

manner and to a degree acceptable to the landowner or developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate, or modify the amenities requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety, and welfare by enabling the public at large to receive higher quality amenities in a more cost-efficient manner than would be provided by the developer. Land that would have been necessary to construct the amenities shall be maintained as open space within the development.

G. Miscellaneous Provisions.

1. Maximum allowable net density shall not exceed three dwelling units per net usable acre (du/acre), with city or county water and public sanitary sewer systems, and this shall be reflected on the Master Development Plan.

2. Impervious Cover Requirements. The Master Development Plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the City Zoning Ordinance, Watershed District Ordinances, Wetland Ordinance, Soil Erosion and Sedimentation Control Ordinance and Stormwater Runoff Ordinance, as applicable. Compliance with the impervious requirements shall be certified by a licensed surveyor, engineer, landscape architect, or any other professional authorized to render similar services under state law.

3. To the extent common areas, recreational facilities, and amenities are constructed by a landowner or developer pursuant to this chapter, they shall ultimately be transferred to, owned by, and maintained by a mandatory property owners association, as established in accordance with state law, and restrictive covenants and bylaws consistent with this requirement shall be recorded prior to receiving a building permit for any dwelling unit located in this classification.

4. In the event of a conflict between this section and any other ordinance or code provision, the terms of this section shall control.

5. Failure to comply with any of the requirements set forth herein will entitle the city or its designee to suspend any and all permits issued concerning the development, including building permits, to issue a stop work order, and to take other measures designed to ensure compliance with this section, to the extent provided by law. (Ord. 03-03.03B §§ 1—7; Ord. 02-12.30A §§ 1—9; Ord. 02-11.25A §§ 1—9; Ord. 02-06.03G § 1)

**17.04.060 Multi-family residence district.**

A. Purpose. It is the intent of this district to provide for the development of multiple-family residences at moderate to high densities on lots where public water and sewer systems are provided.

B. Definitions. For purposes of this entire section, the following terms shall have the meaning prescribed, unless the context clearly indicates otherwise:

“Amenities” means the area(s) set aside for active and passive recreation for the residents inside the development according to the standards set forth herein. Recreation areas may include passive areas, such as trails, picnic areas, or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas, and other facilities for sports activities.

“Carport” means a covered structure used for housing at least two vehicles and has the following minimum dimensions: vehicular entrance height, eight feet; interior height, eight feet; vehicular entrance width, sixteen feet; and overall carport width and depth, twenty-four feet. The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum of four inches in thickness with appropriate fill and base. Where carports are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage.

“Central park” means a park for active or passive recreational use consisting of buildable land. The total area of a central park shall be equal to one acre. A central park must be located in the approximate center of the development relative to the residential buildings located therein.

“City” means the city of Locust Grove or its designee.

“Classification” means the RM1, RM2 or RM3 district referred to herein.

“Commercial area outside the development” means an area not associated within or part of the development in which at least three of any of the following operating commercial establishments are located: retail, office, industrial, or manufacturing industrial.

“County” means Henry County or its designee.

“Development plan” means a written and graphic submission for a development which represents a tract of land, proposed development, the location and bulk of buildings and other structures, the calculation of all impervious surfaces, density of development, public and private streets, parking facilities, common open space, sidewalks and multiuse paths, and all amenities.

“Dwelling unit” means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for tenant occupancy, for rental or lease on a weekly, monthly, or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent living, sleeping, toilet and single cooking facilities.

“Facade” means all exterior faces of a building except eaves and corners.

“Impervious cover” or impervious surface means any roads, driveways, parking areas, buildings, swimming pools, concrete, pavement, rooftop landscapes and other impermeable construction covering the natural land surface which impedes or blocks the free passage of water, air, or nutrients through the soil to the natural watershed, aquifer, or water zone located below the surface. Surface materials which have been tested and marketed as providing some level of perviousness (e.g. such as pavers) and have a life span comparable to or better than that of asphalt may be used and its rated perviousness may be factored into the calculation of impervious cover after review and approval of the rating by the city or its designee. Except as otherwise provided in this section, impervious cover is the total horizontal area of covered spaces, paved areas, walkways, and driveways in a proposed development. Impervious cover excludes ponds and areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians. For an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, fifty percent of the horizontal area of the deck is included in the measurement of impervious cover.

“Maximum allowable net density” means the total number of dwelling units or housing structures per unit of land based on the net useable acres. The maximum allowable net density shall not exceed the density established by this section and applicable law.

“Multiple family dwellings” means apartment buildings and other multiple family dwellings other than fee simple town homes and fee simple condominiums.

“Net useable acres” (n.u.a.) means the total acreage of a proposed development under this classification, less any streets, rights-of-way, and public lands.

“One-hundred year flood plain” means any land susceptible to being flooded or inundated by water during a storm or other weather event with accumulated precipitation of a measured amount which occurs, on average, once every one hundred years. This definition shall include, without limitation, any land identified on the Flood Insurance Rate Map as being within a delineated zone of special flood hazard.

“Open space” means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common ownership and use by the residents of the developments and may include complementary structures and improvements as are necessary and appropriate for recreation or other complementary activities. Acreage within the one hundred year flood plain and wetlands under common ownership shall also be included in open space.

“Owner” means all parties applying for rezoning, including but not limited to the property owner and his agents or assigns.

“Parking space, off-street” means any off-street parking space consisting of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

“Pocket park” means a park for active or passive recreational uses consisting of buildable land. The total area of the pocket park shall be one acre. This area requirement for pocket parks may be divided in half where the development will provide two or more pocket parks. Where required, pocket parks shall be located in those parts of the development which are the greatest walking distance from the highest amenities based upon the area occupied by that amenity.

“Private alleyway” means an alley located in the rear of apartments, townhouses or condominiums in RM-1, RM-2 or RM-3 districts, respectively, that provides residents with vehicular access. Private alleyways shall be maintained pursuant to the rules, regulations and policies of the city at the expense of the adjoining property owners, homeowners’ associations, or condominium associations. The developer or landowner shall grant the appropriate easement so that the public may use the private alleyway. Private alleyways shall be constructed to meet the following requirements: private alleyways shall be a minimum of eighteen feet in width and sixteen feet thereof shall be paved with concrete or asphalt. Concrete alleyways shall be reinforced and have a minimum depth of six inches with appropriate base. Asphalt alleyways shall consist of a minimum of two inches of type “E” or “F” asphalt topping, binder, and six inches of graded aggregate base. Private alleyways, at a minimum, shall be constructed so as to provide adequate turning radii onto public streets, driveways, residential parking garages and carports for full-size, non-commercial, two-axle vehicles. Curbs and gutters should be provided, but are not required. Private alleyways shall not have dead-ends.

“Residential parking garage” means an enclosed structure attached to or part of the principal dwelling used for housing at least two vehicles and has the following minimum dimensions: vehicular entrance height, eight feet; interior height, ten feet; vehicular entrance width, sixteen feet; and overall garage width and depth, twenty-four feet. The overall garage width and depth of a residential parking garage for a townhome unit can be twenty feet. The floor shall be constructed of concrete.

Concrete floors shall be reinforced, where appropriate, and a minimum of four inches in thickness with appropriate fill and base. Where residential parking garages are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage to the main residential structure. The residential parking garage shall be kept clear so that a minimum of one vehicle may be parked in the garage at all times.

C. Multi-family residential districts are divided into three categories: apartments (RM1), fee-simple town homes (RM2), and condominiums (RM3).

D. Multi-Family Residential District-Apartments - RM1.

1. Permitted Uses:

a. Multiple-family dwellings, excluding fee-simple townhouses and fee-simple condominiums;

b. Local, state and federal governmental buildings;

c. Publicly owned and operated parks and recreation areas;

d. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

2. Accessory Uses. None.

3. Conditional Uses:

a. Mixed-use buildings consisting of commercial buildings with apartments constructed above;

b. This conditional use is permitted only in the old-town district which is designated as those properties which currently and in the future front on Highway 42 within the city limits and have a minimum road frontage of thirty-five feet.

4. Conditional Exceptions. There are no conditional exceptions.

5. Development Standards. The following development standards shall apply except to the extent permitted under subsection (D)(9) of this section:

a.	Per acre that is located outside of the 100 year flood plain	Four (4) apartment dwelling units.
b.	Minimum lot width	100 feet.
c.	Minimum front yard	60 feet from right-of-way line.
d.	Minimum side yard	20 feet.
e.	Minimum distance between Buildings	40 feet.
f.	Minimum rear yard	40 feet.
g.	Maximum height	The lesser of 45 feet or 4 stories.
h.	Minimum floor area (Heated space)	900 square feet for a one-bedroom unit; 1200 square feet per two-bedroom unit; and for three- or more bedroom units, 200 additional square feet per bedroom.
i.	Curb and gutter	Required.
j.	Paved driveway	Required.
k.	Private alleyway	Required.

l.	Public Sewage system	Required.
m.	Public Water system	Required.
n.	Parking	Required; For units without residential parking garages, two off-street parking spaces for each one or two bedroom apartment and one additional off-street parking space for each additional bedroom are required. For units with a residential parking garage, one additional off-street parking space is required for the third and each additional bedroom. Where residential parking garages are provided, driveways shall not count as off-street parking spaces in satisfaction of this requirement.
o.	Residential Parking Garage	A residential parking garage is required for at least twenty-five percent (25%) of the units; such structures shall be attached to the main structure.
p.	Sidewalk	Required; on both sides of all streets within any development developed under the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least four feet (4') from the backside of the curb so as to provide a buffer between the street and sidewalk. A multiuse path, as described in subsection (D)(5)(q) of this section, may be substituted for a sidewalk.

q. Multiuse Paths. Multiuse paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development below.

i. To ensure the greatest practicable connectivity, multiuse paths shall be located in accordance with either or a combination of both of the following plans: (1) multiuse paths constructed along the perimeter of the development shall be accessible to residents within the interior of the development via sidewalks, streets, or alleys and/or (2) multiuse paths constructed in the

interior of the development shall run along at least one side of each street in the development so as to be accessible to residents living along those streets. The final placement of the multiuse paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in phases.

ii. The land owner or developer shall extend the multiuse path from the development to the nearest commercial area outside the development or to the nearest existing multiuse path that provides such connectivity. Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate, or modify this requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the multiuse path extension required under this subsection; (2) the city or its designee confirm that the funds deposited will be used for design and construction of a multiuse path benefitting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercise the right to reduce, eliminate, or modify the multiuse path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate, or modify the multiuse path requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety, and welfare by enabling the public at large to receive a higher quality multiuse path in a more cost-efficient manner than would be provided by the developer.

iii. Multiuse paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways constitute any portion of multiuse paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multiuse path where it is at least twenty-two feet in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet of the width of the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet of such an alleyway shall be paved with concrete or asphalt.

iv. The developer or land owner shall grant the appropriate easement so that the public may use the multiuse paths or dedicate the multiuse path to the city for public use.

v. Multiuse paths shall be constructed of concrete, asphalt, some pervious material approved by the city or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand, or dirt) and it shall have a life span comparable to or better than that of asphalt. Multiuse paths shall be a minimum of four inches in depth, ten feet in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet of the width of the path is for pedestrian use while the remaining portion of the width of the path may be used for bicycles and motorized carts.

r. Central Garbage Facility. Required; development shall provide centralized garbage facilities for garbage and refuse collection. Individual residential garbage pickup per unit shall not be permitted.

s. School Children Waiting Area. A covered structure to have school-aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district.

i. The structure must be the built of sufficient size to have all children of school-age residing within the development.

ii. The main entrance to all developments must also provide a turnaround area with a minimum turning radius of forty feet to allow any Henry County school bus to turn around in one continuous movement.

6. Amenities.

a. Required Amenities. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred square feet, a junior-size olympic pool, and a children's play area. If subject to the requirements in subsection (D)(9) of this section, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent of the development. When additional amenities are required, the developer of the property shall select from the following list the additional required amenities, or such other amenities of equal or greater value as the city council may approve:

i. A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred square feet.

ii. Tennis courts - one lighted and enclosed facility featuring a minimum of two playing courts.

iii. Walking trails - at least two thousand feet, three feet in width; Multiuse paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet of the width is solely for pedestrian use.

iv. A central park or pocket park; unless approved by city council, only one of either type of park may be counted towards satisfaction of the amenity requirement.

v. A baseball field - (reg.) regulation size.

vi. A baseball field - (LL) little league size.

vii. A softball field - regulation size (adult).

viii. A soccer field - regulation size.

ix. A multiuse field - football and soccer.

x. A multiuse field - football and baseball.

xi. A football field - regulation size.

xii. A lake with fishing dock and boat access.

xiii. A regulation-size basketball court with two backboards, hoops, net structures, and enclosed with wire fencing eight feet in height.

b. City Provided Amenities. Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate, or modify this requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the amenities required under this subsection; (2) the city or its designee confirm that the funds deposited will be used for design and construction of amenities benefitting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercise the right to reduce, eliminate, or modify the amenities requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate, or modify the amenities requirement under this subsection,

the city or its designee shall consider whether doing so will promote public health, safety, and welfare by enabling the public at large to receive higher quality amenities in a more cost-efficient manner than would be provided by the developer. Land that would have been necessary to construct the amenities shall be maintained as open space within the development.

c. Multi-District Development. Where a development developed under these standards includes any combination of RM-1, RM-2, or RM-3 districts, the amenity package required can be consolidated. The city shall determine the required amenity package at the time of zoning.

7. Residential Facades. Within a development developed under the standards of this district, building facades shall consist of no less than fifty percent brick. The remaining facades shall consist, in any ratio the developer chooses, of stucco, stone, hardiplank or other masonry siding approved by the council, wood, or any combination thereof. Vinyl or aluminum siding shall not be permitted, except by variance.

8. Maximum Density. Except as otherwise provided for in subsection (D)(9) of this section, the maximum permissible density for a multiple-family development shall be four apartment dwelling units per acre.

9. Increased Density Provisions.

a. Apartment developers may request an increase in density up to eight apartment dwelling units per usable acre.

b. If an applicant seeks increased density under this subsection, the following rules shall apply:

i. Applicant must establish, with multiple surveys and calculations certified by a registered engineer, that increasing the maximum height of the structures to be constructed in a manner not to exceed four stories will permit the increased number of dwelling units to occupy land equal to or less than the amount of land which would be otherwise occupied by the number of multi-family units that could ordinarily be constructed on the property under the provisions of this section.

ii. Applicant shall construct the required amenities under subsection (D)(6) of this section.

iii. Applicant shall construct the additional amenities based upon the number of apartment units included in each development, as follows:

Units	Amenities Required
0 - 25	Required Amenities
26 - 50	3 additional amenities

One additional amenity for each fifty units, or part thereof, above fifty.

iv. None of the facilities referred to in this section may be used jointly for purpose of complying with the foregoing requirements.

v. All areas that are not transferred as provided under the definition of net useable acres, used for the construction of amenity packages, parking and other non-residential components required under the ordinance, or used for the apportioned dwelling units themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

vi. A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

vii. Building Facades. Building facades shall consist of no less than seventy percent brick or rock. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the council.

viii. Applicant shall provide, for units without a residential parking garage, two off-street parking spaces for each one-bedroom apartment and three off-street parking spaces per apartment with two or three bedrooms and one additional off-street parking space per apartment with over three bedrooms. Where residential parking garages are provided, driveways shall not count as off-street parking spaces in satisfaction of this provision.

ix. Applicant shall maintain a thirty foot planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density, the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

10. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be thirty acres, unless the development is part of a planned development district as defined by ordinance of the city.

11. Miscellaneous Provisions.

a. Any portion of a multiple-family site that is located in the one hundred year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the city reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetland on a case by case basis, consistent with this section. Fifty percent of the acreage within the one hundred year flood zone, or wetlands may be included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the city, some other public entity, or a non-profit organization, any of which will maintain such land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred year flood zone or wetlands shall be as follows: (1) such land must be offered first to the city, (2) if the city declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a nonprofit organization after such organization has been approved by the city to accept the deed to such land. Easements for drainage, sanitary sewer, buffers, etc. shall not be excluded from the calculation of net usable acres.

b. Impervious Cover Requirements. The development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the City Zoning Ordinance, Watershed Ordinances, Wetland Ordinance, Soil Erosion and Sedimentation Control Ordinance, Stormwater Ordinance, and Groundwater Recharge Ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty-five percent of the land area of any parcel on which a new development is placed that is located in a watershed protection district. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect, or any other professional authorized to render similar services under state law.

c. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

d. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the city or its designee prior to building permits being issued.

e. All yards referenced in this code section shall be sodded yards.

f. In the event of a conflict between this section and any other code provision, the terms of this section shall control.

E. Multiple Family Residence District - Townhouses - RM2.

1. Purpose. It is the intent of this district to provide for the development of fee simple townhouses at moderate to high densities on lots where public water and sewer systems are provided.

2. Definitions. These definitions will apply to this subsection E only.

“Lot” means that parcel of land used to develop more than one townhouse unit as part of a common development, rather than each individual parcel of real property owned in fee simple by the individual town house owner.

“Townhouse” means fee simple townhome and the land upon which it is located, which is a type of dwelling unit normally having two, but sometimes three stories; connected to another townhome by a common wall that entirely adjoins the dwelling units, and commonly sharing ownership in the surrounding grounds.

3. Permitted uses:

a. Fee-simple townhouses;

b. Local, state and federal governmental buildings;

c. Publicly owned and operated parks and recreation areas;

d. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

4. Accessory Uses: None.

5. Conditional Uses. Upon application to and recommendation by the planning commission, and favorable decision thereon by the city council, the following conditional uses are permitted in this district. There may be an exception to the definition townhome granted where, for instance, the contour, shape, size, location, geology and topography of the land does not allow the adjoining common walls to be connected in their entirety. If any such exception is granted, the units shall be one hundred percent brick or stone on all exterior facades. There are no other conditional uses.

6. Conditional Exceptions. There are no conditional exceptions.

7. Development Standards. The following development standards shall apply except to the extent permitted under subsection (E)(11) of this section:

a.	Per acre that is located outside of the 100 year flood plain	Five townhouse dwelling units per acre.
b.	Minimum lot width	100 feet.
c.	Minimum unit width	20 feet.
d.	Minimum front yard	20 feet from right-of-way line.
e.	Minimum distance between Buildings	40 feet.
f.	Minimum rear yard	30 feet.

g.	Maximum height	The lesser of 45 feet or 4 stories.
h.	Minimum floor area (Heated space)	1,000 square feet for a one-bedroom unit; 1,300 square feet per two-bedroom unit; 1,400 square feet per three bedroom units; and 200 additional square feet per additional bedroom.
i.	Maximum units per building	5.
j.	Curb and gutter	Required.
k.	Paved driveway	Required; located in rear of residential structure.
l.	Private alleyway	Required.
m.	Public Sewage system	Required.
n.	Public Water system	Required.
o.	Parking	Required; 1 additional off-street parking spaces for the third and each additional bedroom. Where residential parking garages are provided, driveways shall not count as parking space in satisfaction of this requirement.
p.	Residential parking garage	A residential parking garage is required for each unit; such structure, shall be attached to the main structure and only accessible from the rear of the building. A private alleyway for access to all garages is required.
q.	Sidewalk	Required, on both sides of all streets within any development developed under the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least four feet (4') from the backside of the curb so as to provide a buffer between the street and sidewalk. A multiuse path, as described in subparagraph (r), may be substituted for a sidewalk.

r. Multiuse Paths. Multiuse paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development below:

i. To ensure the greatest practicable connectivity, multiuse paths shall be located in accordance with either or a combination of both of the following plans: (1) multiuse paths constructed along the perimeter of the development shall be accessible to residents within the interior of the development via sidewalks, streets, or alleys and/or (2) multiuse paths constructed in the interior of the development shall run along at least one side of each street in the development so as to be accessible to residents living along those streets. The final placement of the multiuse paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in phases.

ii. The land owner or developer shall extend the multiuse path from the development to the nearest commercial area outside the development or to the nearest existing multiuse path that provides such connectivity. Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate, or modify this requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the multiuse path extension required under this subsection; (2) the city or its designee confirm that the funds deposited will be used for design and construction of a multiuse path benefiting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercise the right to reduce, eliminate, or modify the multiuse path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate, or modify the multiuse path requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety, and welfare by enabling the public at large to receive a higher quality multiuse path in a more cost-efficient manner than would be provided by the developer.

iii. Multiuse paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways constitute any portion of multiuse paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multiuse path where it is at least twenty-two feet in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet of the width of the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet of such an alleyway shall be paved with concrete or asphalt.

iv. The developer or land owner shall grant the appropriate easement so that the public may use the multiuse paths or dedicate the multiuse path to the city for public use.

v. Multiuse paths shall be constructed of concrete, asphalt, some pervious material approved by the city or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand, or dirt) and it shall have a life span comparable to or better than that of asphalt. Multiuse paths shall be a minimum of four inches in depth, ten feet in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet of the width of the path is for pedestrian use while the remaining portion of the width of the path may be used for bicycles and motorized carts.

s. Central Garbage Facility. Required; development shall provide centralized garbage facilities for garbage and refuse collection. Individual residential garbage pick up per unit shall not be permitted.

t. **School Children Waiting Area.** A covered structure to have school-aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district:

i. The structure must be the built of sufficient size to have all children of school-age residing within the development.

ii. The main entrance to all developments must also provide turnaround area with a minimum turning radius of forty feet to allow any Henry County school bus to turn around in one continuous movement.

8. **Required Amenities.**

a. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred square feet, a junior-size olympic pool, and a children's play area. If subject to the requirements in subsection (E)(11) of this section, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent of the development. When additional amenities are required, the developer of the property shall select from the following list the additional required amenities or such other amenities of equal or greater value as the city council may approve:

i. A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred square feet.

ii. Tennis Courts - one lighted and enclosed facility featuring a minimum of two playing courts.

iii. Walking Trails - at least two thousand feet, three feet in width; Multiuse paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet of the width of the path is solely for pedestrian use.

iv. A central park or pocket park; unless approved by city council, only one of either type of park may be counted towards satisfaction of the amenity requirement.

v. A baseball field - (reg.) regulation size.

vi. A baseball field - (LL) little league size.

vii. A softball field - regulation size (adult).

viii. A soccer field - regulation size.

ix. A multiuse field - football and soccer.

x. A multiuse field - football and baseball.

xi. A football field - regulation size.

xii. A lake with fishing dock and boat access.

xiii. A regulation-size basketball court with two backboards, hoops, net structures, and enclosed with wire fencing eight feet in height.

b. **City Provided.** Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate, or modify this requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the amenities required under this subsection; (2) the city or its designee confirm that the funds deposited will be used for design and construction of amenities benefitting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercise the right to reduce, eliminate, or modify the amenities requirement in this subsection in a manner and to a

degree acceptable to the landowner or developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate, or modify the amenities requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety, and welfare by enabling the public at large to receive higher quality amenities in a more cost-efficient manner than would be provided by the developer. Land that would have been necessary to construct the amenities shall be maintained as open space within the development.

c. Multi District Development. Where a development developed under these standards includes any combination of RM1, RM2, or RM3 districts, the amenity package required can be consolidated. The city shall determine the required amenity package at the time of zoning.

9. Residential Facades. Within any development developed under the standards of this district, a minimum of twenty percent of the townhome units shall be brick on all exterior facades and twenty percent of the townhome units shall be stucco, stone, brick or any combination thereof on all exterior facades. In addition, thirty percent of the townhome units shall have a front facade consisting entirely of stucco, stone, brick or any combination thereof. The remaining thirty percent of the townhome units shall consist, in any ratio the developer chooses, of stone, brick, stucco, hardiplank or other masonry siding, wood or any combination thereof. Of the twenty percent of the townhome units required to be brick on all exterior facades, no less than fifty percent must be units on the end of a building. The remaining facade shall consist of hardiplank, stucco, or other masonry siding approved by the city council. Vinyl or aluminum siding shall not be permitted, except by variance.

10. Maximum Density. Except as otherwise provided for in subsection (E)(11) of this section, the maximum permissible density for a multiple-family development shall be five townhouse dwelling units per acre. Impervious area for any development shall not exceed twenty-five percent of the land developed.

11. Increased Density Provisions.

a. Townhouse developers may request an increase in density up to eight townhouse dwelling units per usable acre.

b. If an applicant seeks increased density under this subsection, the following rules shall apply:

- i. Applicant must construct the required amenities under subsection (E)(8) of this section.
- ii. Applicant must construct the additional amenities based upon the number of townhouses included in each development, as follows:

Units	Amenities Required
0 - 25	Required Amenities
26 - 50	3 additional amenities

One additional amenity for each fifty units, or part thereof, above fifty.

iii. None of the facilities referred to in this section may be used jointly for purpose of complying with the foregoing requirements.

iv. All areas that are not transferred as provided under the definition of net useable acres, used for the construction of amenity packages, parking and other non-residential components required under the ordinance codified in this section, or used for the townhomes themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

v. A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

vi. No less than thirty-five percent of all townhome units shall be brick on all exterior facades and thirty-five percent of the townhome units shall be stucco, stone, brick or any combination thereof on all exterior facades. Of those thirty-five percent townhome units required to be brick on all exterior facades, no less than fifty percent must be units on the end of a building. The remaining thirty percent of the townhome units shall consist, in any ratio the developer chooses, of stone, brick, stucco, hardiplank or any other masonry siding, wood or any combination thereof. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the city council.

vii. Applicant shall maintain a thirty foot planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

12. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be twenty acres, unless the development is part of a planned development district as defined by ordinance of the city.

13. Miscellaneous Provisions.

a. Any portion of a multiple-family site that is located in the one hundred year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the city reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetland on a case by case basis, consistent with this section. Fifty percent of the acreage within the one hundred year flood zone, or wetlands may be included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the city, some other public entity, or a non-profit organization, any of which will maintain such land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred year flood zone or wetlands shall be as follows: (1) such land must be offered first to the city, (2) if the city declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a nonprofit organization after such organization has been approved by the city to accept the deed to such land. Easements for drainage, sanitary sewer, buffers, etc. shall not be excluded from the calculation of net usable acres.

b. Impervious Cover Requirements. The development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the City Zoning Ordinance, Watershed Ordinances, Wetland Ordinance, Soil Erosion and Sedimentation Control Ordinance, Stormwater Ordinance, and Groundwater Recharge Ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty five percent of the land area of any parcel on which a new development is placed that is located in a Watershed Protection District. The impervious

requirement shall be certified by a licensed surveyor, engineer, landscape architect, or any other professional authorized to render similar services under state law.

c. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

d. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the city or its designee prior to building permits being issued.

e. All yards referenced in this code section shall be sodded yards.

f. In the event of a conflict between this section and any other code provision, the terms of this section shall control.

F. Multiple Family Residence District - Condominiums - RM3.

1. Purpose. It is the intent of this district to provide for the development of fee simple condominiums at moderate to high densities on lots where public water and sewer systems are provided.

2. Definitions. These definitions will apply to this subsection F only.

“Lot” means that parcel of land used to develop more than one condominium unit as part of a common development.

“Condominium” means a system of separate ownership of individual units connected to another condominium by a common wall that adjoins the dwelling units in a multiple unit building whereby ownership of individual units is in fee simple, together with an undivided (or shared) ownership interest in certain common property referred to as common elements.

3. Permitted Uses.

a. Fee-simple condominiums.

b. Local, state and federal governmental buildings.

c. Publicly owned and operated parks and recreation areas.

d. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

4. Accessory Uses. None.

5. Conditional Uses.

a. Mixed-use buildings consisting of commercial buildings with apartments constructed above.

b. This conditional use exception is permitted only in the old-town district which is designated as those properties which currently and in the future front on Highway 42 within the city limits and have a minimum road frontage of thirty-five feet.

6. Conditional exceptions: There are no conditional exceptions.

7. Development Standards. The following development standards shall apply except to the extent permitted under subsection (F)(9) of this section:

a.	Per acre that is located outside of the 100 year flood plain	Six condominium dwelling units per acre.
b.	Minimum lot width	100 feet.
c.	Minimum front yard	60 feet from right-of-way line.
d.	Minimum rear yard	40 feet.

e.	Minimum distance between Buildings	40 feet.
f.	Maximum height	The lesser of 45 feet or 4 stories.
g.	Minimum floor area (Heated space)	1,000 square feet for a one-bedroom unit; 1,300 square feet per two-bedroom unit; and for units with three or more bedrooms 200 additional square feet per additional bedroom.
h.	Maximum Units per Building	8.
i.	Curb and gutter	Required.
j.	Paved driveway	Required; located in rear of residential structure.
k.	Private alleyway	Required.
l.	Public Sewage system	Required.
m.	Public Water system	Required.
n.	Parking	Required 1 additional off-street parking spaces for the third and each additional bedroom. Where residential parking garages or carports are provided, driveways shall not count as parking spaces in satisfaction of this requirement.
o.	Residential parking garage/carport	Either a residential parking garage or carport is required for each unit; such structure shall be attached to the main structure and only accessible from the rear of the building. A private alleyway for access to all garages is required.
p.	Sidewalk	Required, on both sides of all streets within any development developed under the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least four feet (4') from the backside of the curb so as to provide a buffer between the street and sidewalk. A multiuse path, as described in subsection (F)(7)(q) of this section, may be substituted for a sidewalk.

q. Multiuse Paths. Multiuse paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development below:

i. To ensure the greatest practicable connectivity, multiuse paths shall be located in accordance with either or a combination of both of the following plans: (1) multiuse paths constructed

along the perimeter of the development shall be accessible to residents within the interior of the development via sidewalks, streets, or alleys and/or (2) multiuse paths constructed in the interior of the development shall run along at least one side of each street in the development so as to be accessible to residents living along those streets. The final placement of the multiuse paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in phases.

ii. The land owner or developer shall extend the multiuse path from the development to the nearest commercial area outside the development or to the nearest existing multiuse path that provides such connectivity. Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate, or modify this requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the multiuse path extension required under this subsection; (2) the city or its designee confirm that the funds deposited will be used for design and construction of a multiuse path benefiting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercise the right to reduce, eliminate, or modify the multiuse path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate, or modify the multiuse path requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety, and welfare by enabling the public at large to receive a higher quality multiuse path in a more cost-efficient manner than would be provided by the developer.

iii. Multiuse paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways constitute any portion of multiuse paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multiuse path where it is at least twenty-two feet in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet of the width of the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet of such an alleyway shall be paved with concrete or asphalt.

iv. The developer or land owner shall grant the appropriate easement so that the public may use the multiuse paths or dedicate the multiuse path to the city for public use.

v. Multiuse paths shall be constructed of concrete, asphalt, some pervious material approved by the city or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand, or dirt) and it shall have a life span comparable to or better than that of asphalt. Multiuse paths shall be a minimum of four inches in depth, ten feet in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet of the width of the path is for pedestrian use while the remaining portion of the width of the path may be used for bicycles and motorized carts.

r. Central Garbage Facility. Required; development shall provide centralized garbage facilities for garbage and refuse collection. Individual residential garbage pickup per unit shall not be permitted.

s. School Children Waiting Area. A covered structure to have school-aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district:

- i. The structure must be the built of sufficient size to have all children of school-age residing within the development.
- ii. The main entrance to all developments must also provide a turnaround area with a minimum turning radius of forty feet to allow any Henry County school bus to turn around in one continuous movement.

8. Amenities.

a. Required Amenities. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred square feet, a junior-size olympic pool, and a children's play area. If subject to the requirements in subsection (F)(11) of this section, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent of the development. When additional amenities are required, the developer of the property shall select from the following list the additional required amenities, or such other amenities of equal or greater value as the city council may approve:

- i. A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred square feet.
- ii. Tennis courts - one lighted and enclosed facility featuring a minimum of two playing courts.
- iii. Walking trails - at least two thousand feet, three feet in width; Multiuse paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet of the width of the path is solely for pedestrian use.
- iv. A central park or pocket park; unless approved by city council, only one of either type of park may be counted towards satisfaction of the amenity requirement.
- v. A baseball field - (reg.) regulation size.
- vi. A baseball field - (LL) little league size.
- vii. A softball field - regulation size (adult).
- viii. A soccer field - regulation size.
- ix. A multiuse field - football and soccer.
- x. A multiuse field - football and baseball.
- xi. A football field - regulation size.
- xii. A lake with fishing dock and boat access.
- xiii. A regulation-size basketball court with two backboards, hoops, net structures, and enclosed with wire fencing eight feet in height.

b. City Provided. Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate, or modify this requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the amenities required under this subsection; (2) the city or its designee confirm that the funds deposited will be used for design and construction of amenities benefitting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercise the right to reduce, eliminate, or modify the amenities requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the city or its designee places such funds in es-

crow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate, or modify the amenities requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety, and welfare by enabling the public at large to receive higher quality amenities in a more cost-efficient manner than would be provided by the developer. Land that would have been necessary to construct the amenities shall be maintained as open space within the development.

c. Multi District Development. Where a development developed under these standards includes any combination of RM1, RM2, or RM3 districts, the amenity package required can be consolidated. The city shall determine the required amenity package at the time of zoning.

9. Residential Facades. Within any development developed under the standards of this district, building facades shall consist of no less than fifty percent brick. The remaining facades shall consist, in any ratio the developer chooses, of stucco, stone, hardiplank or other masonry siding approved by the council, wood, or and combination thereof. Vinyl or aluminum siding shall not be permitted, except by variance.

10. Maximum Density. Except as otherwise provided for in subsection (F)(11) of this section, the maximum permissible density for a multiple-family development shall be six condominium dwelling units per acre. Impervious area for any development shall not exceed twenty-five percent of the land developed.

11. Increased Density Provisions.

a. Condominium developers may request an increase in density up to eight condominiums dwelling units per usable acre.

b. If an applicant seeks increased density under this subsection, the following rules shall apply:

i. Applicant shall construct the required amenities under subsection (F)(8) of this section.

ii. Applicant shall construct the additional amenities based upon the number of condominium units included in each development, as follows:

Units	Amenities Required
0 - 25	Required Amenities
26 - 50	3 additional amenities

One additional amenity for each fifty units, or part thereof, above fifty.

iii. None of the facilities referred to in this section may be used jointly for purpose of complying with the foregoing requirements.

iv. All areas that are not transferred as provided under the definition of net useable acres, and used for the construction of amenity packages, parking and other non-residential components required under the ordinance, or used for the condominium units themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

v. A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

vi. Building facades shall consist of no less than seventy-five percent brick or rock. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the city council.

vii. Applicant shall maintain a thirty foot planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

12. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be ten acres, unless the development is part of a planned development district as defined by ordinance of the city.

13. Miscellaneous Provisions.

a. Any portion of a multiple-family site that is located in the one hundred year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the city reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetlands on a case by case basis, consistent with this section. Fifty percent of the acreage within the one hundred year flood zone, or wetlands may be included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the city, some other public entity, or a non-profit organization, any of which will maintain such land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred year flood zone or wetlands shall be as follows: (1) such land must be offered first to the city, (2) if the city declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a nonprofit organization after such organization has been approved by the city to accept the deed to such land. Easements for drainage, sanitary sewer, buffers, etc. shall not be excluded from the calculation of net usable acres.

b. Impervious Cover Requirements. The development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the City Zoning Ordinance, Watershed Ordinances, Wetland Ordinance, Soil Erosion and Sedimentation Control Ordinance, Stormwater Ordinance, and Groundwater Recharge Ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty-five percent of the land area of any parcel on which a new development is placed that is located in a watershed protection district. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect, or any other professional authorized to render similar services under state law.

c. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

d. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the city or its designee prior to building permits being issued.

e. All yards referenced in this code section shall be sodded yards.

f. In the event of a conflict between this section and any other ordinance or code provision, the terms of this section shall control. (Ord. 03-03.03C § 2)