

ORDINANCE

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF RINCON AMENDING THE CODE OF THE CITY OF RINCON, GEORGIA AT CHAPTER 90 (ZONING AND GROWTH MANAGEMENT), ARTICLE VI (ZONING DISTRICTS), SECTION (90-180) REGARDING PLANNED UNIT DEVELOPMENTS (PUD/MXU); TO PROVIDE FOR NOTICE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Rincon, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government;

WHEREAS, the Mayor and Council have authority to amend the City's ordinances from time to time and where necessary to maintain adequate regulations, and have passed a prior Resolution to initiate such change in this instance and;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CTY OF RINCON HEREBY ORDAINS, in a regular meeting assembled and pursuant to lawful authority thereof, as follows:

Section 90-180 Planned Unit Developments (PUD/MXU).

Sec. 90-180. - Planned unit developments (PUD/MXU).

(A) *Purpose of district.* The purpose of the PUD district is to encourage flexibility in land planning that will result in improved design, character and quality of walkable mixed-use developments; to promote the most appropriate use of land; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features and open space.

(B) *Applicability.* The PUD District is applicable to tracts of at least five (5) acres of land if creation of a single master development will yield greater benefits to the general public than would otherwise occur through more conventional planning and zoning concepts.

(C) *Eligibility Criteria.* A PUD must meet the following criteria:

1. Demonstrated Benefit. The City encourages the PUD to provide the following:

- a. Preservation and/or substantial enhancement of significant natural or historic features;
- b. Preservation and/or substantial enhancement, as applicable, of significant usable open space;
- c. Incorporation of a complementary mixture of uses or a variety of housing types;
- d. Inclusion of creative design that allows redevelopment of a nonconforming site, bringing it into closer compliance with the Ordinance; and/or
- e. Economic development through the creation of primary jobs.

(D) *Public Services.* All PUDs shall be served and/or be able to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services. For developments that have the potential for significant impact on infrastructure and services the applicant shall be required to provide an analysis of the impact on transportation, utilities, and community services.

(E) *Allowed Uses.* Land uses for the PUD shall be designated on the associated PUD Concept Plan and/or PUD Master Plan approved by the City Council. These land uses shall be incorporated into the ordinance adopting the PUD zoning for the property. Uses that will be favorably considered for a PUD include family entertainment, restaurants and outdoor dining areas and limited retail services.

(F) *Prohibited Uses.* Land uses that are specifically prohibited in a PUD shall include uses that are automobile related (i.e. car washes, gas stations, auto repair, auto sales, etc.), motels, adult entertainment, vape shops, medical facilities, tax and quick loan offices, laundromats and animal hospitals and boarding facilities.

(G) *Dimensional Requirements.* A table shall be provided that details any and all deviations from the dimensional standards, including but not limited to setbacks, buffers, height and number of parking spaces.

(H) *Approved Plan.* No use of the parcel, nor construction, modification, or alteration of any use or structure within a PUD shall be permitted unless such construction or use complies with the terms and conditions of the approved plan. A PUD plan shall be approved subject to the procedures and criteria in the ordinance.

(I) *Administrative procedures for PUD zoning.* Requests pertaining to the establishment of a PUD district shall be considered as an amendment to the Zoning Ordinance and shall be administered and processed accordingly. Requests must include a master plan that addresses use, setbacks, lot size, density, bulk and other requirements. Applicants seeking PUD zoning shall meet with appropriate staff and the City Manager for a preliminary review prior to making an application for rezoning. A general outline of the proposal along with a supporting concept plans or master plan shall be submitted. The appropriate staff member will furnish the applicant with comments prior to the final master plan submittal. The final master plan will then follow the same process as a rezoning.

(J) *The preliminary concept or master plan.* The preliminary plan shall include the following:

1. Existing features.

- a. The bearings and distances of the boundary lines pertaining to the property to be divided.
- b. The location of any streams, natural drainage ways, trees greater than eight inches DBH, wetlands, and other waterways which exist on the property.
- c. The distance and direction to waterlines and sanitary sewer lines.
- d. The name, location, and right-of-way width of existing streets either on the property or on the land adjoining the property.
- e. The location of railroads, public or private rights-of-way or easements, utilities, and parks or other public spaces, either on the property or adjoining the property.

2. Proposed design features.

- a. The location of, purpose, and width of any major proposed drainage or utility easement.
- b. The location and names of proposed streets and lanes.
- c. The proposed land use and site development plan for the PUD.

(K) *Development standards.* Specific standards must be set forth in the PUD master plan which shall include, at a minimum:

1. All the above requirements of preliminary plus the following:
 - a. Land use master plan showing the location, net acreage, and gross acreage of each type of use, including open space in the PUD and the existing land uses of property adjacent to the PUD. The master plan shall also include the approximate location of major circulation systems and utility systems.
 - b. Standards for residential, and commercial structures, including proposed height, setbacks, lot coverage, parking, buffers and other appropriate standards.
 - c. Standards for major roadway circulation systems including the right-of-way width, pavement width, and design and utility locations.
 - d. Location, dimensions, and purpose of any easements.
 - e. Permitted uses within each area.
 - f. A plan for the proposed phasing and a build-out schedule of development within the PUD.
 - g. The master plan shall also include the expected limits of the 100-year flood where appropriate.

(L) *Amendment of master plan.*

- (1) Approved master plan may be revised subject to submission to the City Council for review, Public Hearing, comment and motion/vote regarding approval.

Severability. If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Effective Date. This ordinance shall become effective ten days after its adoption by the City Council.

Repeal. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SO ORDAINED this 11 day of March, 2024.

CITY OF RIMCON



Kevin Exley, Mayor Pro-Tem

ATTEST:



Dulcia King, City Clerk