Yards: none except there must be a minimum of 5 feet between the end of a townhome unit and any internal adjacent sidewalk, alley or street.
    - g. Minimum lot size: 1,600 sq. ft.
    - h. See Section 230-27(e) for minimum front porch dimensions.
    - i. Each townhouse shall have a minimum of 200 sq. feet of private yard space in either the front or rear, not including driveways and alleys.
    - j. For townhome developments exceeding eight (8) units, the minimum open space shall be 20 percent of gross acreage of the development. The open space shall be common to the development.

- k. Minimum heated floor area of each Townhouse dwelling shall be 1,600 sq. ft.
- l. All townhouse dwellings shall include a side-by-side two-car garage that is either under the unit or detached. Garage doors shall be setback at least 18 ft. from the adjacent sidewalk or alley so that a parked vehicle in the driveway will not obstruct the sidewalk or alley.
- m. All townhouse buildings shall include a continuous sidewalk 5 ft. in width connecting front entrances of all dwellings.
- n. No individual townhouse shall have vehicular access to an existing external street. A minimum of 50 percent of townhouse developments with more than 20 units shall have rear-entry garages. Alleys are permitted as the principal means of vehicular access for these units. See Section 350-3, Requirements for New Streets, for specifications of alleys.
- o. At least 50 percent of townhouse facades that face public streets shall be constructed of brick, stone, or textured masonry units.
- p. The front facades 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.
- q. If there are common areas, townhouse developments shall have a mandatory homeowner's association that shall own and maintain all common areas.

(2) *Cottage cluster development [1.1.4].*

- a. Cottage cluster development shall be designed to accommodate a minimum of four and a maximum of twelve detached dwelling units surrounding a shared internal courtyard. Each unit shall have a direct entrance from the courtyard.
- b. Each dwelling unit shall have a minimum of 500 square feet of heated floor area and a maximum of 1,500 square feet.
- c. The courtyards shall be a minimum of 5,000 square feet in size. A minimum of 70 percent of the courtyard shall consist of pervious material, of which a minimum of 50 percent of the courtyard shall be landscaped. Courtyards shall not be parked or driven upon except for emergency access and permitted temporary events.
- d. A cottage development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee-simple or condominium lots.

(3) *Multifamily residences [1.2].*

- a. "Four-sided architecture" is required, such that architectural features and materials shall be used in a consistent manner on all sides of the residential units.
- b. Minimum heated and finished floor area for multifamily dwelling units shall be as follows: studio: 650 square feet; one bedroom: 790 square feet; two bedrooms: 1,000 square feet; three bedroom: 1,200 square feet per unit.
- c. Multi-family and parking uses are not permitted on the ground floor within 100 feet of a public or private street. If such uses are located on the ground floor beyond 100 feet from a street, they shall be concealed and wrapped by other active uses positioned adjacent to the street.
- d. Multifamily units shall provide a minimum of 60 percent of units with a balcony that may be occupied.



- e. A minimum of 100 sq. ft. of open space per unit or 20 percent of the lot, whichever is greater, shall be provided in common areas at ground level or on rooftop gardens.
- f. Surface parking lots shall be well lit and shall be limited to the rear or interior side yards. If visible from the street, they shall be screened with landscape materials as provided in Chapter 320, Article 3.
- g. Buildings shall conform to the following design standards:
  - 1. 60 percent of exterior building materials on facades must be brick or stone.
  - 2. (a). Masonry should "wrap" corners to avoid appearance of being "applied."
  - 3. Break-up facades, both vertically and horizontally, through building materials and offsets.
  - 4. Vary roof lines.
  - 5. Utilize a variety of building materials to create visual interest.
  - 6. Building entrances should be well-marked and identifiable from the building form.

Common walls and common floors ceiling between units shall be constructed to meet a sound transmission coefficient (STC) rating of 50 or higher.

(4) *Live-work units [1.2.2].*

- a. Live-work units shall be owner-occupied mixed-use dwellings that are fire separated from adjacent units as attached dwellings such as townhouses or as part of a larger mixed-use building.
- b. The maximum number of households in a single live-work unit shall be two.
- c. If any, the minimum number of live-work units in a building is two.
- d. Each live-work unit shall contain a minimum of 2,400 gross square feet of which the nonresidential component shall be no less than 500 sq. ft. and shall be on the ground floor oriented to the street.
- e. The owner-proprietor of the business shall be the owner and occupant of the entire live-work unit, including the residential unit(s).
- f. An occupational tax certificate shall be required for operation of a business. The business shall not be considered a home occupation.
- g. The business use or activity shall not employ more than two persons other than the owner-proprietor.
- h. Permitted business uses in a live work unit shall be one of the following types:
  - 1. Professional office, workshop, or design studio (art, architecture, engineering, jewelry design, real estate, marketing, counseling, etc.)
  - 2. Professional services (travel agent, hairdresser, nail salon, tanning salon, music sales or instruction, tutoring, etc.)
  - 3. Specialty retail sales (newsstand, books, jewelry, clothing, shoes, antiques, confections, coffee/tea, ice cream).
  - 4. Other similar uses subject to approval of the City Manager.
- i. The façade of the live work unit shall meet the requirements of Section 230-27.

(5) *Mixed-use development [1.3].* Mixed-use development shall facilitate a live-work-play environment, minimize driving between uses, and promote walkability.

- a. Mixed-use developments shall comply with the supplemental regulations for each applicable use within the development.
  - b. The following standards apply to residential portions of the building:
    - 1. Residential portions of the building shall have at least two entrances/exit ways to the ground floor that are separate from the entrances/exit ways used by occupants of nonresidential portions of the building.
    - 2. Primary entrance for the residential portion of the building shall be clearly visible from the street and shall face the street.
- (6) Convertible Space [1.3.2]
- a. Convertible space may be substituted for not more than 50 percent of the nonresidential use otherwise required in mixed-use buildings.
  - b. Such convertible space shall be oriented toward the street.
- (7) *Group residential facility* [1.5.1].
- a. Each group residential facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each facility licensed and/or permitted by the State of Georgia must display its State-issued license(s) and/or permit(s) in plain view visible from the front doorway of the facility.
  - b. Each group residential facility must obtain all necessary permits and inspections before a certificate of occupancy may be issued by the City. Certification evidencing satisfactory inspections must be displayed in plain view visible from the front doorway of the facility.
- (8) *Personal care homes* [1.5.2].
- a. *General requirements.*
    - 1. Each personal care home must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its State-issued license(s) and/or permit(s) in plain view visible from the front doorway of the facility.
    - 2. Each personal care home licensed and/or permitted by the State of Georgia must obtain a business occupation tax certificate as required by Chapter 22. (hereinafter referred to as a "business license") from the City before beginning to operate. Each personal care home must display its City-issued business license in plain view visible from the front doorway of the facility.
    - 3. Each personal care home must obtain all necessary permits and inspections before either a certificate of occupancy or business license may be issued by the City. Certification evidencing satisfactory inspections must be displayed in plain view visible from the front doorway of the facility.
    - 4. For all building permitting procedures, personal care homes will be considered commercial uses.
  - b. *Personal care home, group.*
    - 1. No group personal care home located in any residential NR zoning district may be operated within one thousand (1,000) feet of any other group personal care home. Distances shall be measured as provided in Section 240-12.
    - 2. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license

application must reside in the group personal care home. If owned by an individual, the individual owner must reside in the group personal care home.

(9) *Child and personal care uses (including family daycare homes, group day care home, and child care learning centers) [1.5.3].* Family day care home, group day care home, and child learning centers shall meet all applicable state requirements and shall receive all necessary county board of health and state fire marshal approvals prior to issuance of a permit for construction and operation.

(10) *Extended-stay motels/hotels [1.7.4].*

a. *Regulations.*

1. Extended-stay motels/hotels are limited to no more than 25 guest rooms per acre;
2. Each guest unit must contain a minimum square footage per unit of 300 square feet;
3. Extended-stay hotels/motels shall not be more than four stories in height;
4. Extended-stay hotels/motels must be constructed on a tract of land containing at least two acres;
5. Extended-stay hotels/motels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three clothes washers and three clothes dryers for the use of guests;
6. Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection;
7. Management must be on the property 24 hours a day, seven days a week;
8. Daily maid service must be included in the standard room rate; and
9. Parking areas must have security fencing and lighting in compliance with the Outdoor Lighting Ordinance.

b. *Change of location or name.*

1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than their name and the name of the business as specified on the occupation tax certificate.
2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
3. There is established an administrative fee to apply for a change of name for an extended-stay motel.

(11) *Sales or rental establishments with drive-through facilities [2.3], Sales or rental establishments with drive-through facilities [2.6], and Restaurants with drive-through facilities [3.5].*

- a. Such uses are not permitted on storefront streets.
- b. Applicants for drive-through facilities shall submit a plan demonstrating the adequacy of entrance and exit facilities, stacking spaces adjacent to service facilities, provision for circulation, and layout of parking areas as a part of the initial permitting phase.
- c. The Development Department may prohibit left-turn movements entering or leaving such establishment, may limit hours when such movements may be made, may require

construction of deceleration lanes adjacent to entrances, and may make such other requirements as are reasonably necessary to assure safety to pedestrians and motorists and to avoid inconvenience and traffic congestion. Such requirements shall be determined after review of a traffic study submitted by the applicant, which is a required submittal for establishing such a use.

- d. Stacking spaces shall comply with Section 250-8.
- e. Drive-through facilities shall not be located between a building and the street.
- f. Drive-through service windows shall not be visible from any public right-of-way.

(12) *Convenient cash business [2.6].*

- a. Convenient cash businesses are allowed only on lots with frontage on a Boulevard street, as identified in the Streetscape and Gateway Map in the appendix.
- b. Convenient cash businesses may not be located within 1,000 feet of an existing pawn shop or convenient cash business. Distances shall be measured as provided in Section 240-12.

(13) *Corner commercial [2.7].*

- a. Corner commercial shall be limited to the Neighborhood Infill (NR-3) zoning district and located on a parcel that is not less than 15,000 sq. ft. and not more than 1 acre in size at the intersection of a feeder street with another feeder street or local street. The following uses are permitted within a corner commercial site:
  - 1. Barber and beauty shops and other similar operations.
  - 2. Bed and Breakfast Inn.
  - 3. Bookstore.
  - 4. Child Day Care.
  - 5. Clinics, including medical, dental, chiropractic, osteopathic, and similar operations.
  - 6. Convenience store (no gasoline sales).
  - 7. Coffee shop.
  - 8. Laundry and dry cleaning.
  - 9. Fitness center.
  - 10. Food store and grocery.
  - 11. Growler store.
  - 12. Hardware store.
  - 13. Ice cream parlor.
  - 14. Newsstand.
  - 15. Pet grooming (no overnight boarding).
  - 16. Restaurant (no drive-through).
  - 17. Restaurant with outdoor dining.
- b. The property shall be designed in a manner consistent with UDO Design Guidelines Addendum 1.0, Figure 4.3.
- c. Outside dining is permitted for an area not greater than 50 percent of the indoor seating area and shall be included in the minimum parking requirements.

- d. Corner commercial properties that abut single-family property shall provide a 15 ft. vegetated buffer and 6 ft. tall solid fence along the property line abutting the residential property as provided in Section 320-12.

(14) *Drive-in theater [2.8].*

- a. Applicants for drive-through facilities shall submit a plan demonstrating the adequacy of entrance and exit facilities, stacking spaces adjacent to service facilities, provision for circulation, and layout of parking areas as a part of the initial permitting phase.
- b. The Development Department may prohibit left-turn movements entering or leaving such establishment, may limit hours when such movements may be made, may require construction of deceleration lanes adjacent to entrances, and may make such other requirements as are reasonably necessary to assure safety to pedestrians and motorists and to avoid inconvenience and traffic congestion. Such requirements shall be determined after review of a traffic study submitted by the applicant.
- c. Stacking spaces shall comply with Section 250-8.
- d. Drive-in -facilities shall not be located between a building and the street.

(15) *Package stores for the sale of alcoholic beverages [2.18].* See Chamblee Code of Ordinances, Chapter 6 - Alcoholic beverages, Article IV, Retail Package Sales of Distilled Spirits.

(16) *Pawn shops [2.20].*

- a. Pawn shops are allowed only on lots with frontage on a Boulevard street, as identified in the Streetscape and Gateway Map in the City Comprehensive Plan.
- b. Pawn shops may not be located within 1,000 feet of an existing pawn shop or convenient cash business. Distances shall be measured as provided in Section 240-12.

(17) *Sporting goods retail with accessory indoor shooting ranges [2.25].* Under no circumstances shall a shooting range be permitted as a principal use. Sporting goods retail establishments with accessory indoor shooting ranges shall comply with the following provisions:

- a. Buildings containing shooting ranges shall have walls, ceilings, and floors that are impenetrable to the bullets of the firearms being used within it, and shall provide an absorption system for wall, ceiling and trap for bulletproofing and lead containment. Provisions shall also be made to stop glancing bullets or particles of bullets at the sides of the target area.
- b. Absorption systems shall be constructed of rubberized media such that a majority of captured projectiles remains intact.
- c. A ventilation system shall be installed and maintained within the range that complies with the standards and requirements of the Environmental Protection Agency (the "EPA").
- d. Buildings containing ranges shall comply with all requirements of the National Association of Shooting Ranges (NASR) and the Occupational Safety and Health Act (OSHA).
- e. All indoor shooting ranges shall be of such construction whereby the sound from the discharge of any firearm and the impact of any projectile shall not exceed the sound level limitations as set forth in Chapter 310, Article 4, "Noise" of this UDO.
- f. Fifty percent or more of the overall square footage of a structure containing shooting range facilities shall be used for the retail sale of sporting goods.

- g. Residential uses shall not be permitted on the same site as a retail sporting goods establishment with an accessory indoor shooting range.
- h. No piece of any projectile or target shall leave the building because of the activities taking place therein.
- i. All indoor shooting ranges shall comply with all local, state and/or federal regulations related to indoor shooting ranges.
- j. No firearms other than handguns, shotguns or rifles with a bore of 0.50 caliber or less shall be discharged on premises containing a shooting range.
- k. There shall be posted conspicuously inside any building containing a shooting range a sign stating the rules and regulations of the range.

(18) *Tobacco products shop [2.27].*

- a. No tobacco products shop, including sale of e-cigarettes, shall be located within ½ mile of another tobacco products shop. Distances shall be measured as provided in Section 240-12.
- b. In the VC districts, tobacco products shops shall not exceed a floor area greater than 2,500 square feet.

(19) *Fireworks Sales [2.31]*

- a. Outdoor sales of fireworks shall be limited to properties with an occupational tax certificate for indoor sales of fireworks.
- b. Outdoor sales shall be limited to 400 sf of the lot and shall be limited to 30 days in a calendar year.
- c. Required parking shall not be occupied for the outdoor sales of fireworks.

(20) *Restaurants with outdoor dining [3.2].* Outdoor dining for restaurant service is permitted subject to the following standards:

- a. No outdoor seating shall be used for calculating seating requirements pertaining to the location of, applications for, or issuance of a liquor license for any establishment nor shall the additional seats be used to claim any exemption from any other requirement of any county or state codes or ordinances.
- b. Outdoor dining abutting a public sidewalk shall be subject to the following additional development standards:
  1. Outdoor dining areas may not conflict with sidewalk clear zones. They may be counted toward the required supplemental zone. When located adjacent to a sidewalk clear zone, the outdoor dining area shall be clearly delineated.
  2. A minimum setback of at least 2 feet from the curb line shall be provided adjacent to on-street parking spaces in order to maintain adequate space for pedestrian access to motor vehicles.
  3. White string lighting may be permitted during operating hours.
  4. Outdoor entertainment shall not be amplified and shall cease at 10:00 p.m. Sunday through Thursday and at 11:00 p.m. Friday and Saturday.

(21) *Brew pubs [3.4].* Brewing activities shall be:

- a. Accessory to sales and consumption of food and beverages on-premises.
- b. Shall be located in a wholly enclosed building.

- c. Production space shall be limited subject to state law.
  - d. No outdoor equipment or outdoor storage is permitted.
- (22) *Restaurants with drive-through facilities [3.5]. See 240-12(b)(11) Sales or rental establishments with drive-through facilities [2.3], Sales or rental establishments with drive-through facilities [2.3], and Restaurants with drive-through facilities [3.5].*
- (23) *Restaurant Providing Hookah [3.6],*
- a. Indoor seating only.
  - b. Minimum 2,500 sq. ft. of floor area required for customer seating.
  - c. See International Building Code for mechanical ventilation requirements. Sprinklers may be required by the Fire Marshal.
- (24) *Automobile dealerships [4.1]. The following design standards shall apply to automobile dealerships.*
- a. Land uses within the project shall be clearly marked, separated and isolated from each other:
    - 1. Customer parking (sales) from employee parking and service areas;
    - 2. Service areas from sales areas;
    - 3. Car display areas from all other areas; and
    - 4. Auto inventory lot areas.
  - b. Auto dealerships on parcels larger than 3 acres may park up to 6 display vehicles in the front yard, but not closer than 20 feet from the right-of-way.
  - c. Service and storage areas shall not front or maintain a dominant position on the site as viewed from the public rights-of-way.
  - d. All storage/service areas shall be screened from all public rights-of-way and any abutting noncommercial properties with a vegetative screen as per the buffer landscape and tree guidelines.
  - e. If a car wash is provided as an accessory use to an automobile dealership, the supplemental regulations for car washes apply.
- (25) *Automotive wash services (Car Wash), as a principal or accessory use [4.5].*
- a. Car washes, where permitted as a principal use, shall provide a paved area located on the same lot for the storage of vehicles awaiting service. Said space shall be adequate in size to accommodate the number of vehicles equal to one-third of the practical hourly capacity of the washing facilities.
  - b. Outdoor storage of vehicles, equipment or materials shall not be permitted.
  - c. No permit shall be issued for any drive-through car wash where customers are served in their automobiles without approval of the Development Department as to the adequacy of entrance and exit facilities, reservoir spaces adjacent to service facilities, provision for circulation, and layout of parking areas.
  - d. The Development Department may prohibit left-turn movements entering or leaving such establishment, may limit hours when such movements may be made, may require construction of deceleration lanes adjacent to entrances, and may make such other requirements as are reasonably necessary to assure safety to pedestrians and motorists and to avoid inconvenience and traffic congestion. Such requirements shall be determined after review of a traffic study submitted by the applicant.
  - e. Stacking spaces shall comply with Section 250-8.

- f. Drive-through facilities shall not be located between a building and the street.
- g. *Commercial Car Wash Water Recycling Requirement.*
  - 1. All new commercial conveyor car washes, permitted and constructed after January 1, 2011 must install operational recycled water systems regardless of the water source. A minimum of 50% of water utilized will be recycled.
  - 2. The provisions of this ordinance do not apply to conveyor commercial car washes that were permitted or constructed before January 1, 2011.
  - 3. The provisions of this ordinance do not apply to self-service car washes or in-bay car washes.

(26) *Automobile rental establishments [4.7].*

- a. Automobile rental establishments shall park all automobiles for lease in marked spaces that are separate and do not occupy required parking.
- b. Accessory car wash and service areas shall be conducted entirely within enclosed structures.
- c. If a car wash is provided as an accessory use to an automobile rental establishment, the supplemental regulations for car washes apply.

(27) *Gasoline stations with convenience stores [4.9].*

- a. Gasoline fuel dispenser structures and associated vehicular services such as air pumps, vacuums, and other accessory uses shall not be located between a building and the street.
- b. If a car wash is provided as an accessory use to gasoline sales, the supplemental regulations for car washes apply.

(28) *Bus stop shelters [5.8].* Bus stop shelters may be constructed and maintained in any district as permitted in Section 240-1, Permitted Use Table. Bus stop shelters shall meet the standards listed below:

- a. Bus stop shelters may be located within any street right-of-way or within the required setback of property, which abuts a street, and within the supplemental zones, but shall not be located so that they might obstruct the vision of drivers on the street as regulated in City Code.
- b. A schematic plan shall be submitted and approved by the Development Director for the construction of a bus shelter. The plan must include the following information:
  - 1. The location of the proposed shelter relative to street, property, and setback lines;
  - 2. The size and design of the shelter, including all four (4) elevations, building materials, and any public convenience or safety features such as a telephone, lighting, heating, or trash containers.
- c. Bus shelters are required to provide a trash receptacle and a bench.
- d. Signage shall be limited to 25 square feet.

(29) *Bus station [5.11].*

- a. No motor carrier may remain on the premises for more than one hour at a time, except under extraordinary circumstances, such as inclement weather or mechanical failure.
- b. All motor carriers located on the station property shall require the driver or chauffeur to be actually present and in charge.



- c. Ticket sales may occur online or in-person; however, patrons shall be provided the opportunity to purchase tickets in-person at the bus station.
  - d. An indoor area shall be available for use by patrons for waiting and purchasing tickets. This area is required to secure an occupational tax certificate and shall be included in a multi-tenant or stand-alone building.
  - e. Bus loading area shall be located entirely on private property.
  - f. Loading or storage shall not occupy required parking or loading spaces on the site.
  - g. Operations of the bus station shall not interfere with the circulation of any other uses on site.
  - h. No overnight parking of personal vehicles shall be permitted.
- (30) *Massage establishments [5.20]*. See City of Chamblee Code of Ordinances, Chapter 22, Article VIII, "Massage and Spa Establishments" for applicable regulations.
- (31) *Tattoo establishments [5.26]*.
- a. Clients or business-related visitors shall be by appointment only and scheduled only between the hours of 8:00 a.m. and 8:00 p.m.
  - b. There shall be a minimum separation distance of 400 feet between tattoo establishments. Distances shall be measured as provided in Section 240-12.
  - c. Tattoo parlors shall be separated by at least five hundred (500) feet from any residential district, existing residential use, religious institution use, day care use, public park or recreation facility, or school. Distances shall be measured as provided in Section 240-12.
  - d. All federal, state and local regulations for tattoo establishments shall be met.
- (32) *Spa establishment [5.28]*. See City of Chamblee Code of Ordinances, Chapter 22, Article VIII, "Massage and Spa Establishments" for applicable regulations.
- (33) *Adult entertainment establishments [6.1]*. Adult bookstores, adult movie theaters, adult cabarets, and other adult entertainment establishments are subject to the following locational requirements in all districts in which they are permitted:
- a. Shall meet all requirements set forth by the City Code regulating Adult Entertainment Establishments in Chapter 22, Article VI.
  - b. No adult entertainment facility shall be located within 1,000 feet of any other adult entertainment establishment, package store, or any parcel of land which is either named or used for residential use or purpose, any public park, any public or private school, any child care home or child care institution, any public library, or any place of worship. Distances shall be measured as provided in Section 240-12. Distances shall be measured as provided in Section 240-12.
- (34) *Subdivision recreation centers (private) [6.8]*. Renovation of existing swim and tennis clubs built prior to 2006 shall be exempt from the following provisions of the Unified Development Ordinance:
- a. Subsection 230-26, Street Types Dimension Table.
  - b. Subsection 250-7(a)(1), Parking spaces.
  - c. Section 320-20, Landscape strip planting requirements.
  - d. Section 320-21, Off-street surface parking lot planting requirements.
  - e. New subdivision recreation centers (private) shall meet all requirements of the UDO.

(35) *Craft brewery [7.7]*. When located in the CC, CVC, TOD, MUBC Districts, the following supplemental regulations shall apply:

- a. Shall be a maximum of 20,000 square feet.
- b. No outdoor speaker systems shall be permitted.
- c. Production shall be in a wholly enclosed building.
- d. No outdoor equipment or outdoor storage is permitted.

(37) *Craft distillery [7.8]*. When located in the CC, CVC, TOD, MUBC Districts, the following supplemental regulations shall apply:

- a. Shall be a maximum of 20,000 square feet.
- b. No outdoor speaker systems shall be permitted.
- c. Production shall be in a wholly enclosed building.
- d. No outdoor equipment or outdoor storage shall be permitted.

*Dry cleaning plants [7.9]*.

- a. Dry cleaning plants using systems which make use of solvents rated at above 40 according to the Underwriters' Laboratories, Inc. Standard of Classification known as class I systems shall be prohibited.
- b. Dry cleaning plants which make use of solvents rated at more than five but less than 40 according to the Underwriters' Laboratories, Inc. Standard of Classification, known as class II and III systems, shall not be established in buildings with other occupancy and shall only be established in buildings which shall be set back not less than 20 feet from any side or rear property line and another building.
- c. The applicant for such a plant shall certify in writing and in the required plan that all the above conditions shall be met.
- d. Such dry cleaning plant shall comply with all of the requirements of the City, DeKalb County, and state fire prevention codes.
- e. Such plant shall be designed to operate in a manner that will not emit smoke, odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant.

(38) *Innovator space [7.17]*.

- a. When located in the VC, CC, CVC, and TOD zoning districts the following standards apply:
  1. The maximum floor area in a building that may be used for innovator space shall be 10,000 square feet.
  2. Activities related to innovator space shall take place within an enclosed building and outdoor storage of materials, inventory, equipment, commercial vehicles or equipment is prohibited.
  3. Activities related to innovator space shall not result in emissions of noise, smoke, fumes, heat, or odors that leave the innovator space.

(39) *Parking structures, multi-story [8.1]*.

- a. Multi-story parking structures shall meet the standards of Section 230-27 concerning proportion and scale of building facades.
- b. Above ground decks of multi-level parking structures shall not face public streets. Structures shall be screened from view by "liner buildings" providing pedestrian-oriented activities such as retail or office at least 20 feet in depth that are continuous along the

ground floor except for driveway entrances or completely enclosed by architectural facades that provide materials and design elements comparable to occupied buildings with external openings having proportions similar to those of upper floors of occupied buildings.

- c. External openings shall be screened with decorative elements such as metal grill-work, brick screens, or louvers.
  - d. Facades of all multi-story parking structures shall conceal automobiles from visibility from any public right-of-way or private drive or street that is open to the public.
  - e. Facades of all multi-story parking structures shall have the appearance of a horizontal-storied building.
  - f. Above ground decks of parking structures that have a total length or width of 250 feet or more along a public street shall provide at least one lighted and signed 5-foot-wide pedestrian entrance and walkway passing completely through the parking structure connecting with buildings or other sidewalks leading to adjacent buildings or to the surrounding streets.
  - g. The roof level of multi-story parking structures open to the sky shall provide adequate shade cover for a minimum of 40 percent of the upper surface.
  - h. Multi-story parking structures located on storefront streets shall also meet the requirements of Section 230-29.
- (40) *Self-storage facilities [8.2.5]*. Self-storage facilities shall meet the following standards of design and development:
- a. No individual storage space shall be larger than 600 sq. ft.
  - b. Storing hazardous or toxic materials is prohibited.
  - c. Storage shall be limited to personal property of households and small businesses.
  - d. No space may be used for residential occupancy, business sales or operation, storage of commercial or industrial inventory or raw materials, and no space may allow workspace or operation of machinery.
  - e. The facility shall consist of a single building that is a minimum of three stories in height.
  - f. Exterior wall material shall not include metal except for soffits, mullions, grills, and minor trim.
  - g. No outdoor storage is allowed.
  - h. Up to 15 percent of floor area may be used for administrative offices and related product sales.
  - i. Self-storage facilities must provide 24-hour security or camera surveillance.
  - j. A minimum of 75 percent of the street frontage of the self-storage facility shall consist of leased uses that shall be limited to retail sales, offices, commercial services, or restaurant uses, not including drive-through services, nor directly related to the sales and operations of the self-storage facility.
  - k. All self-storage facilities shall be climate-controlled.
  - l. All self-storage units shall be accessed from the interior of the building.
- (41) *Boarding and breeding kennels, and animal hospitals with outdoor boarding of animals [9.1]*.
- a. Kennels and animal hospitals, where permitted as a principal use, shall locate all structures, and elements used for housing animals, at least 200 feet from any property zoned or used for residential purposes.

- b. Outdoor kennels or runs must be at least 300 feet from the nearest property zoned or used for residential purposes.

(42) *Veterinarian, including animal hospitals, veterinary clinics with no outdoor boarding of animals, and county animal control shelter [9.3].*

- a. Animal hospitals and veterinary clinics shall be located at least 100 feet from any property zoned or used for residential purposes.
- b. Outdoor kennels or runs are prohibited.

(43) *Cemetery [10.1].* Private and public cemeteries shall comply with all provisions of state law. In addition:

- a. Any new private cemetery shall be located on a site containing not less than 10 acres.
- b. The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a street classified as a feeder, primary, secondary or boulevard by way of an access way not less than 20 feet wide.
- c. Any new cemetery shall be enclosed by a fence or wall not less than 4 feet in height.
- d. All structures shall be set back no less than 25 feet from any property line or street right-of-way line.
- e. All graves or burial lots shall be set back not less than 25 feet from any property line or local street right-of-way lines and not less than 50 feet from the right-of-way line of any street designated as a boulevard, primary, secondary, feeder or freeway.
- f. The entire cemetery property shall be landscaped and maintained.
- g. Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the Development Department.

(44) *Crematorium [10.2].*

- a. Any structure containing a crematory shall be located at least 200 feet from the property line of any property zoned and/or used for residential use. This 200-foot limitation shall not apply if the structure containing the crematory is located on or immediately adjacent to property containing a cemetery.
- b. Prior to the issuance/renewal of a business license for a crematorium, the applicant shall provide to the City Clerk or his/her designee a copy of the applicant's current and valid state license and written documents showing that the owner or operator of the crematory is licensed, certified, and operating in accordance with all requirements imposed by state law or by regulation of the state, including, but not limited to, the requirements imposed by O.C.G.A. § 43-18-1 et seq., and Ga. Comp. R. and Regs. R. 250-1-.01 through R. 250-7-.03, as such laws and regulations currently exist and as they may be amended hereafter. State licensure and certification is not currently required for crematories used solely for the cremation of animal bodies, but if so required in the future, prior to the issuance/renewal of a business license for a crematory used solely for the cremation of animal bodies, the applicant shall provide to the finance director or his/her designee a copy of the applicant's current and valid state license and written documents showing that the owner or operator of such crematory is licensed, certified, and operating in accordance with all requirements imposed by state law or by regulation of the state.

- c. Prior to the issuance/renewal of a business license for a crematory, the applicant shall provide to the City Clerk or his/her designee, a copy of the applicant's annual maintenance contract with the manufacturer of the crematory, showing that the crematorium is being adequately and consistently maintained in accordance with the manufacturer's specifications.
- (45) *Public and private schools offering general education courses (including associated grounds and athletic and other facilities) [11.1.1], and Places of Worship and places of assembly (including associated residential structures for religious personnel, and associated buildings) [11.4].*
- a. When located in NR-1, NR-2 or NR-3 districts the following standards shall apply:
    - 1. Property shall have a minimum of 100 feet of frontage on a street classified as a feeder, secondary, primary, or boulevard on the Streetscapes and Gateways Map.
    - 2. Front yard setback shall be a minimum of 40 ft.
    - 3. Parking lots shall not be located within 20 feet of any property line.
    - 4. Provide a continuous landscaped buffer at least 30 feet wide along all side or rear property lines adjacent to NR-1, NR-2 or NR-3 zoned property, except for perpendicular crossings of driveways or utility lines.
    - 5. Maximum building height shall be 50 ft.
    - 6. Accessory uses shall be limited to the following:
      - (a) Parking as required in Chapter 250, Article 1.
      - (b) Classrooms.
      - (c) Library.
      - (d) Assembly hall and kitchen for social and educational gatherings and meals.
      - (e) Gymnasium.
      - (f) Playground.
      - (g) Storage building.
      - (h) Cemetery.
      - (i) Nonprofit adult day care center, after school care, or pre-kindergarten (Pre-K).
      - (j) One dwelling unit.
      - (k) Outdoor recreation, provided that the property contains at least 5 acres, fields do not provide outdoor lights, and recreational activity is limited to 9:00 a.m. to 9:00 p.m.
- (46) *Communications facilities, including cellular tower [12.2].* See Chamblee Code of Ordinances, Chapter 18 - Buildings and Building Regulations, Article V, Standards for Telecommunications Antennae and Towers.
- (47) *Solar energy systems, principal [12.6].* Principal solar energy systems (SES) shall be subject to the following standards:
- a. *Permitting.* No principal SES shall be constructed without issuance of a building permit except for a repair or modification of an existing SES that does not increase the spatial coverage of the SES by more than ten percent and does not encroach on any required building height or setback limits of the applicable zoning district.
  - b. *UL-approved SES electric components.* Electric components shall have an Underwriters Laboratory listing.

- c. *Height.* Principal solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt. Height of ground- or pole-mounted SES shall be computed separately for each unit or structure except power transmission poles or towers.
- d. *Setbacks.* Ground-mounted or pole-mounted principal SES and supportive buildings and structures except electric transmission poles shall provide a minimum setback of 30 feet from all property lines.
- e. *Buffers.* All principal SES solar collection units and supportive buildings and structures except electric transmission poles shall be screened from view from public rights-of-way and abutting properties by a 25-foot wide vegetative buffer that is continuous around the perimeter of the property except for perpendicular crossings of approved driveways and utilities. The vegetative buffer shall provide a visually opaque screen not less than 20 feet in height at maturity. Trees planted in the buffer shall be credited towards the tree planting requirements of Chapter 320.
- f. *Security.*
  - 1. The perimeter of the site of a principal SES shall be secured by an eight-foot tall security fence or wall that is constructed on the inside boundary of the required 25-foot buffer. Driveway entrances shall be gated.
  - 2. The operator must provide the City Police Department with a 24-hour contact responsible for operations.
- g. *Lighting.* Lighting of principal SES sites shall be limited to that required for safety and operations and shall be shielded to avoid spillage onto adjacent properties.
- h. *Decommissioning.*
  - 1. Previously permitted principal solar energy systems shall be completely removed from the subject property in accordance with a decommissioning plan if they become obsolete or operation ceases for 12 consecutive months (required decommissioning date) except when actively undergoing maintenance, upgrading or replacement. Removal and restoration activities must begin within 30 days following the required decommissioning date and shall be completed within 60 days following the required decommissioning date. Failure to comply with the decommissioning plan shall constitute a property maintenance code violation subject to enforcement actions of Chapter 18.
  - 2. A decommissioning plan shall be required prior to permitting in order to ensure that facilities are properly removed after their useful life. A decommissioning plan shall include provisions for removal and safe disposal or recycling of all solar energy system components including structures and foundations, restoration of the site to its condition prior to construction and installation of the solar energy system. A decommissioning plan shall provide a schedule for removal of the solar energy system and restoration of the site within 90 days following the decommissioning date.
- i. *Application requirements.*
  - 1. Provide a site plan of existing conditions, including all requirements of Title 3, Chapter 300 of this UDO.
  - 2. Provide a site plan of proposed development, including the following information in addition to all requirements of Title 3, Chapter 300 of this UDO:
    - (a) The number of solar collection units proposed.
    - (b) Location, size, height and spacing of solar panels.

- (c) Location of related supportive facilities and structures including substations, transformers and other equipment, maintenance and storage buildings and facilities.
- (d) Location of parking and driveways and vehicle access routes.
- (e) Method of connecting solar collection units to related substations, transformers and equipment.
- (f) Location of underground or overhead electric lines connecting solar collection units to on-site and off-site electric equipment.
- (g) Elevation drawings or perspective renderings of the solar energy system components accurately depicting the proposed solar energy system and its relationship to adjacent structures and site features.
- (h) Structural engineering analysis of solar panel support, anchoring and foundation.
- (i) Manufacturing specifications and recommended installation methods for all major equipment including solar panels, mounting systems and foundations for poles or racks.
- (j) A copy of the interconnection agreement with the local electric utility or a written explanation of why an interconnection agreement is not necessary.
- (k) SES projects within five miles of an airport shall provide a copy of notification and approval of FAA.

(48) Utility Transmission and Monitoring Facilities [12.7].

- a. Such facilities shall be essential for service to the area in which located or for the proper functioning of the total utility system of which the same is a part.
- b. Such facility shall be enclosed by an opaque fence or wall not less than ten feet high. Fences located within 50 feet of a ROW must meet the material requirements of Section 230-6, Fences and Retaining Walls.
- c. Any building or structure, except an enclosing fence, shall be setback not less than 50 feet from any property line, and shall meet all other applicable yard requirements of the district in which it is located.
- d. The perimeter of the property shall be suitably landscaped and maintained, and a planted buffer strip at least ten feet wide shall be located along all property lines.
- e. Outdoor storage of vehicles and equipment shall be prohibited.

(49) *Community gardens* [13.2].

- (a) Outdoor lighting shall not affect adjacent properties.
- (b) The community garden shall be within a fenced area. See fence regulations in Section 230-6.
- (c) Sales activities may occur only in locations where retail sales are an allowed use, provided that on-site sales of crops grown on a community garden site may be authorized and are not subject to Section 240-14.
- (d) Any structure used in conjunction with a community garden must comply with the following requirements:
  - 3. Be located at least ten feet from any property line.

4. If the total area of a structure used in conjunction with a community garden does not exceed 64 square feet, the structures are not considered structures or accessory structures. Otherwise, all structures used for community gardens are accessory buildings and must comply with all applicable accessory use and structure regulations.
  5. The following are not considered structures for the purposes of this section: benches, bike racks, cold-frames, hoop houses, raised/accessible planting beds, compost or waste bins, picnic tables, garden art, and rain barrel systems.
  6. Composting is permitted on the premises if stored in a manner that controls odor, prevents infestation and minimizes runoff into waterways and onto adjacent properties. Compost shall not be stored closer than 50 feet from property lines.
- (e) The site must be designed and maintained so that irrigation water or stormwater will not drain onto adjacent property.
  - (f) The garden must maintain an orderly appearance. The garden may not be neglected or allowed to become overgrown or eroded.
  - (g) If the owners no longer desire the community garden, it shall be landscaped with grass and shrubbery in accordance with a plan submitted for approval by the Development Director.

(Ord. No. [682](#), pt. I, 6-16-15; Ord. No. [683](#), pt. III, 8-18-15; Ord. No. [684](#), pt. III, 8-18-15; Ord. No. [687](#), pt. III, 9-15-15; Ord. No. [697](#), pt. I, 12-15-15; Ord. No. [706](#), pts. II—IV, 6-21-16; Ord. No. [711](#), pts. VII, VIII, 7-19-16; Ord. No. [714](#), pts. I, II, 7-19-16; Ord. No. [725](#), pts. V, VI, 10-18-16; Ord. No. [728](#), pts. II, III, 12-20-16)

Section 240-14. - Temporary and mobile uses.

- (a) Should these standards conflict with other standards provided in the UDO, the following design and development standards shall apply.
- (b) The following temporary use provisions are organized by major use category as presented in Section 240-1, Table of Permitted and Prohibited Uses. Permitted use table reference numbers are presented in brackets [#].
  - (1) *Temporary manufactured housing approved in the event of an emergency, construction, or repair [1.8.1].*
    - a. May not be on-site for longer than 12 months, unless the Development Director grants an extension.
    - b. Must meet the requirements of Subsection 240-13(a)(3), Manufactured housing.
  - (2) *Outdoor Retail Display of Goods [2.17].*
    - a. Outdoor retail display of goods may be permitted in the front yard of retail sales establishments for temporary display of merchandise or items designed for exterior display.
    - b. Outdoor retail display of goods are only permitted as accessory uses to tenants having an occupational tax certificate on the subject property.
    - c. Outdoor retail display of goods shall not comprise more than 50 square feet.
    - d. Outdoor retail display of goods shall be located within 10 feet of the business to which it relates, and shall not occupy required parking spaces.



- e. Outdoor retail display of goods shall provide a minimum of 5 feet unobstructed clear passage on sidewalks/walkways.
- f. Outdoor retail display of goods shall not be left out overnight.

(3) *Mobile Food Unit [14.2].*

- a. Any person conducting business from a mobile food unit shall apply for and receive an occupational tax certificate.
- b. Mobile food units are required to own or lease a commissary (base of operation) and provide that information to the City in order to receive an occupational tax certificate.
- c. Mobile food units are required to obtain and maintain a permit from the DeKalb County Board of Health - Division of Environmental Health and to abide by their regulations for operation. Mobile food units must display such permit on demand by the City.
- d. Any such mobile food unit operating on private property shall obtain the written consent of the owner to use the property for such sales. No such sales may take place on property zoned NR-1, NR-2 or NR-3.
- e. Mobile food units may only be located on a lot containing a principal building or use.
- f. The number of mobile food units allowed per site is limited as follows:
  - 1. A maximum of one mobile food unit is allowed on sites with less than 20,000 square feet of land area.
  - 2. On sites with land area of 20,000 square feet or more, one mobile food unit is allowed per 20,000 square feet of land area or fraction thereof.
  - 3. For purposes of this provision, a site may consist of one lot or a combination of contiguous lots.
- g. Mobile food units must be located at least 100 feet from the main entrance of any eating or drinking establishment and at least 100 feet from any outdoor dining area serving a non-mobile food unit eating or drinking establishment.
- h. Mobile food units may not obstruct pedestrian, bicycle, or vehicle circulation routes, and must be set back at least five feet from the edge of any driveway or public sidewalk and at least 15 feet from fire hydrants.
- i. Mobile food units and any associated seating areas may not occupy parking spaces provided to meet the minimum parking requirements of the principal use, unless the principal use's hours of operation do not coincide with those of the mobile food unit business. Mobile food units may not occupy any parking spaces reserved for persons with disabilities.
- j. Power sources must meet applicable local and state electric codes.
- k. Ventilation hoods require inspection and approval of the DeKalb County Fire Marshal.
- l. No freestanding signs or audio amplification are allowed as part of the mobile food unit's operation.
- m. Hours of operation of mobile food units are limited to the hours between 6:00 a.m. and 11:00 p.m.
- n. Mobile food units and associated outdoor seating must be removed from all permitted locations when not in operation.
- o. Operators are responsible for ensuring that all waste is disposed of in accordance with City regulations and for maintaining all areas used for food vending and customer activity in a safe and clean condition.
- p. Deviations from these requirements may be approved through a special event permit.

(Ord. No. [682](#), pt. I, 6-16-15)

Sections 240-15—240-19. - Reserved.