

**Enactment of the “Planned Traditional Neighborhood District”**

**TOWN OF SHARPSBURG  
COUNTY OF COWETA  
STATE OF GEORGIA**

**PREAMBLE & FINDINGS**

**WHEREAS**, the Town of Sharpsburg (the “Town”) has previously adopted and enacted a Zoning Ordinance which is codified at Chapter 94 of the Town’s Code of Ordinances; and

**WHEREAS**, it is the intent of the Mayor and Town Council to incorporate a Planned Traditional Neighborhood District (the “PTND”) into the Zoning Ordinance which will allow for the creation of an individual site-specific zoning district, distinct in scope and purpose, which is attached to a particular parcel of land; and

**WHEREAS**, it is the intent of the Mayor and Town Council that the PTND zoning run with the land, and that it not be transferred to another parcel; and

**WHEREAS**, it is the intent of the Mayor and Town Council that the PTND allow an applicant to designate a mixture and arrangement of land uses, not normally available under traditional Euclidian zoning; and

**WHEREAS**, it is the intent of the Mayor and Town Council that the application for the designation of PTND shall be in the form of a conceptual master plan, along with a narrative and all supporting documentation; and

**WHEREAS**, it is the intent of the Mayor and Town Council that once approved by the Mayor and Town Council, the PTND master plan shall become the guiding document for the development of the PTND, and shall not be altered without approval from the Mayor and Town Council.

**WHEREFORE, THE TOWN OF SHARPSBURG HEREBY ADOPTS, ORDAINS AND ENACTS THE FORGOING LANGUAGE AS AN AMENDMENT AND CONDITION TO ITS COMPREHENSIVE ZONING ORDINANCE AS FOLLOWS:**

## **ARTICLE I**

### **13.1 Purpose.**

a. The purpose of a planned community is to encourage the best possible site planning and arrangement of land uses under a unified plan of development rather than under lot-by-lot regulation. Tracts of fifty (50) acres or larger are required for this district. The PTND is designed to include residential, commercial and/or office zoning districts as appropriate to provide flexibility in the application of development standards and site design when approved according to a master development plan in a manner to promote the conservation of natural environment, more efficient use of land, and efficiency in the extension of streets and utilities.

b. Specifically, the PTND sets forth a framework for traditional neighborhood development that encourages pedestrian-scale residential, commercial, and office activities to be designed in such a way as to reduce the number and type of vehicle trips, limiting congestion and thereby improving air quality. Conventional development is also addressed in a manner to promote the clustering of residential land use to set aside areas for recreation and open space while providing for varied forms of pedestrian and bicycle movement that is buffered from commercial and office activities. The developer benefits by having flexibility from the underlying or existing zoning regulations attached to the parcel in question. The Town benefits by being assured of the long term development plans for a specific parcel, while coordinating those plans with the comprehensive plan, and insuring compatibility of uses and optimum community development. Review of the development plan by the Mayor and Town Council provides an opportunity to ensure the development will be in harmony with the character of the neighborhood in which the development is located. All planned developments shall be located on paved Town roads. In most cases, each area within a PTND project developed for residential (including required open space and recreation amenities), commercial or office land use shall be designated separately according to the master development plan unless a mixture of uses within the site can better accomplish the goals established herein. Projects must consist of more than one type of land use to be considered a PTND project.

c. The natural features, arrangement of land uses, and departures from existing zoning and development standards, shall be represented on a master plan.

d. The PTND is not intended to circumvent the parameters of existing zoning, but rather to encourage ingenuity and resourcefulness in land planning. Planned community district zoning is not intended to be used for speculative purposes to enhance the value of property. As such, approval of a PTND will be as a conditional use, based upon a detailed master plan submitted as part of the application. If construction is not commenced within one year, and pursued in an orderly manner toward completion, the Mayor and Town Council may, upon written notice to the property owner, abolish the zoning or reduce the size of the approved PTND to fit the scope of actual development. The developer may

*Sample Traditional Neighborhood District Ordinance: Town of Sharpsburg*

make no changes to the approved master plan without review and approval from the Mayor and Town Council.

e. Objectives. To carry out the purpose of this Article, a PTND district must provide the following, as appropriate:

1. A range in the types of residential environment, including types of housing, and community facilities/recreation activities available.
2. Nonresidential land uses, if any, which provide convenient service, employment, and access.
3. Conservation of natural topographical and geological features with emphasis upon:
  - i. Conservation of existing surface and sub-surface water resources;
  - ii. Preservation of major trees and other significant natural environmental features;
  - iii. Prevention of soil erosion;
4. An efficient network of streets and utilities appropriate to serve the land uses within the PTND district.
5. Creation of a mixture of uses that decrease reliance on the use of the automobile and to encourage the use of alternative modes of transportation.
6. A master development plan to guide the PTND with specific development objectives, which shall be included in conditions, covenants, and restrictions.

f. Definitions. For this purpose of this section, the following terms shall have the meaning immediately set forth after the term.

1. *Amenity area.* The area(s) set-aside for active and passive recreation for the residents inside the PTND (or for the general public) 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.
2. *Architectural/design standards.* A document prepared by a professional consultant retained by the applicant outlining home styles, building facades, landscape standards, building placement, street-scaping, street trees, and the placement and design of accessory units. The standards

*Sample Traditional Neighborhood District Ordinance: Town of Sharpsburg*

shall also include general standards for the open space and recreation areas.

3. *Comprehensive land use plan.* The comprehensive long-range plan containing policies to guide the growth and development of the Town of Sharpsburg, which includes the analysis, recommendations and proposals for the Town's population, economy, housing, transportation, community facilities, and land use.
4. *Master development plan.* A written and graphic submission for a PTND which represents a tract of land; proposed subdivision; the location and bulk of buildings and other structures; density of development; streets, alleyways, sidewalks, and multiuse paths; parking facilities; common recreation and open space; public facilities; and all conditions, covenants, and restrictions relating to use thereof. The master development plan is submitted by applicant in conjunction with a rezoning application for the PTND district.
5. *Maximum allowable net density.* The total number of dwelling units or housing structures per unit of land based on the net land area. The maximum allowable net density shall not exceed the density established by the comprehensive land use plan.
6. *Net land area.* Except for adjustments allowed herein, net land area shall consist of the area calculated in terms of net acres for the land devoted to residential use, exclusive of streets, rights-of-way, flood plains and wetlands, lakes, streams, and areas which can not be developed, commercial/office land, and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from net land area.
7. *Nonresidential land uses.* Those designated areas, which are not residential land uses, which includes but is not limited to: commercial or office uses, streets, drives, and service/parking areas.
8. *Open space.* 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 development and may include complementary structures and improvements as are necessary and appropriate for recreation or other complementary activities. Streets, buffers, and parking areas do not count toward required open space.
9. *Ownership types.* These include all types of residential development including, but not limited to: single-family, duplex, apartments, town homes, rental housing, such that ownership may be fee simple, lease-purchase, leased or rented, and common ownership of open spaces, recreation facilities, and parking areas.

*Sample Traditional Neighborhood District Ordinance: Town of Sharpsburg*

10. *Preliminary concept plan.* A preliminary plan of the proposed planned development, of sufficient accuracy to be used for purpose of reviewing the proposed land uses and general layout.
  11. *Professional consultant.* The person who is a registered and or certified engineer, architect, landscape architect, or planner who prepared the plan, within the scope of their respective legal responsibilities.
  12. *Public lands.* The land area designated for general public use, not otherwise under the control of a homeowner or property owner association.
  13. *Residential land uses.* Any variety of residence types as permitted herein, and as shown on the approved master development plan.
- g. Review process. The review process shall be:
- Mayor and Town Council review of PTND document and master plan, resulting in either approval or denial. Any portion of the PTND which requires a development permit, shall follow the established development permit process, and shall comply with the approved PTND document and master plan.

**13.2 General requirements.**

- a. Area. The minimum area required for a PTND district shall be fifty (50) contiguous acres of land.
- b. Ownership. All of the land in a PTND shall be owned initially by the same person or the same joint tenants, (or tenants in common). Individual properties in a PTND may be sold after the PTND is approved by the Mayor and Council and the approved Master plat has been recorded, with the properties subject to private deed covenants that ensure the continuance of the PTND as originally approved and developed.
- c. Location of PTND district. The PTND district shall be located on collector or major streets or shall have access and egress only on a collector or major street.
- d. Yards. The larger yard dimensions shall be used along the exterior boundaries of the PTND district. Buffer requirements shall apply along the boundaries of the PTND district.
- e. Buffers. Where the rear of a commercial or office building faces a public street or property in a residential zone property (does not include mix-use zones which include residential uses), earthen berm, no less than six feet in height, containing at a minimum of evergreen trees at intervals of 20 feet on center planted at a height sufficient to achieve

*Sample Traditional Neighborhood District Ordinance: Town of Sharpsburg*

opacity shall be provided. Masonry fencing may be used in place of berms with Mayor and Town Council approval.

f. Phasing. Where the PTND development contains multi-use areas the phasing of the construction of each usage shall be defined in the PTND master plan.

g. Permitted uses/development standards:

1. The standards for the PTND shall be standards which are specifically approved for the PTND by the Town of Sharpsburg Town Planner and the Town of Sharpsburg Town Council.

**13.3 Standards applying to all planned community districts.**

All PTNDs shall meet the following standards and such other requirements:

- a. Must be compatible with the comprehensive plan of the Town of Sharpsburg.
- b. Must be located in an area where Town services can be provided efficiently.
- c. Must include a minimum of 20 percent of gross area as open space.
- d. Water, sewage, and street facilities shall be adequate for the proposed development, or there shall be a definite proposal for making them so.
- e. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.
- f. The master plan for the PTND shall act as private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and development.
- g. The development shall not adversely affect developed or undeveloped neighboring properties.
- h. The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations.
- i. The streets, buffers, and parking areas shall not be credited toward the minimum open space requirements.
- j. Buffer zones between residential and nonresidential portions of the development shall not be less than the minimum buffers otherwise required unless approved as part of the master plan.

*Sample Traditional Neighborhood District Ordinance: Town of Sharpsburg*

k. If requested by the Town, the owner of the planned residential development shall deed to the Town the land set aside as required open space.

l. If the Town does not request that the land be deeded to it, then the open space shall be deeded to a property owners' association comprised of residents of the planned residential development, in order to operate and maintain the open space for the benefit of the residents. The organization of the property owners' association and its adequate financing shall be ensured through acceptable private deed covenants running with the land.

**13.4 General considerations.** Criteria for establishment of PTND land uses and specifications:

In examining the proposed master plan and evaluating the appropriateness of each land use and its attendant parameters, and any departures from Town of Sharpsburg development standards, the Mayor and Town Council shall consider the following:

a. The applicant's statement describing the character and rationale for the proposed development.

b. The appropriateness of each prospective district as if each land use district were perceived as a separate zoning district.

c. Respective land uses recommended in plans or documents officially adopted by the Town.

d. Whether the major components of the PTND are appropriately located and should be able to continue to function if all phases of the PTND are not completed.

e. The compatibility of proposed land uses.

f. The degree of integration/interrelationship vs. independence of proposed land uses.

g. The extent to which major design elements, such as roads systems, pedestrian circulation networks, open space, drainage systems, utilities, etc., are properly integrated.

h. Whether each non-residential use is intended to serve the internal needs of the PTND or an external market.

i. Infrastructure capacity and effect upon public services.

j. Effect on property outside of the PTND.

k. Conformance with engineering and other technical requirements.

*Sample Traditional Neighborhood District Ordinance: Town of Sharpsburg*

- l. Probability that the project will be completed as planned.
- m. Whether the proposed project is a genuine PTND, or represents an attempt to circumvent the prescribed zoning. Industrial uses or commercial uses located on the perimeter of the PTND or along highways shall be subject to close scrutiny in this regard.
- n. Effects upon public health, safety, and welfare.

**13.5 Areas of special consideration.**

Incorporation of any of the following components into a PTND master plan is encouraged.

- a. Distinctiveness and quality of site design.
- b. Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.
- c. Clustering of buildings.
- d. Preservation of additional open space.
- e. Preservation of unique and important natural resources and features.
- f. Preservation of important historic, archaeological, and/or cultural resources.
- g. Development of publicly accessible active, or passive recreational areas.
- h. Use of greenways or landscaped corridors linking various uses.
- i. Use of pedestrian and/or bicycle circulation networks, segregated from vehicular traffic.
- j. Other traffic mitigation measures.
- k. Creation of traditional neighborhood style development.
- l. Use of rear alleys for service purposes.
- m. Rear placement of parking areas.
- n. Provision of public benefits, such as a community center or day care center.
- o. Public access to community facilities within the PTND.

*Sample Traditional Neighborhood District Ordinance: Town of Sharpsburg*

- p. Sensitive treatment of perimeters in order to mitigate impacts upon adjoining properties.
- q. Enhanced landscaping, increased tree preservation, deeper vegetated buffers, or increased plantings along roadways, in open spaces and recreational areas, as well as along the project perimeter.

**13.6 Deviations from development standards.**

- a. The Mayor and Town Council may request and approve deviations from existing development standards in order to achieve an effective master plan which: respects the natural features of the property; is compatible with neighboring land uses; and is an asset to the community.
- b. Planned community districts and their associated master plans are not exempt from future ordinance changes dealing with: landscaping, tree protection, signage, stormwater runoff, groundwater recharge, sewage disposal and treatment, and protection of rare and endangered species.
- c. Financial constraints shall not be considered when granting deviations from existing development standards.

**13.7 PTND master plan requirements:**

All applications for planned community district shall provide seven copies of the development master plan upon primary submittal, containing the following:

- a. A narrative statement:
  - 1. Describing the character of, and rationale for, the proposed PTND.
  - 2. Addressing the proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements; and
  - 3. Proposing phasing and time schedule; and
    - a. A graphic site master plan; and
    - b. The proposed name of the development if there is one; and
    - c. The names and addresses of the owner(s) of record, and the applicant, if different from the owner; and
    - d. Names of owners and type of land use of all parcels contiguous to the development property; and
    - e. Proposed arrangement of land uses, approximate acreage of each use area or tract, type of use and density (residential use tracts); and

*Sample Traditional Neighborhood District Ordinance: Town of Sharpsburg*

- f. A boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor; and
  - g. The location of primary control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred; and
  - h. A map or site plan showing:
  - i. The location, dimensions, descriptions, and flow of existing wetlands, watercourses and drainage structures within the tract or on contiguous tracts; and
4. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary; and
5. Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved roads. Reference distances shall be shown in feet if less than 1,000 feet and in miles or tenths of a mile if greater than 1,000 feet; and
6. Topographic survey; and
7. The location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries; and
8. The location, dimensions, description, and names of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract; and
  - a. Proposed conceptual street system layout; and
  - b. Preliminary master drainage plan; and
  - c. Where applicable surveyed line delineating the extent of any special district boundary on the development property; and
  - d. Preliminary comments from other affected agencies having approval or permitting authority over elements related to the proposed development, or evidence that a written request for such comments was properly submitted to the agency and a reasonable period of time has elapsed without receipt of such comments. In such event, the Town of Sharpsburg may, at its option, seek such comments directly. A copy of any direct request by the Town of Sharpsburg for such comments shall be sent to the applicant when the request is made.
  - e. Proposed internal site planning standards such as setbacks and buffers aimed at addressing potential incompatibility between adjacent land uses and activities; and
  - f. Letters of capability and intent to provide utility service from all affected agencies or entities, where applicable.

**13.8 Additional information.**

The Mayor and Town Council and/or the staff may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, traffic impact, emergency preparedness and response, environmental preservation, historic preservation, public access, community linkages, public education, and the like.

**13.9 Severability.**

In the event that any subsection, sentence, clause, or phrase of this section shall be declared or adjudged invalid or unconstitutional, such adjunction shall in manner affect the other subsections, sentences, clauses, or phrases of this section, which shall remain in full force and effect, as if the subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally part thereof.

**ARTICLE II**

This Ordinance shall be Codified as Chapter 94 Article 13, of the Town's Code of Ordinances.

**ARTICLE III**

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

**ARTICLE IV**

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

**APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG**, at a regular meeting of the Mayor and Council on the \_\_\_day of \_\_\_\_\_, 2005, by the following voting for adoption:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Member

*Sample Traditional Neighborhood District Ordinance: Town of Sharpsburg*

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

Attest:

\_\_\_\_\_  
Town Clerk