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DRAFT
ORDINANCE

No. 2009-

AN ORDINANCE TO AMEND TITLE 9 ENTITLED "UNIFIED LAND DEVELOPMENT CODE" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; BY AMENDING THE DEFINITION OF DIRECTOR AND FAMILY; TO ADD THE DEFINITION OF FLOOR AREA RATIO (FAR); TO AMEND PERMITTED AND SPECIAL USES FOR RESIDENTIAL ZONING AND NON-RESIDENTIAL ZONING DISTRICTS; TO AMEND DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL AND NON-RESIDENTIAL ZONING DISTRICTS; TO AMEND THE GATEWAY CORRIDOR OVERLAY ZONE; TO AMEND THE MIDTOWN OVERLAY ZONE; TO AMEND THE GENERAL ACCESSORY USE REGULATIONS; TO AMEND THE HEIGHT REQUIREMENTS FOR FENCES AND WALLS; TO AMEND SETBACK REQUIREMENTS FOR MULTI-FAMILY DEVELOPMENTS; TO AMEND BUILDING UNIT OFFSETS FOR SINGLE-FAMILY ATTACHED DWELLING (FEE-SIMPLE TOWNHOUSE); TO AMEND VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS; TO AMEND SECTION 9-10-4-5 ENTITLED "VISITS BY PATRONS LIMITED" FOR HOME OCCUPATIONS; TO AMEND INSTITUTIONAL USES - ROOMING HOUSES TO INCLUDE GROUP HOMES; TO AMEND AND RENUMBER CHAPTER 9-10-12 ENTITLED "INFILL RESIDENTIAL DEVELOPMENT PROJECTS"; TO AMEND CHAPTER 9-11-2 ENTITLED "NONCONFORMING BUILDINGS"; TO AMEND REPLACEMENT OR REPAIR AFTER DAMAGE TO NONCONFORMING BUILDINGS; TO ADD CHAPTER 9-13-6 ENTITLED "MINOR LAND DEVELOPMENT PERMITS"; TO AMEND SPECIFICATION FOR TREE PLANS AND EXPIRATION OF PERMIT APPROVAL FOR LAND DEVELOPMENT PERMITS; TO AMEND ARTICLE 9-17 ENTITLED "ACCESS, PARKING AND LOADING REQUIREMENTS"; TO AMEND CHAPTER 9-17-2 ENTITLED "DRIVEWAYS AND STREET ACCESS CONTROL"; TO AMEND TABLE 9-17-5-2 ENTITLED "MINIMUM AND MAXIMUM OF OFF-STREET PARKING SPACES REQUIRED"; TO AMEND THE DEFINITION OF PORTABLE SIGNS; TO AMEND SECTION 9-18-2-3(c) ENTITLED "NONCONFORMING SIGNS"; TO AMEND SECTIONS 9-18-2-5(d), (e) AND (j) ENTITLED "PROHIBITED SIGNS"; TO AMEND TABLE 9-18-6-1 ENTITLED "SIGN REGULATIONS BY ZONING DISTRICT"; TO AMEND SECTION 9-18-7-13(a) AND (c) ENTITLED "SPECIAL TEMPORARY OUTDOOR EVENT SIGNAGE"; TO AMEND THE DEFINITION OF "TEXT AMENDMENT"; TO AMEND SECTION 9-22-2-15 ENTITLED "WITHDRAWAL OF APPLICATION"; TO AMEND SECTION 9-22-3-3 ENTITLED "WITHDRAWAL AND WAITING PERIOD FOR REAPPLICATION"; TO AMEND SECTION 9-22-8-7 ENTITLED "ACTION BY GOVERNING BODY"; TO AMEND SECTION 9-22-9-10 (a) ENTITLED "PLANNING AND APPEALS BOARD SPECIAL PROVISIONS"; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE, GEORGIA AS FOLLOWS:

SECTION I.

Chapter 9-2-2 of the Code of the City of Gainesville, Georgia entitled “General Definitions” are amended to read as follows:

Director: The Director of the Department of Planning and Development of the City of Gainesville, Georgia, or his or her authorized designee ~~including staff~~ of the Planning and Development Department. This term shall be the same as the Director of the Community Development Department or his or her authorized designee of the Community Development Department.

Family: An individual, or 2 or more persons related by blood, marriage, adoption or guardianship, or a group of not more than 3 unrelated persons, occupying a single dwelling unit; provided, however, that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. ~~The term “family” does not include any organization or institutional group whether for profit or non-profit.~~

Floor Area Ratio (FAR): The ratio of the floor area of a building to the area of the lot in which the building is located. For example, a 10,000 square-foot lot with a maximum FAR of 0.5 cannot exceed a total building floor area of 5,000 square feet.

SECTION II.

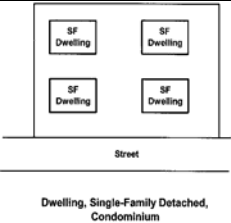
Section 9-5-5-2 of the Code of the City of Gainesville, Georgia entitled “Permitted and Special Uses” for the Residential and Office (R-O) zoning district is hereby amended to read as follows:

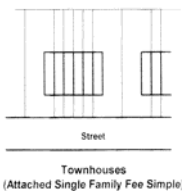
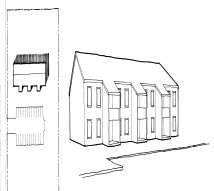
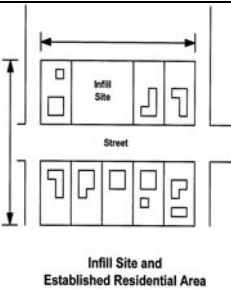
Section 9-5-5-2. Permitted and Special Uses.

Permitted and special uses shall be as provided in Table 9-5-1, “Permitted and Special Uses for Residential Zoning Districts.” ~~Multi-family dwellings and townhouses~~ Business service establishments and Personal service establishments are special uses in this zoning district.

SECTION III.

Table 9-5-1 of Article 9-5 of the Code of the City of Gainesville, Georgia entitled “Permitted and Special Uses for Residential Zoning Districts” is amended to include the following changes to the following land uses to read as follows:

Use	Definition	Specific Regulations	R-I-A	R-I	N-C	R-II	R-O
RESIDENTIAL USES							
Dwelling, single-family detached, condominium	 Dwelling, single-family detached, condominium: A site-built residential building designed for occupancy by one family only, where more than one dwelling is located on a single lot and the land is owned in common. This term does not include manufactured homes, mobile homes or industrialized buildings.	9-10-2-3	X	X	X	●	⊖ ●

Dwelling, single-family attached (townhouse)		Dwelling, single-family attached, fee-simple (townhouse): One (1) of a group of three or more single-family, attached dwelling units under fee simple ownership. Attached single-family dwellings that are not under fee-simple ownership are considered row houses (multi-family dwellings).	9-10-2-5	X	X	X	●	⊖ ●
Dwelling, multiple-family, including apartments, condominiums, and cooperatives		Dwelling, multi-family: A building other than a duplex, designed for or occupied exclusively by three (3) or more families with separate household facilities for each family. This term includes attached residential condominiums, row houses (not fee-simple ownership) and apartments.	9-10-2-3	X	X	X	●	⊖ ●
Infill residential development project		Infill residential development project: A development containing detached, single-family dwellings constructed on property in an established residential area containing detached, single-family dwellings on individual lots. This use does not prevent the redevelopment or further subdivision of property within the R-I-A, R-II and R-O zoning districts.	Chapter 9-10-12	X	●	●	X	X
Relocated residential structure	Relocated residential structure: A detached, site-built single-family dwelling (i.e., excluding a manufactured home or mobile home) that is moved or disassembled into more than one structure and moved to another site, whether temporarily or permanently.		9-10-2-4	⊖ ●	⊖ ●	⊖ ●	⊖ ●	⊖ ●
INSTITUTIONAL USES								
Crisis Center	Crisis center: A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions. Said facility may include meal preparation, distribution, or service for residents of the center as well as nonresidents, merchandise distribution, or shelter, including boarding, lodging, or residential care. This term includes domestic violence and centers, homeless shelters, and halfway houses.			X	X	X	○	○
Group home	Group home: A single household of four (4) or more unrelated persons, whether or not they are developmentally disabled, and whether or not they are under the supervision of a resident manager.	9-10-5-5	X	X	X	○	○	
Institutionalized residential living and care facilities, serving eighteen (18) persons or less	Institutional residential living and care facility: An umbrella term that encompasses the following uses: assisted living facility, convalescent home, personal care home, intermediate care home, nursing home, and skilled nursing care facility.	9-10-5-4	X	X	X	○	● ○	
Rooming house	Rooming house: A site-built single-family dwelling unit single household within which a resident family or manager offers lodging or lodging and meals to two or more unrelated adults in exchange for monetary compensation or other consideration.	9-10-5-5	X	X	X	○	○	
School, professional	An educational institution with a curriculum and offering instruction in a profession devoted primarily to business, such as but not limited to dancing, acting, barbers and beauticians, broadcasting, bartending, and including medical specialties (e.g., therapeutic massage). This is distinguished from a trade school and other types of schools as defined.		X	X	X	X	⊖ ●	
School, special	School, special: An educational use not operated by the City of Gainesville School System or Hall County Board of Education that provides special education to more than two students at a time, including but not limited to the training of gifted, learning disabled, and mentally or physically handicapped persons.		○	○	○	○	⊖ ●	

OFFICE AND COMMERCIAL USES							
Museum	Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of snacks and goods to the public as gifts or for their own use.		X	X	X	X	⊖
Personal service establishment, 2,500 square feet or less of gross floor area per establishment	Personal service establishment: A facility engaged in the provision of services to persons and their apparel, including but not limited to barber and beauty shops, coin-operated laundromats, full-service laundries, dry cleaners, photographic studios, massage therapy , shoe repair and shoeshine shops, tattoo parlor and travel agencies. but specifically excluding massage parlors, fortune tellers.		X	X	X	X	○
Special event facility	Special event facility: A facility or assembly hall available for lease by private parties or special events such as weddings.		X	X	X	X	○

SECTION IV.

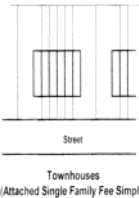
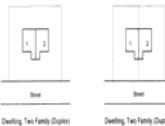
Table 9-5-2 of Article 9-5 of the Code of the City of Gainesville, Georgia entitled “Dimensional Requirements for Residential Zoning Districts” is amended to amend the “Principal Building Setbacks and Buffers” and the Accessory Building Setbacks and Buffers” to read as follows:

**TABLE 9-5-2
DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS**

BUILDING AND SITE REQUIREMENTS	R-I-A	R-I	N-C	R-II	R-O
Maximum residential density (dwelling units per acre)	2.18	2.18	2.18	12.0	12.0
Minimum lot size, detached single-family dwelling (square feet)	20,000	20,000*	20,000*	7,500	10,000
Minimum lot size, two-family dwelling (square feet)	NP	NP	NP	7,500	10,000
Minimum lot size for other permitted uses (square feet)	20,000	20,000	20,000	7,500	10,000
Minimum lot width, all uses (feet)	100	75	60	60	75
Maximum building coverage (percent of lot area)	20	25	25	35	35
Maximum impervious surface coverage (percent of lot area)	40	50	50	60	60
Minimum landscaped open space for non-single-family residential use if permitted (percent of lot area)	20	20	20	20	20
HEIGHT REQUIREMENTS	R-I-A	R-I	N-C	R-II	R-O
Maximum height (feet)	50	50	50	60	50
Maximum height (number of stories)	3	3	3	4	3
PRINCIPAL BUILDING SETBACKS AND BUFFERS	R-I-A	R-I	N-C	R-II	R-O
Front setback, all streets (feet)	40	30	30	30	30
Side setback (unless otherwise specified) (feet)	15	10	10	10	10
Rear setback (unless otherwise specified) (feet)	25	20	20	20	20
Side or rear vegetative/structural buffer** when abutting an R-I-A, R-I, or N-C district (feet)	-	-	-	20	20
Corps of Engineers property line (unless otherwise specified) (feet)	15	15	15	15	15
ACCESSORY BUILDING SETBACKS AND BUFFERS	R-I-A	R-I	N-C	R-II	R-O
Front setback (feet)	NP	NP	NP	NP	NP
Side setback (unless otherwise specified) (feet)	10	10	10	10	10
Rear setback (unless otherwise specified) (feet)	10	10	10	10	10
Side or rear vegetative/structural buffer** and building setback when abutting an R-I-A, R-I, or N-C district (feet)	10	10	10	20	20
Corps of Engineers property line (unless otherwise specified) (feet)	15	15	15	15	15
LANDSCAPE STRIPS	R-I-A	R-I	N-C	R-II	R-O
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	20	20	20	20	20
Minimum landscape strip required along right-of-way of existing street for any residential subdivision involving a new street with more than five lots (along that part of the frontage not used for the new street). Plantings within landscape strips shall not obstruct sight visibility triangle easements.	20	20	20	20	20

SECTION V.

Table 9-6-1 of Article 9-6 of the Code of the City of Gainesville, Georgia entitled “Permitted and Special Uses for Non Residential Zoning Districts” is amended to include the following changes to the following land uses to read as follows:

Use	Definition		Specific Regulations	O-I	N-B	C-B	R-B	G-B	L-I	H-I
RESIDENTIAL USES										
Dwelling, single-family attached (town-house)	 Townhouses (Attached Single Family Fee Simple)	Dwelling, single-family attached, fee-simple (townhouse): One (1) of a group of three or more single-family, attached dwelling units under fee simple ownership. Attached single-family dwellings that are not under fee-simple ownership are considered row houses (multi-family dwellings).	9-10-2-5	○	✕ ○	X	X	X	X	X
Dwelling, two-family (duplex)	 Dwelling Two Family Duplex or Town Lot  Dwelling Two Family Duplex Detached/Low Fee Simple	Dwelling, two-family (duplex): A building designed or arranged to be occupied by two (2) families living independently of each other. The building contains two dwelling units either on one lot, or, each dwelling is located on its own lot in fee-simple title and the two dwelling units are attached along a common property line.		✕ ○	○	X	X	X	X	X
Dwelling, multiple-family, including apartments, condominiums, and cooperatives	 DWELLING, GARDEN APARTMENT	Dwelling, multi-family: A building other than a duplex, designed for or occupied exclusively by three (3) or more families with separate household facilities for each family. This term includes attached residential condominiums, row houses (not fee-simple ownership) and apartments.	9-10-2-3	○	✕ ○	●	X	X	X	X

INSTITUTIONAL USES										
Clinic	Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons. Patients are not lodged overnight and are admitted for examination or treatment requiring only short (e.g., a matter of a few hours) recovery time.		●	●	●	●	●	●	X	X
College or university	College or university: An educational use, public or private, that provides training beyond and in addition to that training received in the 12 th grade (i.e., undergraduate and graduate), and which has students regularly attending classes, and which confers an associate, bachelor, master, and/or doctoral degree(s). This term may include other ancillary uses including but not limited to housing, campus dormitories, book store, library, athletic facilities and cafeteria.		⊖ ●	⊖ ●	●	●	●	●	●	●
Continuing care retirement community	Continuing care retirement community: A residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units.	9-10-5-3	○	○	⊖ ●	⊖ ●	●	●	X	X
Crisis center	Crisis center: A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions. Said facility may include meal preparation, distribution, or service for residents of the center as well as nonresidents, merchandise distribution, or shelter, including boarding, lodging, or residential care. This term includes domestic violence and centers, homeless shelters, and halfway houses.		X ○	X ○	X ○	X ○	●	●	●	●
Dormitory	Dormitory: A building designed for occupancy on a term basis by students of a college, university, or nonprofit organization for the purpose of providing rooms for sleeping purposes, and which may include common kitchen and/or common gathering rooms for social purposes.		⊖	⊖	⊖	⊖	⊖	⊖	⊖	X
Group home	Group home: A single household of four (4) or more unrelated persons, whether or not they are developmentally disabled, and whether or not they are under the supervision of a resident manager.	9-10-5-5	○	○	○	○	●	●	X	X
Hospital	Hospital: An institution licensed by the state and providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and including as an integral part of the institution, such related facilities as laboratories, outpatient facilities, or training facilities.		⊖ ●	○	○	○	●	●	X	X
Institutionalized residential living and care facilities, serving eighteen (18) persons or less	Institutional residential living and care facility: An umbrella term that encompasses the following uses: assisted living facility, convalescent home, personal care home, intermediate care home, nursing home, and skilled nursing care facility.	9-10-5-4	●	⊖ ●	○	⊖ ●	⊖ ●	●	X	X
Institutionalized residential living and care facilities, serving more than eighteen (18)		9-10-5-4	○	○	○	⊖ ●	⊖ ●	●	X	X

persons									
Rooming house	Rooming house: A site-built single-family dwelling unit within which a resident family or manager offers lodging or lodging and meals to two or more unrelated adults in exchange for monetary compensation or other consideration.	9-10-5-5	○	✕ ○	✕ ○	✕ ○	✕ ●	✕	✕
School for the arts	School for the arts: An educational use not operated by the City of Gainesville School System or the Hall County Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.		⊖ ●	⊖ ●	●	●	●	●	●
OFFICE AND COMMERCIAL USES									
Adaptive reuse of a detached single-family dwelling for an office	Adaptive reuse of a detached single-family dwelling: The conversion of a detached, single-family dwelling to a new, different use.		●	●	●	●	●	●	●
Adaptive reuse of a detached single-family dwelling for personal service establishment	Adaptive reuse of a detached single-family dwelling: The conversion of a detached, single-family dwelling to a new, different use.		⊖	●	●	●	●	●	●
Adaptive reuse of a detached single-family dwelling for an enclosed retail establishment	Adaptive reuse of a detached single-family dwelling: The conversion of a detached, single-family dwelling to a new, different use.		✕	●	●	●	●	●	●
Automobile sales, service, or repair establishment	Automobile sales or service establishment: New or used car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicle sales, leasing, rental, and/or service, including manufactured home and modular building sales, agricultural implements and equipment, and similar pieces of equipment of vehicle. This definition includes automotive services such as rental car facilities, top and body, paint, automotive glass, transmission, tire sales and repair shops, car washes, and oil change and lubrication facilities. This term includes boat dealers.	9-10-6-1	✕	✕	✕	○	●	●	●
Automobile fuel service stations	Service and fuel filling station: Any building, structure or land use for the retail sale of motor vehicle fuel and oil accessories, and which may include the servicing of motor vehicle, such as the sale, replacement, or servicing of spark plugs, oil, water hoses, brake fluids, batteries, distributors, tires, carburetors, brakes, fuel pumps, or similar service items. Major repairs, body repairs and painting of motor vehicles shall be considered under Automobile sales, service, or repair establishment. This term does not include a truck stop.	9-10-6-10 9-10-7-3	✕	✕	●	●	●	●	●
Bank or financial establishment	Financial establishment: A business that accepts money for deposit into accounts from the general public or other financial institutions, and which may include personal or business loans, wire transfers and safe deposit boxes. Such uses include but are not limited to banks, savings and loan institutions and credit unions, and security and commodity exchanges.		✕ ●	⊖ ●	●	●	●	●	●
Business service establishment, not exceeding 2,500 square feet of gross floor area	Business service establishment: The use of a building or premises primarily for rendering a service to other business establishments on a contract or fee basis, such as advertising, credit reporting, computer programming and data processing, photocopying, blueprinting and duplication services, commercial art and graphic		●	●	●	●	●	●	●
Business service			⊖	⊖	●	●	●	●	●

establishment, more than 2,500 square feet of gross floor area	design, mailing agencies, employment services, detective, protective, and security system services, accounting, auditing, and bookkeeping services, messenger services and couriers, business consulting firms, interior decorating, locksmiths, and uniform rental and cleaning.								
Carnival, circus, or festival	Carnival, circus, or festival: Any use which constitutes a traveling or transportable group or aggregation of rides, shows, gaming booths, and concessions and where the public either pays admission or participation fees.	9-10-8-2	X	X	●	●	●	●	●
Custom order shop excluding storage on site and display	Custom order shop: A business establishment that offers handmade or special order merchandise, one of a kind original art work, home furnishings or similar merchandise, but which maintains no inventory on site other than display items.		●	●	●	●	●	●	●
Custom order shop, including storage on site and display			X	X	●	●	●	●	●
Day care center serving eighteen (18) persons or less	Day care center: Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than twenty-four (24) hours per day, seven (7) or more children under eighteen (18) years of age.	9-10-6-4	●	●	●	●	●	●	●
Day care center serving more than eighteen (18) persons		9-10-6-4	X ○	●	●	●	●	●	●
Funeral home, mortuary, or mausoleum	Funeral home: A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and/or the indoor storage of funeral vehicles.		X	X ○	X ○	X ○	●	●	●
Health spa	Health spa: An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise, through facilities for exercise including but not limited to running and jogging tracks, exercise equipment, game courts, gymnasium, or swimming facilities. The term includes establishments designated as "reducing salons," "exercise gyms," "health studios," "health clubs," "fitness studios," "day spa," and other terms of similar import. This term may include other ancillary uses within the establishment such as massage therapy, tanning salons, nail salons, fitness apparel and prepackaged food.		X	⊖ ●	●	●	●	●	●
Lodging services	Lodging service: A facility that offers temporary (15 days or less in one room) shelter accommodations, or place for such shelter, open to the public for a fee. Includes hotels and motels.		X	X	⊖ ●	●	●	●	●
Lodging services, extended stay	Lodging services, extended stay: A facility that offers shelter accommodations, or place for such shelter, open to the public for a fee for more than 15 days but not to exceed one month in one room.		X	X	⊖ ●	●	●	●	●
Museum	Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members		●	●	●	●	●	●	X ●

	of the public with or without an admission fee, and which may include as an accessory use the sale of snacks and goods to the public as gifts or for their own use.								
Parking lot, off-site	Parking lot, off-site: A parcel of land or portion thereof principally used for the parking or storage of motor vehicles as a commercial enterprise, where a fee is paid for parking, not located on the same site as the destination of the motor vehicle operator. This includes commercial automobile parking lots.	9-10-1-4	○	○	●	●	●	●	●
Private Club, for-profit	Private Club, for-profit: Buildings and facilities owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, to which membership is required and where use of premises are restricted to members and their guests. The definition, "Private club" shall also include, in the appropriate context where an alcohol license, a "bona fide private club" as that term is defined in O.C.G.A. 3-7-1.		✕ ○	✕ ○	✕ ●	✕ ●	●	●	●
Restaurant	Restaurant: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state, and in which customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed, or customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building. This term includes bars, taverns, pubs, and sidewalk cafés.		X	⊖ ●	●	●	●	●	●
Service and fuel filling stations	Service and fuel filling station: Any building, structure or land use for the retail sale of motor vehicle fuel and oil accessories, and which may include the servicing of motor vehicle, such as the sale, replacement, or servicing of spark plugs, oil, water hoses, brake fluids, batteries, distributors, tires, carburetors, brakes, fuel pumps, or similar service items. Major repairs, body repairs and painting of motor vehicles shall be considered servicing of motor vehicles.	9-10-6-10 9-10-7-3	✕	✕	●	●	●	●	●
Special event facility	Special event facility: A facility or assembly hall available for lease by private parties or special events such as weddings.		○	⊖ ●	●	●	●	●	●
INDUSTRIAL USES									
Salvage Yard	Salvage yard: A place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junk yards.	9-10-6-6	X	X	X	X	X	X	●
Showroom			✕	✕	✕	✕	●	●	●
OTHER USES									
Jail/correctional facility	Government or private establishments primarily engaged in the confinement and correction of offenders sentenced by court.		✕	✕	✕	✕	○	○	○

Public use	Public use: Any building, structure, or use owned and/or operated by the federal government, state of Georgia, Hall County or other County, the City of Gainesville, another municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and publicly operated museums, public health facilities and public hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities and emergency medical facilities, and jails and correctional facilities. This term excludes jails or correctional facilities.		●	●	●	●	●	●	●
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SECTION VI.

Table 9-6-2 of Article 9-6 of the Code of the City of Gainesville, Georgia entitled “Dimensional Requirements for Nonresidential Zoning Districts” is amended to amend the “Accessory Building Setbacks and Buffers” to read as follows:

**TABLE 9-6-2
DIMENSIONAL REQUIREMENTS FOR
NONRESIDENTIAL ZONING DISTRICTS**

BUILDING AND SITE REQUIREMENTS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Minimum site area to rezone to this district (square feet except as shown)	15,000	15,000	None	4 acres	15,000	15,000	15,000
Maximum building coverage (percent of lot area)	50%	50%**	None	50%	60%	70%	70%
Maximum impervious surface coverage (percent of lot area)	75%	75%	None	80%	80%	85%	85%
Minimum landscaped open space for non-single-family residential use (percent of lot area)	20%	20%	None	15%	10%	5%	5%
Minimum lot width, all uses (feet)	75	75	None	100	100	100	100
Minimum lot size, detached single-family dwelling (square feet)	15,000	15,000	None	NP	NP	NP	NP
Minimum lot size, two-family dwelling (square feet)	30,000	30,000	NP	NP	NP	NP	NP
Minimum lot size, all other permitted uses (square feet)	15,000	15,000	None	15,000	15,000	15,000	15,000
Maximum residential density for permitted residential uses (dwelling units per acre)	4 units per acre 12.0	4 units per acre 12.0	0-2 0.5 floor-area ratio	NP	NP	NP	NP
HEIGHT REQUIREMENTS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Maximum height (feet)	60	60	120	75	75	75	120
Maximum height (number of stories)	4	4	8	5	5	5	5
PRINCIPAL BUILDING SETBACKS AND BUFFERS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Front setback, all streets, minimum (feet)	30	40	None	40	40	30	40
Side setback, minimum (unless otherwise specified) (feet)	None	None	None	None	None	None	None
Rear setback, minimum (unless otherwise specified) (feet)	None	None	None	None	None	None	None
Side or rear setback abutting RR r/w or alley, minimum (feet)	25	15	None	15	None	None	None
	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Side or rear vegetative/structural buffer* and building setback when abutting R-I-A, R-I, N-C, R-II or R-O districts	25	25	10	25	35	35	35
Side or rear vegetative/structural buffer* and setback when abutting O-I, N-B, R-B, C-B, G-B districts	None	None	None	None	None	10	10
Corps of Engineers property line (unless otherwise							

specified) (feet)							
ACCESSORY BUILDING SETBACKS AND BUFFERS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
	Shall meet the principal building setback and buffer standards unless otherwise specified within Chapter 9-10-7 of this Unified Land Development Code.						
Corps of Engineers property line (unless otherwise specified) (feet)							
LANDSCAPE STRIPS	O-I	N-B	C-B	R-B	G-B	L-I	H-I
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	10	10	None	10	10	10	10
Minimum landscape strip required along side property lines for any non-single-family residential use (width in feet)	10	10	None	None	None	None	None
Minimum landscape strip required along right-of-way of existing street for any residential subdivision involving a new street with more than five lots (along that part of the frontage not used for the new street). Plantings within landscape strips shall not obstruct sight visibility triangle easements.	20	20	N/A	N/A	N/A	N/A	N/A

NP = Not Permitted

* Required zoning buffers may be reduced in width with installation of a structural buffer as provided in Chapter 9-16-2-6 of this Unified Land Development Code.

** Within the N-B zoning district, no individual establishment shall exceed 50,000 square feet of gross floor area total or 18,000 square feet of gross floor area on the ground level floor.

SECTION VII.

Chapter 9-8-2 of the Code of the City of Gainesville, Georgia entitled "Gateway Corridor Overlay Zone" table of contents is hereby amended to add "and Fences" to read as follows:

CHAPTER 9-8-2 GATEWAY CORRIDOR OVERLAY ZONE

Section 9-8-2-6. Freestanding Walls **and Fences**.

SECTION VIII.

Section 9-8-2-5 (a) of the Code of the City of Gainesville, Georgia entitled "Building Materials" within the Gateway Corridor Overlay Zone is hereby amended to read as follows:

Section 9-8-2-5. Buildings.

- (a) **Building materials.** On front facades and other building sides visible from a public right-of-way, exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels. **Front facades and other building sides visible from a public right-of-way Building walls** shall be at least ~~forty percent (40%)~~ **fifty percent (50%)** composed of brick masonry, stone masonry, ~~or split-face block masonry or combination thereof.~~ **or wood clapboards or weather boarding.**

SECTION IX.

Section 9-8-2-6 of the Code of the City of Gainesville, Georgia entitled "Freestanding Walls and Fences" within the Gateway Corridor Overlay Zone is hereby amended to read as follows:

Section 9-8-2-6. Freestanding Walls and Fences.

Smooth-faced concrete walls visible from the right-of-way of a gateway corridor are prohibited. Walls visible from the right-of-way shall be faced with brick or stone masonry or shall be architecturally compatible in terms of design/style and color, as approved by the Director of Planning and Development. Chain-link fences visible from the public right-of-way shall be coated with vinyl with a black color. All fences visible from the public right-of-way shall have their appearance softened with landscaping as approved by the Director of Planning and Development.

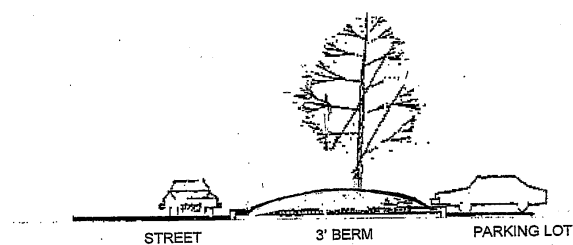
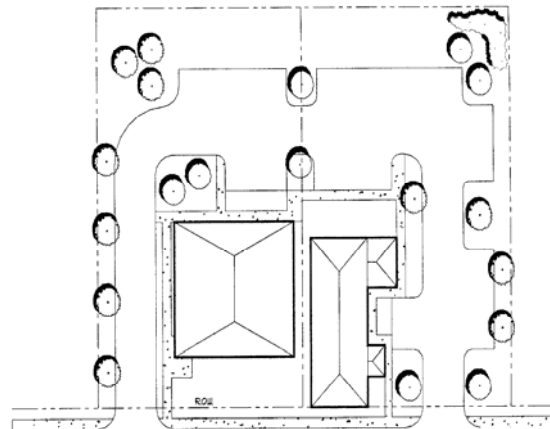
SECTION X.

Section 9-8-2-7 of the Code of the City of Gainesville, Georgia entitled "Location of Off-street Parking and Loading" within the Gateway Corridor Overlay Zone is hereby amended to read as follows:

Section 9-8-2-7. Location of Off-street Parking and Loading.

For uses other than single-family residential, parking and loading shall be to the side or rear of the building (or where there is more than one building, to the side or rear of the building closest to the right-of-way line). The Director of Planning and Development may permit up to twenty-five (25) percent of required off-street parking to be located between the building and gateway corridor right-of-way, for good cause shown.

Automobile sales facilities shall be allowed to display vehicles for sell, rent or lease to the front of the building with the installation of a minimum three-foot (3') high landscaped berm within the frontage landscape strip. Automobile sales facilities shall be in accordance with Section 9-10-6-2 of the Unified Land Development Code.



SECTION XI.

Section 9-8-7-7(d) of the Code of the City of Gainesville, Georgia entitled "Property Design Standards" and "Maximum Building Length or Width" within the Midtown Overlay Zone is to be deleted and is hereby amended to read as follows:

Section 9-8-7-7. Property Design Standards.

(d) ~~Maximum Building Length or Width: 150 feet.~~

(d) Maximum Front Yard Setback: 50 feet

SECTION XII.

Section 9-8-7-9 of the Code of the City of Gainesville, Georgia entitled "Screening" within the Midtown Overlay Zone is hereby amended to read as follows:

Section 9-8-7-9. Screening.

Parking lots, loading docks, dumpsters, other service areas, and outdoor recreation with outdoor lighting shall be screened from adjacent residential property and public rights-of-way by an opaque landscape buffer at least 10 feet wide or a 5-foot wide opaque landscape buffer outside a minimum 3-foot high solid fence or wall that is architecturally compatible with the existing building. ~~and which shall be made of brick, stone, or textured concrete units.~~

SECTION XIII.

Section 9-8-7-14 (a) (c) and (e) of the Code of the City of Gainesville, Georgia entitled "Signs" within the Midtown Overlay Zone is hereby amended to read as follows:

Section 9-8-7-14. Signs.

Signs in the Midtown Overlay District shall be as permitted in Article 9-18 of this Code, except that compliance with the following regulations shall be required.

- (a) Prohibited signs. Pole signs ~~and internally illuminated signs~~ are prohibited.
- (c) Setback. All signs shall be setback ~~10- 5~~ feet from the street right-of-way, unless the front of the building is within the setback, for which then the sign may be attached to the building.
- (e) Height. Maximum sign height shall be ~~8~~ 10 feet.

SECTION XIV.

Section 9-8-7-18 (d) and (e) of the Code of the City of Gainesville, Georgia entitled "Architectural Standards" within the Midtown Overlay Zone is hereby amended to read as follows:

Section 9-8-7-18. Architectural Standards.

- (d) Prohibited Materials. Metal siding, vinyl siding, ~~metal canopies~~ and standard concrete block are prohibited as external finish materials.
- (e) Pitched Roofs. Facades oriented to streets shall have pitched roofs. Minimum pitch ~~6:12~~ 3:12.

SECTION XV.

Section 9-10-1-2 (a) of the Code of the City of Gainesville, Georgia entitled "Fences and Walls" of Chapter 9-10-1 entitled "General Accessory Use Regulations" is hereby amended to read as follows:

Section 9-10-1-2. Fences and Walls.

- (a) Height. If a fence or freestanding wall, other than a retaining wall or necessary fencing encompassing a tennis court is to be placed in a required yard, it shall be no more than eight (8) feet in height. Fences or freestanding walls constructed in a front yard of a residential lot shall not exceed three and one-half (3.5) feet (42 inches) in height; provided, however, that this shall not apply to subdivision or project identification monuments at the entrance to a subdivision or development and wall or fence extensions thereof, where permitted, which shall not exceed eight (8) feet in height and columns shall not exceed ten (10) feet in height. Fences or walls on properties with nonresidential uses shall not exceed eight (8) feet in height and columns shall not exceed ten (10) feet in height in a front, side or rear yard.

SECTION XVI.

Section 9-10-2-3 (d) of the Code of the City of Gainesville, Georgia entitled "Multi-Family Development" within Chapter 9-10-2 entitled "Principal Residential Uses" is hereby amended to read as follows:

Section 9-10-2-3. Multi-Family Development.

- (d) Setbacks. Buildings within multi-family developments shall be subject to the setbacks for the entire lot as established in applicable zoning district dimensional requirements. There shall be no requirements for setbacks from private driveways within the multi-family development. This does not include single-family attached dwelling (fee-simple townhouse) developments.

SECTION XVII.

Section 9-10-2-3 (c) and (e) of the Code of the City of Gainesville, Georgia entitled "Single-Family Attached Dwelling (Fee-Simple Townhouse)" within Chapter 9-10-2 entitled "Principal Residential Uses" is hereby amended to read as follows:

Section 9-10-2-5. Single-Family Attached Dwelling (Fee-Simple Townhouse).

In zoning districts where permitted, fee-simple townhouses shall meet the following requirements:

- (c) Building Setbacks. There shall be a minimum twenty (20) foot front side or rear setback from any perimeter boundary of the fee-simple townhouse subdivision and a 30 foot front setback from any public street exterior to or within the subdivision. There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures. In the case of any public street the front building setback shall be measured from the right-of-way line of the public street. In the case of a private street the front building setback shall be fifteen (15) feet and

shall be measured from the private street right-of-way line or, if none is established, the curb of the private street nearest the building. Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.

- (e) Building Unit Offsets. To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the front façade and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design **by a minimum of 3-feet.**

SECTION XVIII.

Section 9-10-3-7 (a) and (c) of the Code of the City of Gainesville, Georgia entitled “Vehicle Parking in Residential Zoning Districts” within Chapter 9-10-3 entitled “Accessory Residential Uses” is hereby amended to read as follows:

Section 9-10-3-7. Vehicle Parking in Residential Zoning Districts.

- (a) Location and number of vehicles limited. In single-family residential zoning districts, the parking of automobiles is permitted in garages, carports, or outdoors. Unenclosed parking shall not exceed four outdoor automobiles per single-family or two-family dwelling unit in any front yard of a lot. Parking shall be permitted only in designated hard surfaced areas with concrete or asphalt surfacing and shall not be permitted outside such surfaced areas (i.e., no parking in yards). **Administrative relief may be given by the Public Works Director to use alternative pervious materials due to environmental impacts.**
- (c) Commercial vehicles. Parking or storage of commercial vehicles shall not take place on any vacant residential lot. It shall be unlawful to park or store commercial vehicles (including but not limited to dump trucks and delivery trucks) or school buses in front yards of residential zoning districts. One commercial vehicle may be parked or stored in a side or rear yard of a lot in a residential zoning district, but if stored regularly in a side or rear yard, the vehicle and vehicle storage area shall be screened from view from abutting properties and parked on a hard-surfaced area. **Administrative relief may be given by the Public Works Director to use alternative pervious materials due to environmental impacts.**

SECTION XIX.

Section 9-10-4-5 of the Code of the City of Gainesville, Georgia entitled “Visits by Patrons Limited” within Chapter 9-10-4 entitled “Home Occupations” is hereby amended to read as follows:

Section 9-10-4-5. Visits by Patrons Limited.

There shall be no nonresident persons on the premises in conjunction with the home occupation, except for family day care homes. Home occupations including medical, professional or personal service uses involving visits by patrons shall require special use approval from the governing body and shall be limited to no more than two (2) nonresident persons on the premises at the same time in conjunction with the home occupation whether they are students, clients, patients, or customers. Except for family day care homes, there shall

~~not be more than two (2) nonresident persons on the premises at the same time in conjunction with the residential business whether they are students, clients, patients, or customers.~~

SECTION XX.

Section 9-10-5-5(b) (c) (d) (f) (g) (h) (i) (j) and (k) of the Code of the City of Gainesville, Georgia entitled "Rooming House" within Chapter 9-10-5 entitled "Institutional Uses" is hereby amended to add "and Group Home" to read as follows:

CHAPTER 9-10-5 INSTITUTIONAL USES

Section 9-10-5-5. Rooming House **and Group Home.**

Section 9-10-5-5. Rooming House and Group Home.

- (b) Applicability. No person shall establish or operate a rooming house **or group home**, or let a person occupy any rooming unit in any rooming house **or group home**, except in compliance with the provisions of this Section.
- (c) Business Registration of Existing Rooming Houses **or Group Homes**. No person shall operate a rooming house or **group home** unless he holds a valid business registration issued in the name of the operator and for the specific dwelling. Property owners operating a rooming house **or group home** shall register the rooming house **or group home** as an existing business within 120 days from the effective date of this Section. It shall be unlawful to continue to use or operate a rooming house **or group home** in the city after 120 days from the effective date of this section, unless the rooming house **or group home** has been registered with the city. The city shall compile and maintain a list of registered rooming houses **and group homes**.
- (d) Appointment of Agent and Agent Responsibilities. As part of the registration process, property owners of existing and new rooming houses **or group home** shall appoint an agent, who lives in Hall County, as the person responsible for the property. The designated agent shall be available to be contacted 24 hours a day, 7 days a week. The agent is the party designated to receive all notices from the city concerning the use of the property. The name and telephone number of the agent responsible for the rooming house **or group home** will be provided by the city to any neighbors who contact the city with complaints about the rooming house **or group home**. The designated agent for the property shall be responsible for responding expeditiously to any complaints received by the city and problems if they occur.
- (f) Resident Management and Occupancy Registry. A resident manager shall reside on the licensed premises. A telephone shall be located in the resident manager's living quarters. The manager of every rooming house **or group home** shall keep in the office, or other place therein, a register in which shall be entered the name and residence of every person who becomes a lodger, boarder or guest therein. Such register shall also show the number or location of the room or bed occupied by such person, the date of his arrival, and the period for which he will stay. The register shall also be accessible, without charge, to the Director, any police officer, or other duly

authorized agent of the city. An up-to-date floor plan and current list of occupants shall be maintained by the resident manager and posted in a conspicuous location.

- (g) Occupancy Limitations. No basement, attic, or accessory building shall be used for rooming house or group home purposes. No registration required by this Section shall be issued to any person proposing to use a basement, attic, or accessory building or any part thereof as habitable rooms for rooming house or group home purposes.
- (h) Air Space. No room in any rooming house or group home shall be occupied as a sleeping room by any person unless there are at least six hundred (600) cubic feet of air space, exclusive of wardrobe and closet space, for each and every person occupying any such room. All sleeping quarters shall be served by working heating and cooling facilities and a bed with a mattress for each registered occupant.
- (i) Minimum Basic Facilities. At least one (1) flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewerage system and in good working condition, shall be supplied for each eight (8) persons or fraction thereof residing within a rooming house or group home. All such facilities shall be so located within the dwelling as to be accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.
- (j) Food Preparation and Meals. Any rooming house or group home where food is served shall comply with all requirements of the Hall County Environmental Health Department.
- (k) Responsibility for Maintenance. The property owner, property agent, and resident manager of each rooming house or group home shall be individually responsible for the maintenance of safe and sanitary conditions in every part of the rooming house or group home.

SECTION XXI.

Chapter 9-10-12 of the Code of the City of Gainesville, Georgia entitled "Infill Residential Development Projects" is hereby amended to renumber Section 9-10-12-10 entitled "Garages" to read Section 9-10-12-11; to renumber Section 9-10-12-11 entitled "Screening of Rear Yards of Lots Fronting an Interior Street" to read Section 9-10-12-12; to renumber Section 9-10-12-12 entitled "Entrance Landscaping" to read Section 9-10-12-13; to renumber Section 9-10-12-13 entitled "Entrance Monuments" to read Section 9-10-12-14; to renumber Section 9-10-12-14 entitled "Architectural Building Materials" to read Section 9-10-12-15; to renumber Section 9-10-12-15 entitled "Front Yards" to read Section 9-10-12-16; to renumber Section 9-10-12-16 entitled "Detention Ponds" to read Section 9-10-12-17; to renumber Section 9-10-12-17 entitled "Process for Review" to read Section 9-10-12-18; to renumber Section 9-10-12-18 entitled "Administrative Variances" to read Section 9-10-12-19; to add Section 9-10-12-10 entitled "Building Orientation"; to amend section 9-10-12-9 entitled "Build-to Lines"; to amend section 9-10-12-15 entitled "Architectural Building Materials" to read as follows:

CHAPTER 9-10-12

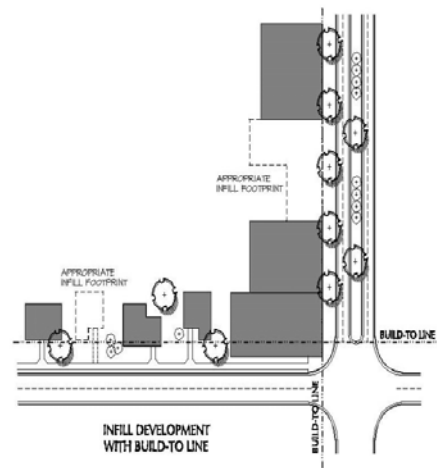
INFILL RESIDENTIAL DEVELOPMENT PROJECTS

Section 9-10-12-10. Building Orientation

- Section 9-10-12-11. Garages.
- Section 9-10-12-12. Screening of Rear Yards of Lots Fronting an Interior Street.
- Section 9-10-12-13. Entrance Landscaping.
- Section 9-10-12-14. Entrance Monuments.
- Section 9-10-12-15. Architectural Building Materials.
- Section 9-10-12-16. Front Yards.
- Section 9-10-12-17. Detention Ponds.
- Section 9-10-12-18. Process for Review.
- Section 9-10-12-19. Administrative Variances.

Section 9-10-12-9. “Build to” Lines.

This section shall apply to the erection of dwellings on lots within an infill residential development project that front on an existing street. The intent of this Section is to ensure that dwellings are placed on the lot in a manner compatible with dwellings abutting to the side of the lot within the infill residential development project. Substantial deviations from the repetitive or prevailing pattern of building placement on the same existing street can result in an incompatible condition.



Dwellings within an infill residential development project on lots that front on an existing street shall not deviate from the **average build-to line for those properties located within the established residential area** (as defined in this Chapter) by more than fifteen feet (15'). **Where the established residential area may be difficult to determine, the Director of Planning and Development shall have the authority to determine the average build-to line for the infill residential development project.** When a build-to line applies pursuant to this Section, it supersedes the front building setback requirement for the zoning district in which the property is located.

Section 9-10-12-10. Building Orientation.

Any lot located adjacent to an existing street shall require the front of the proposed dwelling to be orientated toward the existing street. The Director of Planning and Development shall have the authority to wave this requirement when entrance landscaping and entrance monuments are provided as described in this chapter.

Section 9-10-12-15. Architectural Building Materials.

At least fifty percent (50%) of the front façade of each dwelling within an infill residential development project shall be brick masonry, stone masonry, or split-face block masonry. All other exterior wall materials of dwellings within infill residential development projects shall consist of brick masonry, stone masonry, or split-face block masonry; or wood clapboards or weather boarding, and appropriate architectural accents. Standing-seam or corrugated metal walls or vinyl siding shall not be permitted unless specifically approved as a secondary or accent material by the Director of Planning and Development. Architectural treatments on all sides of the building other than the front façade shall be consistent. Roof materials shall be asphalt composition, wood shake, tile, or standing seam metal.

SECTION XXII.

Section 9-11-2-3 of the Code of the City of Gainesville, Georgia entitled “Replacement or Repair After Damage” within Chapter 9-11-2 entitled “Nonconforming Buildings” is hereby amended to read as follows:

Section 9-11-2-3. Replacement or Repair After Damage.

Any portion of a building that meets the definition of a nonconforming conforming building, shall not be rebuilt, altered, or repaired after destruction or damage exceeding sixty (60) percent of its replacement cost or square footage at the time of damage as determined by the Building Official, except in conformity with the dimensional requirements for the zoning district in which it is located and all other applicable regulations of this Unified Land Development Code.

SECTION XXIII.

Section 9-11-3-8 of the Code of the City of Gainesville, Georgia entitled “Damage and Repair or Re-establishment” within Chapter 9-11-3 entitled “Nonconforming Uses” is hereby amended to read as follows:

Section 9-11-3-8. Damage and Repair or Re-establishment.

A nonconforming use shall not be re-established or repaired if the activity is destroyed or sustains damage exceeding sixty (60) percent of its assessed value or square footage as determined by the Director of Planning and Development.

A building containing a nonconforming use shall not be rebuilt, altered, or repaired after destruction or damage exceeding sixty (60) percent of its replacement cost or square footage at the time of damage as determined by the Building Official, except for a use which conforms with the zoning district in which said use is located (or if within an overlay zone that establishes use restrictions and such overlay zone uses are controlling, for a use permitted in the overlay zone in which said use is located), and provided such rebuilding, alteration or repair is completed within one (1) year of such destruction or damage.

Notwithstanding the foregoing provisions of this Section, a residential or office use that is a nonconforming use that operated within a conforming or nonconforming building may be re-established in such building sustaining damage exceeding sixty (60) percent of its replacement cost or square footage at the time of damage as determined by the Building Official, provided the damaged nonconforming or conforming building containing such nonconforming use is repaired or rebuilt within eighteen (18) months following the date of damage.

SECTION XXIV.

Article 9-13 of the Code of the City of Gainesville, Georgia entitled "Subdivisions and Land Development" is hereby amended by adding Chapter 9-13-6 entitled "Minor Development Permits"; to read as follows:

ARTICLE 9-13 SUBDIVISIONS AND LAND DEVELOPMENT

CHAPTER 9-13-6 ~~[RESERVED FOR FUTURE USE]~~ 13-23
MINOR LAND DEVELOPMENT PERMITS

SECTION XXV.

Chapter 9-13-6 of the Code of the City of Gainesville, Georgia is amended as follows:

CHAPTER 9-13-6 ~~[RESERVED FOR FUTURE USE]~~ **MINOR LAND DEVELOPMENT PERMITS**

Section 9-13-6-1. Minor Land Development Permit Required.
Section 9-13-6-2. General Application Requirements.
Section 9-13-6-3. Review of Permit Applications.
Section 9-13-6-4. Expiration of Permit Approval.

Section 9-13-6-1. Minor Land Development Permit Required.

A minor land development permit may be required for small projects that would otherwise not require a land development permit or preliminary plat as identified in this article. For multi-family and nonresidential properties, this may include but is not limited to items such as minor tree removal, clearing and grubbing, grading, landscaping, small driveway/parking installations and small building additions located on existing impervious surface areas as determined by the Planning Director. For single-family residential properties, this may include but is not limited to parking, patio, walkway and retaining wall additions as determined by the Planning Director. Regular maintenance of property including landscaping and gardening shall be exempt from these requirements. This chapter does not exempt the requirement of a separate building permit.

Section 9-13-6-2. General Application Requirements.

The application for a minor land development permit shall be submitted to the Planning Department and may include the following items below as approved by the Planning Director:

- (a) Application form. Application on the form completed by the Planning Department. The Planning Department may choose to complete this form for the applicant.
- (b) Fee. Payment of any land development permit fee, as established from time to time by the Governing Body.
- (c) Plat. A copy of the approved recorded plat of the subject property.

- (d) Site plan. A site plan shall be prepared by a person familiar with land development activities. The site plan shall include at minimum the project location, total project area and all erosion and sedimentation control measures.
- (e) Completeness. The application shall be checked for completeness at the time of submission. Incomplete applications will not be processed and will be returned to the applicant.

Section 9-13-6-3. Review of Permit Applications.

The Planning Department shall forward a copy of the permit application and all supporting documents to other City departments and government agencies or others as appropriate, for their approval. The applicant may be required by the Planning Department to secure development approval from other agencies if they are affected by (or have jurisdiction over) the development. Development approval may be required from but not limited to:

- (a) The Gainesville Public Utilities Department.
- (b) The Gainesville Public Works Department.
- (c) The Hall County Public Works Department.

SECTION XXVI.

Section 9-13-7-9 (b) of the Code of the City of Gainesville, Georgia entitled "Specification for Tree Plans" within Chapter 9-13-7 entitled "Land Development Permits" is hereby amended to read as follows:

- (f) All significant trees and all other trees 10" DBH or larger which will remain on the development site and be protected during construction; and trees less than 10" DBH that are submitted for credit as part of the required ~~fifteen (15)~~ **minimum tree** units per acre of development site (not including land area covered by buildings).

SECTION XXVII.

Section 9-13-7-22 of the Code of the City of Gainesville, Georgia entitled "Expiration of Permit Approval" within Chapter 9-13-7 entitled "Land Development Permits" is hereby amended to read as follows:

Section 9-13-7-22. Expiration of Permit Approval.

A land development permit shall expire ~~if the land-disturbing activity or development described in the permit is not begun~~ within one (1) year from the date of issuance.

SECTION XXVIII.

Section 9-17-2-3 of the Code of the City of Gainesville, Georgia entitled "Number of Driveways Limited" within Chapter 9-17-2 entitled "Driveways and Street Access Control" is hereby amended to read as follows:

Section 9-17-2-3. Number of Driveways Limited.

Along State or U.S. highways, no more than one (1) ~~point-of-vehicular~~ **driveway** access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof.

Along major all streets other than State or U.S. highways, one driveway shall be permitted for every lot of record that meets the driveway width requirements described within table 9-17-2-1 of this chapter. One additional driveway may be permitted for every additional 100 feet of road frontage not to exceed a total of (3) three driveways within residential zoned districts and not to exceed a total of five (5) driveways within commercial or industrial zoned districts as described in table 9-17-2-2 of this chapter. The Public Works Director shall have the ability to administratively vary this requirement for good cause. Written application must be made to the Public Works Director stating the reason for the administrative variance, and identifying the reason(s) for such request.

**TABLE 9-17-2-2
NUMBER OF DRIVEWAYS PERMITTED**

Number of Driveways		Road Frontage
Residential	Commercial Industrial	
1	1	0' to 199'
2	2	200' to 299'
3	3	300' to 399'
n/a	4	400' to 499'
n/a	5	500' and above

~~lots with less than 200 feet of frontage shall have no more than one point of access to any one public street. Two (2) points of vehicular access from a property to each abutting public street shall be permitted only if the lot has 400 feet or more of lot frontage.~~ The Public Works Department shall determine whether the points of access driveways may be unrestricted or will have to be designed for right-in, right-out traffic flow.

SECTION XXIX.

Section 9-17-2-4 (a) of the Code of the City of Gainesville, Georgia entitled "Location Limitations" within Chapter 9-17-2 entitled "Driveways and Street Access Control" is hereby amended to read as follows:

Section 9-17-2-4. Location Limitations.

- (a) ~~No point of access~~ driveway shall be allowed within 35 feet of the right-of-way line of any street intersections for single-family and two-family residential lots and within 50 feet for multi-family and nonresidential properties. The Public Works Director shall have the ability to administratively vary this requirement for good cause. Written application must be made to the Public Works Director stating the reason(s) for the administrative variance, and identifying the reason for such request.

SECTION XXX.

Table 9-17-2-2 of the Code of the City of Gainesville, Georgia entitled "Driveway Apron Radii" within Chapter 9-17-2 entitled "Driveways and Street Access Control" is hereby amended to read as follows:

TABLE 9-17-2-23

DRIVEWAY APRON RADII

Use	Minimum Driveway Radius	
Single-Family Residential	5 feet	
Commercial or Multi-Family Residential	15 feet	
Industrial	25 feet	

SECTION XXXI.

Section 9-17-5-8 (a) of the Code of the City of Gainesville, Georgia entitled “Requirements for Design of Parking Lots” within Chapter 9-17-5 entitled “Parking Requirements” is hereby amended to read as follows:

Section 9-17-5-8. Requirements for Design of Parking Lots.

- (a) Location of spaces in relation to rights-of-ways. No parking space shall be provided along an access driveway within **the first** the first twenty-five (25) feet of the driveway from any local street.

SECTION XXXII.

Table 9-17-5-2 of the Code of the City of Gainesville, Georgia entitled “Minimum and Maximum Number of Off-Street Parking Spaces Required” within Chapter 9-17-5 entitled “Parking Requirements” is hereby amended to read as follows:

**TABLE 9-17-5-2
MINIMUM AND MAXIMUM NUMBER OF
OFF-STREET PARKING SPACES REQUIRED**

USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
COMMERCIAL USES		
Animal hospital; kennel	One per 400 square feet	One per 250 square feet
Appliance sales and repair	One per 500 square feet	One per 300 square feet
Art gallery	One per 400 square feet	One per 300 square feet
Automated teller machine, no drive-through	Two per machine	Three per machine
Auto parts store	One per 500 square feet	One per 300 square feet
Automobile sales	One per 200 square feet of repair space plus one per 400 square feet of showroom/office	One per 150 square feet of repair space plus one per 300 square feet of showroom/office
Automobile service and repair	One per 250 square feet	One per 200 square feet
Bank, credit union, savings and loan	One per 300 square feet (also see stacking requirements for drive-through	One per 200 square feet (also see stacking requirements for drive-through

	facilities)	facilities)
Barber shop or beauty parlor	One per 300 square feet	One per 250 square feet
Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom	Two for the owner-operator plus one per guest bedroom
Carpet or floor covering store	One per 300 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area	One per 250 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area
Car wash, staffed or automated	Two stacking spaces for each car wash lane plus two drying spaces per lane	Three stacking spaces for each car wash lane plus two drying spaces per lane
Contractor's establishment	One per 300 square feet of office space and one per 2,000 square feet of outdoor storage	One per 250 square feet of office space and one per 1,500 square feet of lot outdoor storage
Convenience store	One per 200 square feet	One per 150 square feet
Dance hall	One per 125 square feet	One per 75 square feet
Day care center	One per 500 square feet	One per 375 square feet
Funeral home or mortuary	One per four seats in largest chapel	One per three seats in largest chapel
Furniture and home furnishing store	One per 600 square feet	One per 300 square feet
USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
Grocery store	One per 300 square feet	One per 250 square feet
Hardware store	One per 400 square feet	One per 300 square feet
Health or fitness club	One per 200 square feet	One per 150 square feet
Hotel, extended stay	1.5 per unit lodging unit	Two per lodging unit
Hotel or motel	One per lodging unit, plus one per each 150 square feet of banquet, assembly, meeting, or restaurant seating area	1.2 per lodging unit, plus one per each 100 square feet of banquet, assembly, meeting, or restaurant seating area
Laundromat	One for each three washer/dryer combinations	One for each two washer/dryer combinations
Nursery or garden center	One per 300 square feet plus one per 1,500 square feet outdoor sales or display area	One per 250 square feet plus one per 1,000 square feet outdoor sales or display area
Office	One per 300 square feet	One per 250 square feet
Office/Clinic (Medical)	One per 250 square feet	One per 150 square feet
Open air sales	One per 250 square feet of indoor floor space plus one per 600 square feet of outdoor sales	One per 200 square feet of indoor floor space plus one per 500 square feet of outdoor sales
Personal service establishment	One per 250 square feet	One per 200 square feet
Photofinishing laboratory	One per 250 square feet	One per 200 square feet
Photographic studio	One per 300 square feet	One per 250 square feet
Restaurant, bar, or tavern	One per 125 square feet	One per 75 square feet
Retail store	One per 275 square feet	One per 250 square feet
Self storage facility (mini-warehouse)	One per 40 storage units	One per 25 storage units
Service station	One per 250 square feet of office space plus two per service bay	One per 200 square feet of office space plus three per service bay
Shopping center	One per 275 square feet	One per 225 square feet
INDUSTRIAL USES		
Manufacturing, processing, assembling	One per 1,300 square feet	One per 1,000 square feet
Warehouse	One per 2,000 square feet	One per 1,500 square feet
Wholesale	One per 1,000 square feet	One per 600 square feet
INSTITUTIONAL – GOVERNMENT USES		
Assembly hall; auditorium; nonprofit club or lodge	One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seats	One per three seats in room with greatest seating capacity or one per 30 square feet in largest assembly area without fixed seats

Club or lodge	One per 400 square feet	One per 200 square feet
Church, temple, synagogue and place of worship	One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seats	One per three seats in room with greatest seating capacity or one per 30 square feet in largest assembly area without fixed seats
USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING PERMITTED
Group home, rooming house	One per 3 living units	One per each living unit
Government office	One per 300 square feet	One per 250 square feet
Hospital	1.5 per bed	Two per bed
Library	One per 400 square feet	One per 300 square feet
Museum	One per 500 square feet	One per 300 square feet
Nursing home	One per four beds	One per three beds
Post office	One per 200 square feet	One per 150 square feet
Retirement community	One per unit	Two per unit
School, Elementary, Middle, High	Two per classroom	5 per classroom
School, Professional	20 per classroom	30 spaces per classroom
School, Special	One per 500 square feet	One per 375 square feet
RESIDENTIAL USES		
Apartment, one bedroom	1.5 per unit plus 0.1 per unit for guest space	Two per unit plus 0.2 per unit for guest space
Apartment, two bedroom	1.5 per unit plus 0.1 per unit for guest space	Two per unit plus 0.2 per unit for guest space
Apartment, three bedroom	2 per unit plus 0.2 per unit for guest space	Three per unit plus 0.2 per unit for guest space
Home occupation	See chapter 9-10-4	
Residence within building containing a non-residential use	One per unit	1.5 per unit
Single family detached or attached	Two per unit	Four per unit
Two family dwelling	Two per unit	Three per unit
RECREATIONAL FACILITIES		
Athletic field	20 spaces per field	25 spaces per field
Billiard hall/amusement arcade	One per 200 square feet	One per 150 square feet
Bowling alley	Two per each bowling lane (add parking for billiard hall/ amusement arcade, if provided)	Three per each bowling lane (add parking for billiard hall/ amusement arcade, if provided)
Community center	One per 300 square feet	One per 250 square feet
Golf course	2.5 per hole	Three per hole
Golf driving range	0.75 per tee	1 per tee
Ice or roller skating rink	One per 200 square feet	One per 150 square feet
Miniature golf	Two per hole	Three per hole
Stadium or sport arena	One per twelve feet of bench seating	One per ten feet of bench seating
Swimming pool – subdivision amenity	One per 150 square feet of surface water area	One per 100 square feet of surface water area
Swimming pool – public	One per 125 square feet of surface water area	One per 75 square feet of surface water area
Tennis or racquet ball court	Two per court	Three per court
Theater, cinema	One per four fixed seats	One per three fixed seats

SECTION XXXIII.

Section 9-17-5-13 (a) of the Code of the City of Gainesville, Georgia entitled “Requirements for Design of Parking Lots” within Chapter 9-17-5 entitled “Parking Requirements” is hereby amended to read as follows:

Section 9-17-5-13. Cross-Referenced Provisions.

- (a) Accessory uses. Accessory uses of parking lots and loading areas shall be limited as specified in Section 9-10-1-5-4 of this Unified Land Development Code.

SECTION XXXIV.

Section 9-18-1-2 of the Code of the City of Gainesville, Georgia entitled "Definitions" within Article 9-18 entitled "Sign Regulations" is hereby amended to add subparagraph 7 of the definition of a Portable sign which shall read as follows:

Portable sign: A sign designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following:

7. A sign affixed to or carried by a person.

SECTION XXXV.

Section 9-18-2-3 (c) of the Code of the City of Gainesville, Georgia entitled "Nonconforming Signs" within Chapter 9-18-2 entitled "General Provisions" is hereby amended to read as follows:

Section 9-18-2-3. Nonconforming Signs.

A building or freestanding sign that is lawfully existed on the effective date of this Unified Land Development may continue to be used, except that the nonconforming sign:

- (c) Shall not be altered for a change in use, change in ownership or change in business name. Individual sign panels not exceeding 50 percent of the total sign face area of a multi-tenant freestanding sign shall be allowed to be replaced for a change in use or change in business name.

SECTION XXXVI.

Section 9-18-2-5 (d), (e) and (j) of the Code of the City of Gainesville, Georgia entitled "Prohibited Signs" within Chapter 9-18-2 entitled "General Provisions" is hereby amended to read as follows:

Section 9-18-2-5. Prohibited Signs.

The following signs shall be prohibited within the City of Gainesville:

- (d) Pennants, streamers, and wind-blown devices, except as permitted in association with a Special Temporary Outdoor Event approved under the provisions of Section 9-10-8-2 and 9-18-7-13 of this Unified Land Development Code.
- (e) Portable signs, except as permitted in association with a Special Temporary Outdoor Event approved under the provisions of Section 9-10-8-2 and 9-18-7-13 of this Unified Land Development Code. In addition, A-frame or sandwich board signs shall be allowed within the Central Business (C-B) district.

- (j) Any flag for which there is no symbol, emblem, text, number, or copy whatsoever on the flag (i.e., colored flags with no message), **except as permitted in association with a Special Temporary Outdoor Event approved under the provisions of Section 9-10-8-2 and 9-18-7-13 of this Unified Land Development Code.**

SECTION XXXVII.

Table 9-18-6-1 of the Code of the City of Gainesville, Georgia entitled "Sign Regulations by Zoning District" within Chapter 9-18-6 entitled "Number, Size and Height Limitations" is hereby amended to read as follows:

**TABLE 9-18-6-1
SIGN REGULATIONS BY ZONING DISTRICT**

Note: For signs located within the Overlay Zones, additional restrictions apply or may be applied. See Article 9-8 and Section 9-18-3-2 of this Article. See also Chapter 9-18-7 of this Article for additional sign allowances for specific types of signs.

Principal Freestanding Sign - Individual Use						
	R-I-A, R-I, N-C, R-II**	R-O	O-I, N-B	R-B, G-B	C-B	L-I, H-I
Maximum number	1	1	1 per street frontage	1 per 200 feet of street frontage, maximum 2 per site	1 per street frontage	1 per street frontage
Maximum face area (square feet)	8	8 32	64	80	40	80
Maximum structure area (square feet)	8	8 60	96	120	120	120
Maximum height (feet)	8	8	10	10	10	10
Illumination*	Indirect	Indirect	Indirect	Internal or indirect	Internal or indirect	Internal or indirect
Principal Freestanding Sign - Multi-Tenant						
	R-I-A, R-I, N-C, R-II	R-O	O-I, N-B	R-B, G-B	C-B	L-I, H-I
Maximum number	N/A	1 per street frontage	1 per street frontage	1 per 200' of street frontage, maximum 3 per site.	1 per street frontage	1 per street frontage
Maximum face area (square feet)	N/A	8 32	120	140	80	140
Maximum structure area (square feet)	N/A	32 60	160	240	120	240
Maximum height (feet)	N/A	8	15	15	15	15
Illumination*	N/A Indirect	Indirect	Indirect	Internal or indirect	Internal or indirect	Internal or indirect
Note: Street frontage is defined as being a street "from which access may be directly gained."						

Building Sign: Wall signs and awning, canopy, Projecting (excludes incidental & window signs)						
	R-I-A, R-I, R-II, N-C***	R-O ***	O-I, N-B	R-B, G-B	C-B	L-I, H-I
Maximum Number per building frontage (signs on more than two building frontages is not permitted)	N/A	N/A	2	2	2	2
Total sign face area of all signs per wall (square feet)****	N/A	N/A	1 square feet for each foot of wall length	1 square feet for each foot of wall length	1 square feet for each foot of wall length	1 square foot for each foot of wall length
Maximum sign face area of largest sign per wall****	N/A	N/A	1 sq. foot for each foot of wall length	1 sq. feet for each foot of wall length	1 sq. feet for each foot of wall length	1 sq. foot for each foot of wall length
Illumination*	N/A	N/A	Indirect	Internal or indirect	Internal or indirect	Internal or indirect

* See also the provisions of Section 9-18-3-2, "Sign Approval in Historic Preservation Overlay Zone."

** These sign allowances (principal freestanding sign – individual use) are for non-single-family residential uses that are permitted outright or as a special use in these residential zoning districts. Examples include commercial recreational facilities and model homes. Where a non-profit club or lodge or a religious institution is a permitted use, the maximum face and maximum structure size area shall be a maximum of thirty-two (32) square feet (the maximum height of eight feet shall be observed).

*** Where a non-profit club or lodge or a religious institution is a permitted use, the following building signage shall be permitted: a maximum of two signs, not exceeding a total sign face area of sixteen (16) square feet, with no individual building sign larger than eight (8) square feet. No such wall signs shall be illuminated.

****In addition to the total sign face area for building signs calculated within Table 9-18-6-1, one additional square foot for each foot of wall length shall be allowed on a wall facing a public street for each additional 40-feet the building is setback beyond the minimum principal building front yard setback, not to exceed 3 square feet for each foot of wall length.

SECTION XXXIII.

Section 9-18-7-13 (a) and (c) of the Code of the City of Gainesville, Georgia entitled "Special Temporary Outdoor Event Signage" within Chapter 9-18-7 entitled "Additional Allowances for Specific Types of Signs" is hereby amended to read as follows:

Section 9-18-7-13 Special Temporary Outdoor Event Signage.

The following sign allowance shall be permitted in conjunction with a special temporary outdoor event permitted pursuant to Section 9-10-8-2 of this Unified Land Development Code. A total of one additional sign **per street frontage**, which may be either of the following (~~but not both~~) shall be allowed for the duration of the event:

- (a) One non-illuminated temporary sign, **flag** or banner ~~per street frontage~~ announcing the event, not exceeding six (6) square feet in area nor four (4) feet in height in a single-family residential zoning district and not exceeding thirty-two (32) square feet in area nor twelve (12) feet in height in a multi-family or nonresidential zoning district; or

- (c) Signage for the duration of special temporary outdoor event shall be limited to a total of 60 days four (4) times a calendar year for a period of fifteen (15) days per event for the same business or organization. Each event must be separated by at least 30 consecutive days.

SECTION XXXIX.

Chapter 9-22-1 of the Code of the City of Gainesville, Georgia entitled "Definitions" within Article 9-22 entitled "Applications and Procedures" is hereby amended to amend the definition of a text amendment to read as follows:

Text Amendment: An amendment to the following articles of this Unified Land Development Code: Articles 9-1 through 9-24, 9-22; Articles 9-14 through 9-17, Article 9-24, and Article 9-26.

SECTION XL.

The table of contents for Chapter 9-22-2 of the Code of the City of Gainesville, Georgia entitled "Zoning Changes and Special Uses" is hereby amended by amending Section 9-22-2-15 entitled "Withdrawal of Application" to read as follows:

CHAPTER 9-22-2 ZONING CHANGES AND SPECIAL USES

Section 9-22-2-15. Withdrawal of Application, and Waiting Period for Reapplication.

SECTION XLI.

Section 9-22-2-15 of the Code of the City of Gainesville, of Georgia entitled "Withdrawal of Application" is hereby amended to add the following:

Section 9-22-2-15. Withdrawal of Application, and Waiting Period for Reapplication.

A Rezoning or Special Use application may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the Director, up until the public hearing by the Planning and Appeals Board is closed.

If the applicant withdraws the application prior to the publication of notice for public hearing before the Planning and Appeals Board, the application shall be withdrawn administratively by the Director without restriction on the refiling of a proposed zoning change or Special Use on the property in the future.

If the applicant withdraws the application after notice has been published or is irretrievably set for publication but the application has not been heard by the Planning and Appeals Board, the application shall be withdrawn administratively by the Director and an application for Rezoning or Special Use on the property may not be resubmitted for six (6) months from the date of withdrawal.

If the request for withdrawal is made at the Planning and Appeals Board public hearing on the case, the request may be approved by a majority vote of the Board, but an application for a rezoning or zoning amendment Special Use on the property may not be resubmitted for six (6) months from the date of withdrawal.

If the request for withdrawal is made by the applicant following the Planning and Appeals Board hearing, the application shall remain on the Governing Body public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the Governing Body.

If denied, a Rezoning or Special Use request affecting the same property shall not be reconsidered for a period of six (6) months from the date of denial.

SECTION XLII.

Section 9-22-3-3 of the Code of the City of Gainesville, Georgia entitled "Withdrawal of Application" within Chapter 9-22-3 entitled "Annexations" is hereby amended to read as follows:

Section 9-22-3-3. Withdrawal and Waiting Period for Reapplication.

Any applicant wishing to withdraw a proposed annexation request shall comply with the withdrawal procedures as outlined in Chapter 9-22-2 for Rezoning applications and Special Use with the exception that there shall be no waiting period for reapplication upon withdrawal **or denial of an** annexation request.

SECTION XLIII.

Section 9-22-8-7 of the Code of the City of Gainesville, Georgia entitled "Action by Governing Body" within Chapter 9-22-8 entitled "Text Amendments" is hereby amended to read as follows:

Section 9-22-8-7. Action by Governing Body.

The Governing Body shall hold a public hearing on the text amendment. In rendering a decision on any such text amendment, the Governing Body shall consider all information supplied by the applicant, Director and the Planning and Appeals Board or Historic Preservation Commission, any information presented at the public hearing of the Planning and Appeals Board, and information gained at its own public hearing. The Governing Body shall either approve or disapprove of the application, or it may modify the text amendment language as proposed or recommended and approve the text amendment as modified. ~~When an application for text amendment is filed by a property owner, the Governing Body shall have no more than sixty-five (65) days from the date of the first advertised public hearing before the Governing Body to approve, deny, or modify and approve the text amendment.~~

SECTION XLIV.

Section 9-22-9-10 (a) of the Code of the City of Gainesville, Georgia entitled "Planning and Appeals Board Special Provisions" within Chapter 9-22-9 entitled "Procedures for Calling and Conducting Public Hearings" is hereby amended to read as follows:

Section 9-22-9-10. Planning and Appeals Board Special Provisions.

In the case of the Planning and Appeals Board, the following provisions shall apply to its decision making:

- (a) ~~A motion to recommend approval or denial of an application must be approved by an affirmative vote of at least four (4) members in order for the motion to be approved.~~ A total of 4 Planning and Appeals Board members present shall constitute a quorum. A majority vote of the quorum shall be necessary to approve any decision or recommendation.

SECTION XLV.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION XLVI.

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid and unconstitutional.

SECTION XLVII.

This Ordinance is enacted as an amendment to Title 9 of the Code of Ordinances of the City of Gainesville, Georgia.

SECTION XLVIII.

The effective date of this Ordinance shall be upon final approval by the City Council of the City of Gainesville, Georgia.