

Article 9. Use Provisions

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Sec. 9.1. Use Classification

9.1.1. Classification of Uses

A. Principal Uses

1. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify principal uses and activities based on common functional, product or physical characteristics.
2. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Zoning Director has the responsibility for categorizing all uses.
3. The allowed use tables in Articles 3 through 7 establishes permitted uses by district.
 - a. Residential Districts (Sec. 3.4.).
 - b. Corridor and Node Districts (Sec. 4.5.).
 - c. Downtown Historic Districts (Sec. 5.5.).
 - d. Employment Districts (Sec. 6.5.).
 - e. Civic and Open Space Districts (Sec. 7.4.).
4. Use definitions and limited use standards for principal uses are specified in Sec. 9.2. through Sec. 9.6.

B. Accessory Uses

1. An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with a permitted principal use located on the same lot.
2. The allowed use tables in Articles 3 through 7 establish permitted accessory uses by district. Use definitions and limited use standards for accessory uses are specified in Sec. 9.7.

C. Temporary Uses

1. A temporary use is a use that is in place for a limited period of time only.
2. Temporary uses are specified in Sec. 9.8.

9.1.2. Principal Uses Not Listed

A principal use not specifically listed is prohibited unless the Zoning Director determines the use to be part of a use category as described below.

A. The Zoning Director is responsible for categorizing all principal uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Zoning Director may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Zoning Director must consider the following criteria:

1. The actual or projected characteristics of the proposed use;
2. The relative amount of site area or floor area and equipment devoted to the proposed use;
3. Relative amounts of sales;
4. The customer type;
5. The relative number of employees;
6. Hours of operation;
7. Building and site arrangement;
8. Types of vehicles used and their parking requirements;
9. The number of vehicle trips generated;
10. How the proposed use is advertised;
11. The likely impact on surrounding properties; and
12. Whether the activity is likely to be found independent of the other activities on the site.

B. Where a use not listed is found by the Zoning Director not to be similar to any other permitted use, the use is only permitted following a text amendment (See Sec. 13.4.).

9.1.3. Accessory Uses Not Listed

An accessory use not specifically listed is prohibited unless the Zoning Director determines the accessory use:

A. Is clearly incidental to and customarily found in connection with an allowed principal use;

- B. Is subordinate to and serving an allowed principal use;
- C. Is subordinate in area, extent and purpose to the principal use served;
- D. Contributes to the comfort, convenience or needs of occupants, business or industry in the principal use served; and
- E. Is located on the same lot as the principal use served.

Sec. 9.2. Open Uses

9.2.1. Agriculture

- A. **Defined.** The production of crops, livestock or poultry. Agriculture includes the following.

1. Community garden.
2. Timber harvesting.
3. Urban farm.

- B. **Community Garden**

1. **Defined.** Areas of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption or donation. On-site sales may be permitted upon approval of a conditional use permit. May be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by the group.
2. **Use Standards.** Where a community garden is allowed as a limited use, it is subject to the following:
 - a. A community garden must be primarily used for growing and harvesting food and ornamental crops for consumption or donation or for sale off-site;
 - b. Only mechanical equipment designed for household use may be used.
 - c. On-site sales may be permitted upon approval of a conditional use permit under Sec. 13.4. Sales are restricted to horticultural and agricultural products produced on the premises;

- d. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or greenhouses are permitted, subject to compliance with the requirements of the zoning district;
- e. Where security fencing is installed, the fencing must be of an open design;
- f. Where lighting is installed, only motion-detecting fixtures are permitted. All-night lighting is prohibited;
- g. Livestock raising may be allowed as an accessory use subject to the use table and the district the use is located in; and
- h. Poultry raising may be allowed subject to the accessory use standards of Sec. 9.7.21.

- C. **Timber Harvesting**

1. **Defined.** The cutting, harvesting or hauling of timber (softwood or hardwood) for delivery as pulpwood, logs, poles, posts or wood chips on a property meeting the state definition of a bona fide conservation use property in O.C.G.A. 48-5-7.4.

- D. **Urban Farm**

1. **Defined.** The raising and harvesting of crops and non-food ornamental crops for commercial use. An urban farm may be owned by an individual, group or organization and may include larger-scale farm equipment.
2. **Use Standards.** Where an urban farm is allowed as a conditional use, it may be permitted by the City Council subject to Sec. 13.4., and the standards below. Where an urban farm is allowed as a limited use, it is subject to the following:
 - a. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or greenhouses are permitted, subject to compliance with the requirements of the zoning district;
 - b. In a Residential or Employment district, on-site sales may be permitted upon approval of a conditional use permit under Sec. 13.4.;

9.3.1. Household Living

- c. Where security fencing is installed, the fencing must be of an open design;
- d. Where lighting is installed, only motion-detecting fixtures are permitted. All-night lighting is prohibited;
- e. Livestock raising may be allowed as an accessory use subject to the use table and the district the use is located in; and
- f. Poultry raising may be allowed subject to the accessory use standards of Sec. 9.7.21.

F. Manufactured Home

- 1. **Defined.** A structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems; or a structure that otherwise comes within the definition of a “manufactured home” under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Sec. 9.3. Residential Uses

9.3.1. Household Living

A. **Defined.** Residential occupancy of a dwelling unit by a household. Household living includes the following.

- 1. Single-family, two-family, townhouse, multi-family.
- 2. Manufactured home.

B. **Single-Family**

- 1. **Defined.** One dwelling unit in a single principal structure; may also contain an accessory unit in an attached accessory apartment or a carriage house.

C. **Two-Family**

- 1. **Defined.** Two dwelling units in a single principal structure.

D. **Townhouse.**

- 1. **Defined.** Three or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.

E. **Multi-Family**

- 1. **Defined.** Three or more dwelling units in a single principal structure that do not meet the definition of Townhouse above.
- 2. **Use Standards.** Where multi-family is allowed as a limited use, it is allowed only in the upper stories of a mixed use building. A lobby or other entrance is allowed on the ground floor.

9.3.2. Group Living

A. **Defined.** Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following.

- 1. Continuing care retirement community.
- 2. Group home.
- 3. Hospice.
- 4. Institutional residential.
- 5. Monastery, convent.
- 6. Rooming house.

B. **Continuing Care Retirement Community**

- 1. **Defined.** A residential facility providing multiple, comprehensive services to older adults. Allows residents to continue living in the same complex as their housing and health care needs change. Continuing care retirement communities offer a variety of services such as assisted living, independent living, skilled nursing, health and wellness, recreational facilities, support services and entertainment and social uses.

2. **Use Standards.** Where a continuing care retirement community is allowed as a limited use, it is subject to the following:

- a. The minimum campus size is 10 acres.
- b. A continuing care retirement community must maintain a minimum of 25% of its units as assisted living or skilled nursing care units; and
- c. The continuing care retirement community may have on site as a part of its campus the following accessory uses for use of residents and their guests only: full-service kitchen for meals, exercise facilities, swimming pools, tubs and spas, administrative offices, nursing stations, treatment rooms, emergency paging systems, indoor and outdoor recreational facilities, handicap-assisted restrooms, hair salons, computer facilities, game and card rooms, chapel, movie theaters, wellness centers, billiard rooms, restaurant facilities, common areas, libraries, dining rooms, mail rooms, housekeeping and storage areas, laundry facilities and gift shops.

C. Group Home

1. Defined

- a. A residential dwelling unit containing up to 6 unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, along with support or supervisory personnel or family members who may reside at the facility.
- b. The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness.
- c. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered mental or physically impaired under the Fair Housing Act.

d. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

2. **Use Standards.** Where a group home is allowed as a limited use, it cannot be located within 3,500 feet of any other group home (measured in a straight line from front door to front door).

D. Hospice

1. **Defined.** A health-care facility for the terminally ill that emphasizes pain control and emotional support for the patient and family, typically refraining from taking extraordinary measures to prolong life.

E. Institutional Residential

1. **Defined.** An umbrella term that encompasses the following uses as defined below: assisted living facility, independent living, intermediate care home, nursing home, personal care home and skilled nursing care facility.
2. **Assisted Living Facility.** Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication.
3. **Independent Living.** Adults at least 55 years of age or older living within multi-family rental properties with central dining facilities that provide residents, as part of their monthly fee, access to meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Independent living facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, and toileting. There are no licensed skilled nursing beds on the property.
4. **Intermediate Care Home.** A facility that admits residents on medical referral only, and includes the provision of food, and special diets when required, shelter, laundry and personal care services,

such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.

- 5. **Nursing Home.** A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision, maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical or dental emergency and who will be responsible for the general medical and dental supervision of the home.
- 6. **Skilled Nursing Care Facility.** A facility that admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term “skilled nursing care” means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician’s therapeutic and diagnostic plan, detection of changes in the human body’s regulatory system, preservation of such body defenses, prevention of complications and emotional well-being, including but not limited to the following:
 - a. The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures;
 - b. Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient’s treatment regimen.

F. **Monastery, Convent**

- 1. **Defined.** A place of residence providing group living accommodations to a community of persons living in seclusion under religious vows.

G. **Rooming House**

- 1. **Defined.** A place of residence that contains individual rooms without cooking facilities that are rented to the general public to no more than 10 unrelated persons at any one time.

9.3.3. **Social Service and Educational**

- A. **Defined.** A facility that provides treatment for persons not protected under the Fair Housing Act or who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Also includes facilities that provide transient housing related to post-incarceration and social service programs.

Sec. 9.4. Public/Institutional Uses

9.4.1. Civic

A. **Defined.** Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following.

1. College, university.
2. Club or lodge, nonprofit.
3. Museum, library.
4. Nonprofit service organization
5. Place of worship including church, mosque, synagogue, temple.
6. Public use.
7. School, private (K-12).
8. School, public (K-12).
9. School, special.

B. College, University

1. **Defined.** An institution of higher education having authority to award bachelor's and higher degrees.

C. Club or Lodge, Nonprofit

1. **Defined.** A facility used for associations or organizations of an educational, fraternal or social character, not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars and Lions.

D. Museum, Library

1. **Defined.** A facility having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

E. Nonprofit Service Organization

1. Defined

- a. An organization that serves as an advocate for the public in the areas of emergency assistance and basic needs relating to housing, health care, and social services. The emergency assistance involves needs relating to nourishment, clothing, rent, utilities, transportation and holiday assistance. In addition, the organization may provide volunteer programs and workshops to assist in financial planning for those needing emergency assistance.
- b. A nonprofit service organization may be involved in the collection and distribution of donated items, and the retailing of items not to exceed 40% of the overall on-site facility housing the organization, provided the revenue collected is used to cover administrative costs so that 100% of monetary donations can be reserved to assist with targeted emergency needs.

F. Place of Worship

1. **Defined.** A building or structure that by design and construction is primarily intended for conducting organized religious services. Associated accessory uses include, but are not limited to, schools, meeting halls, indoor and outdoor recreational facilities, clergy house, day care, counseling and kitchens.

G. Public Use

1. **Defined.** Any building, structure, or use owned or operated by the federal government, State of Georgia, Fulton County or other county, the City of Roswell or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, including but not limited to, government administrative buildings, post offices, police, fire and EMS stations, public health facilities, public works facilities, community centers, and jails and correctional facilities.

H. School, Private (K-12)

1. **Defined.** An educational facility for students in grades pre-kindergarten through 12 not operated by the Fulton County Board of Education that has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the State of Georgia.

I. School, Public (K-12)

1. **Defined.** An educational facility for students in grades pre-kindergarten through 12 operated by the Fulton County Board of Education. Includes charter schools.

J. School, Special

1. **Defined.** An educational facility not operated by the Fulton County Board of Education that provides special education to more than 2 students at a time, including but not limited to the training of gifted, learning disabled, and mentally or physically handicapped persons.

9.4.2. Parks and Open Space

- A. **Defined.** Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Parks and open space includes the following.

1. Cemetery.
2. Community recreation.
3. Conservation area.
4. Golf course.
5. Park, recreation field.
6. Reservoir, water supply, water well.

B. Cemetery

1. **Defined.** The use of property as a burial place.
2. **Use Standards.** Where a cemetery is allowed as a limited use, buildings and graves must be set back a minimum of 50 feet from any property line and

within the 50-foot setback required along side and rear property lines, a Type A or B buffer must be provided (see [Sec. 10.2.4](#)).

C. Community Recreation

1. **Defined.** A private recreational facility for use solely by the residents and guests of a particular residential development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds. These facilities are usually proposed, planned, and provided in association with a development and are usually located within the boundaries of the development.
2. **Use Standards.** Where community recreation is allowed as a limited use, it is subject to the following:
 - a. Review and approval by the Design Review Board or Historic Preservation Commission, whichever has jurisdiction, is required when the facility fronts a major road;
 - b. Swimming pools and tennis courts must be set back a minimum of 50 feet from the property line of the tract of land devoted to community recreation. Within the 50-foot setback, a Type A or B buffer must be provided (see [Sec. 10.2.4](#));
 - c. Buildings must be set back a minimum of 25 feet from the property line of the tract; and
 - d. If outdoor patio or decks are provided, a minimum Type A or B buffer (see [Sec. 10.2.4](#)) must be provided between the outdoor patio or deck and the property line of the tract.

D. Conservation Area

1. **Defined.** A tract of land that is protected in order to ensure that natural features, cultural heritage or biota are preserved. May include recreation trails, greenways and nature preserves.

E. Golf Course

1. **Defined.** A tract of land laid out with at least 9 holes for playing golf and improved with tees, greens, fairways and hazards. A golf course may include a clubhouse and shelters as accessory uses.

F. Park, Recreation Field

1. **Defined.** An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, soccer fields, basketball courts, swimming pools and tennis courts. May include both passive and active recreation.

G. Reservoir, Water Supply, Well

1. **Defined.** A facility that provides a source of water.

9.4.3. Major Utilities

- A. Defined.** Public or private infrastructure, including but not limited to water, sewer, gas, electric, telephone, Internet, cable and other similar services serving the general community and possibly having on-site personnel. Major utilities includes the following.

1. Electrical substation.
2. Electric or gas generation plant.
3. Telecommunication tower.
4. Water or sanitary sewer treatment plant.

B. Telecommunication Tower

1. **Defined.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. Does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur radio antennas.
2. **Use Standards.** Where a telecommunication tower is allowed as a limited use, it is subject to the requirements of Article 21.2 - Standards for Wireless Communication Facilities.

9.4.4. Minor Utilities

- A. Defined.** Public or private infrastructure, including but not limited to water, sewer, gas, electric, telephone, Internet, cable and other similar services serving a limited area with no on-site personnel. Minor utilities includes the following.

1. On-site stormwater retention or detention facility.
2. Neighborhood-serving cable, telephone, gas or electric facility.
3. Water or wastewater pump or lift station.

- B. Use Standards.** Where a minor utility is allowed as a limited use, it is subject to the following:

1. Minor utility facilities must be essential to the service of the immediate area;
2. Materials storage is not permitted;
3. Vehicles must not access the site except for purposes of maintenance, repair and inspections; and
4. All apparatus that are considered dangerous by the Zoning Director must be enclosed by a chain link fence of at least 8 feet in height, which must be screened with a Type A or B buffer (see Sec. 10.2.4).

Sec. 9.5. Commercial Uses

9.5.1. Day Care

A. **Defined.** A facility providing care, protection and supervision of children or adults on a regular basis away from their primary residence. Care is provided to a given individual for less than 24 hours a day. Day care includes the following.

1. Adult care center.
2. Day care center.

B. Adult Care Center

1. **Defined.** A facility, whether operated for profit or not, that undertakes through its ownership or management to provide for less than 24-hour per day, basic adult day care or adult day health services to 3 or more adults, not related by blood or marriage, who require basic services. Includes any establishment that regularly provides adult custodial services.
2. **Use Standards.** Where an adult care center is allowed as a limited use, the facility must be owner-occupied.

C. Day Care Center

1. **Defined.** Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia and licensed by the City of Roswell as a group day care home or day care center, where services are received for pay for group supervision and care, for fewer than 24 hours per day, for 7 or more children under 18 years of age.
2. **Use Standards.** Where a day care is allowed as a conditional use, it may be permitted subject to [Sec. 13.4.](#), and the standards below. Where a day care is allowed as a limited use, it is subject to the following:
 - a. A day care center must have at least 100 square feet of outdoor play area and at least 35 square feet of indoor space provided for each child served; and
 - b. The outdoor play area must be enclosed by a fence with a minimum height of 4 feet.

9.5.2. Indoor Recreation

A. **Defined.** A commercial facility, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following.

1. Adult business.
2. Amusement center, game/video arcade.
3. Assembly hall, auditorium, meeting hall.
4. Billiard hall, pool hall.
5. Bowling alley.
6. Extreme sports facility such as BMX, skateboarding or roller blading.
7. Gym, health spa or yoga studio.
8. Ice or roller skating rink.
9. Indoor sports facility.
10. Inflatable playground.
11. Miniature golf facility.
12. Motor track.
13. Movie theater or other indoor theater.
14. School for the arts, including dance, singing, music, painting, sculpting, fine arts or martial arts.
15. Shooting range.
16. Special event facility

B. Adult Business

1. **Defined.** Any business or establishment, as described in Chapter 4 and Chapter 10 of the Code of Ordinances, where employees or patrons expose specified anatomical areas or engage in specified sexual activities for the purpose of sexual gratification or any business which offers its patrons goods, services or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas. A business or establishment offering goods, articles, publications, books, magazines, movies,

videotapes or other reproductions relating to specified sexual activities or specified anatomical areas is not deemed an adult business if the segment or section devoted to the sale of such materials comprises less than 5% of its total space.

2. **Use Standards.** Where an adult business is allowed as a limited use, the facility must meet all specifications and requirements of Chapter 4, Adult Businesses and Entertainment, and Chapter 10, Licenses, Taxes and Business Regulations, of the Code of Ordinances of the City of Roswell.

C. Gym, Health Spa, Yoga Studio

1. **Defined.** An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

D. School of the Arts

1. **Defined.** An educational facility not operated by the Fulton County Board of Education that offers or provides instruction to more than 2 students at a time in dance, singing, music, painting, sculpting, fine arts or martial arts.

E. Shooting Range

1. **Defined.** A facility with an enclosed firing range with targets for archery, rifle or handgun practice.

F. Special Event Facility

1. **Defined.** A facility or assembly hall available for lease by private parties or special events, such as weddings.

9.5.3. Medical

- A. **Defined.** A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical includes the following.

1. Ambulatory surgical center.
2. Blood plasma donation center, medical or dental laboratory.
3. Hospital, urgent care, emergency medical office.
4. Medical, dental office or chiropractor, osteopath, physician, medical practitioner.
5. Medical clinic.

9.5.4. Office

- A. **Defined.** A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services. Office includes the following.

1. Business services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art or employment agency.
2. Professional services including, but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system services.
3. Financial services including but no limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent, mortgage agent or collection agency.
4. Counseling in an office setting
5. Radio, TV station, recording studio
6. Trade, vocational, business school.
7. Vehicle broker.

B. Bail Bonds

1. **Defined.** A facility with a bail bond agent, or bondsman, that provides surety and pledges money or property as bail for the appearance of persons accused in court.

C. Call Center

1. **Defined.** A facility used for the purpose of receiving or transmitting a large volume of telephone calls.

D. Radio, TV Station, Recording Studio

1. **Defined.** A facility in which video, radio or sound production takes place, either for live broadcasting or for the acquisition of raw footage for post-production.

E. Trade, Vocational, Business School

1. **Defined.** An educational use not operated by the Fulton County Board of Education and having a curriculum devoted primarily to business (including barbers and beauticians), industry, trade or other vocational-technical instruction.

9.5.5. Outdoor Recreation

A. **Defined.** A commercial facility, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following.

1. Drive-in theater.
2. Camp or campground.
3. Extreme sports facility such as BMX, skateboarding or roller blading.
4. Outdoor amusements such as batting cage, golf driving range, amusement park, miniature golf facility or water park.
5. Outdoor theater.
6. Outdoor sports field/court.
7. Riding stable.
8. Rowing club, boat rental.
9. Shooting range.
10. Racetrack.
11. Stadium, arena.

B. Golf Driving Range

1. **Defined.** A facility used primarily practicing long golf shots with rentable clubs and balls.

C. Riding Stable

1. **Defined.** A facility used primarily for the care, breeding, boarding, rental, riding or training of horses or for the teaching of equestrian skills.
2. **Use Standards.** Where a riding stable is allowed as a conditional use, it may be permitted subject to Sec. 13.4., and the standards below. Where a riding stable is allowed as a limited use, it is subject to the following:
 - a. No part of any building, structure or run in which animals are housed can be closer than 150 feet from any property line, except property owned or occupied by an owner or operator of the facility.

D. Rowing Club, Boat Rental

1. **Defined.** A facility engaged in the storage or rental of rowing shells, canoes or kayaks for use on the water.

9.5.6. Overnight Lodging

A. **Defined.** Accommodations arranged for short term stays. Overnight lodging includes the following.

1. Bed and breakfast (up to 6 rooms).
2. Boutique hotel (7 to 30 rooms).
3. Hotel/motel (more than 30 rooms).

B. Bed and Breakfast (up to 6 rooms)

1. **Defined.** A facility where overnight accommodations not exceeding 6 rooms are provided for compensation, with or without a morning meal, and which may include an afternoon or evening meal for guests, and where the operators of the facility live on the premises. Bed and breakfast does not include retail uses, public bar, conference center or special event facilities.

C. Boutique Hotel (7 to 30 rooms)

1. **Defined.** A facility not exceeding 30 rooms where overnight accommodations for 15 days or less are provided for compensation and where entry to individual guest rooms is via a central lobby.

A boutique hotel may include as accessory uses the following: full dining, public bar, retail use, and special event facilities.

D. Boutique Hotel (31 to 125 rooms)

1. **Defined.** A facility not exceeding 125 rooms where overnight accommodations for 15 days or less are provided for compensation and where entry to individual guest rooms is via a central lobby. A boutique hotel may include as accessory uses the following: full dining, public bar, retail use, and special event facilities.

E. Hotel/Motel (more than 30 rooms)

1. **Defined.** A facility with more than 30 rooms where overnight accommodations for 15 days or less are provided for compensation. A hotel/motel may include as accessory uses the following: full dining, public bar, retail uses, special events and conference center facilities.

9.5.7. Parking

A. **Defined.** A facility that provides parking as a principal use. Parking includes the following.

1. Commercial parking.
2. Remote parking.

B. Commercial Parking

1. **Defined.** A facility that provides parking as a principal use on the site. A fee may or may not be charged.
2. **Use Standards.** Where commercial parking is allowed as a conditional use, it may be permitted subject to Sec. 13.4. and the standards below. Where commercial parking is allowed as a limited use, it is subject to the following:
 - a. A Type A or B buffer (see Sec. 10.2.4) must be established along all lot lines abutting a ground floor residential use;
 - b. All surface parking areas abutting a public street (not including an alley) must be screened using one of the following options under Sec. 10.2.7; and

- c. All parking areas in a parking structure must meet Sec. 10.1.15.

C. Remote Parking

1. **Defined.** A facility that provides parking as a principal use that is used to meet the off-site parking provisions of Sec. 10.1.10.B.
2. **Use Standards.** Where remote parking is allowed as a limited use, it is subject to the following:
 - a. The remote parking facility must be located within the specified distance of the principal use served under Sec. 10.1.10.B.;
 - b. The remote parking facility must be located within the same or more intense zoning district as the principal use served;
 - c. A Type A or B buffer (see Sec. 10.2.4) must be established along all lot lines abutting a ground floor residential use;
 - d. All surface parking areas abutting a public street (not including an alley) must be screened using one of the following options under Sec. 10.2.7; and
 - e. All parking areas in a parking structure must meet Sec. 10.1.15.

9.5.8. Personal Service

- A. **Defined.** A facility involved in providing personal or repair services to the general public. Personal service includes the following.
1. Animal care.
 2. Beauty, hair or nail salon.
 3. Catering establishment.
 4. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
 5. Copy center, printing, binding, photocopying, blueprinting, mailing service.
 6. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium.
 7. Locksmith.

- 8. Optometrist.
- 9. Palmist, psychic, medium, fortune telling.
- 10. Repair of appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, watch or similar items.
- 11. Tailor, milliner or upholsterer.
- 12. Tattoo parlor or body piercing.
- 13. Taxidermist.
- 14. Therapeutic Massage.
- 15. Tutoring.
- 16. Wedding chapel.

B. Animal Care (Indoor)

- 1. **Defined.** A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel (11 or more dogs) and doggy day care.

C. Animal Care (Outdoor)

- 1. **Defined.** A facility designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel (11 or more dogs) and doggy day care.
- 2. **Use Standards.** Where outdoor animal care is allowed as a conditional use, it may be permitted subject to Sec. 13.4., and the standards below. Where outdoor animal care is allowed as a limited use, it is subject to the following:
 - a. All outdoor exercise areas and runs must be fenced for the safe confinement of animals;
 - b. A Type A or B buffer (see Sec. 10.2.4) must be established along any outside areas used to exercise, walk, or keep animals that abuts a ground floor residential use;

- c. No animal may be outdoors between 11 PM and 6 AM; and
- d. In a AG-43, RS-87 or RS-30 district, no part of any building, structure or run in which animals are housed may be closer than 150 feet from any property line, except property owned or occupied by an owner or operator of the facility.

D. Use Standards for All Other Personal Service. Where personal service is allowed as a limited use, it is subject to the following:

- 1. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building;
- 2. The floor area of the use cannot exceed 15% of the gross floor area of the entire building or 5,000 square feet, whichever is greater; and
- 3. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

9.5.9. Restaurant

A. Defined. A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant includes the following.

- 1. Brewpub.
- 2. Coffee or tea shop.
- 3. Restaurant, take out or pizza delivery facility.
- 4. Restaurant, fast-food.
- 5. Restaurant, sit down
- 6. Yogurt or ice cream shop.

B. Brewpub

- 1. **Defined.** An eating establishment in which malt beverages are manufactured subject to State law production limits. The term “eating establishment” means a business which is licensed to sell distilled spirits, malt beverages, and or wines and which derives at least 50% of its total annual gross food and beverage sales from the sale of

prepared meals or food; provided, however, that when determining the total annual gross food and beverage sales, barrels of malt beverages sold to licensed wholesale dealers, or to the public for consumption off the premises, as authorized by State law and City of Roswell ordinances, shall not be considered.

C. **Use Standards.** Where a restaurant is allowed as a limited use, it is subject to the following:

1. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building;
2. The floor area cannot exceed 15% of the gross floor area of the entire building or 7,500 square feet, whichever is greater; and
3. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

9.5.10. Retail Sales

A. **Defined.** A facility involved in the sale, lease or rental of new or used products. Retail sales includes the following:

1. Antiques, appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronics, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, phones, photo finishing, picture frames, plants, pottery, printed materials, produce, seafood, shoes, souvenirs, sporting goods, stationery, tobacco, toys, vehicle parts and accessories, videos, video games and related products.
2. Art gallery.
3. Cottage industries such as candle making, glass blowing, pottery making, weaving, woodworking, sculpting, and other similar or associated activities.

4. Convenience store with fuel pumps or gas station.
5. Convenience store without fuel pumps.
6. Pawnshop.
7. Payday/title loans or check cashing.

B. **Art Gallery**

1. **Defined.** A facility where works of art are exhibited on a regular basis.
2. **Use Standards.** Where an art gallery is allowed as a limited use, it is subject to the following:
 - a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building;
 - b. The floor area cannot exceed 15% of the gross floor area of the entire building or 5,000 square feet, whichever is greater; and
 - c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

C. **Convenience Store with Fuel Pumps**

1. **Defined.** A facility with a floor area less than 7,500 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store with fuel pumps can sell vehicle fuel but cannot have any type of vehicle repair or service.
2. **Use Standards.** Where a convenience store with fuel pumps is allowed as a conditional use, it may be permitted subject to [Sec. 13.4.](#), and the standards below. Where a convenience store with fuel pumps is allowed as a limited use, it is subject to the following:
 - a. All fuel pumps must be located at least 25 feet from any public right-of-way or lot line, and all buildings and appurtenances must be located at least 100 feet from all lot lines abutting a residential use.
 - b. A Type A or B buffer (see [Sec. 10.2.4](#)) must be established along all lot lines abutting a residential use.

- c. All fuel must be stored underground outside of any public right-of-way.

D. Convenience Store without Fuel Pumps

- 1. **Defined.** A facility with a floor area less than 7,500 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store without fuel pumps cannot sell vehicle fuel or have any type of automotive service.
- 2. **Use Standards.** Where a convenience store without fuel pumps is allowed as a limited use, it is subject to the following:
 - a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building;
 - b. The floor area cannot exceed 15% of the gross floor area of the entire building or 5,000 square feet, whichever is greater; and
 - c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

E. Pawnshop

- 1. **Defined.** An establishment engaged in a business involving in any part of the pledge, pawn, or exchange of any goods, wares, merchandise, or any kind of personal property or title as security for the repayment of money lent.
- 2. **Use Standards.** Where a pawnshop is allowed as a limited use, the pawnshop cannot be located within 5,000 feet of any other pawnshop or title loan or check cashing business (measured in a straight line from building entrance to building entrance).

F. Title Loans, Check Cashing

- 1. **Defined.** A facility engaged in the business of making loans in exchange for possession of the certificate of title to property or a security interest in titled property. Also includes check-cashing, which is a business other than a bank or savings and loan or similar financial institution that cashes checks

for a fee as a business activity and may or may not also make title loans as part of that business activity.

- 2. **Use Standards.** Where title loan or check cashing is allowed as a limited use, it cannot be located within 5,000 feet of any other title loan or check cashing business or pawnshop (measured in a straight line from building entrance to building entrance).

G. Use Standards for All Other Retail Sales

- 1. Where retail sales is allowed as a limited use in PV-, any individual building cannot exceed 65,000 gross floor area, unless such space existed on May 4, 1992.
- 2. Where retail sales is allowed as a limited use in OR- or OP-, it is subject to the following:
 - a. The use must be within or attached to a multi-tenant building, cannot be located in a standalone building;
 - b. The floor area cannot exceed 15% of the gross floor area of the entire building or 5,000 square feet, whichever is greater; and
 - c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

9.5.11. Vehicle Sales/Rental

A. Defined. A facility that sells, rents or leases passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Vehicle sales/rental includes the following.

- 1. Vehicle rental.
- 2. Vehicle sales or leasing, new.
- 3. Vehicle sales or leasing, used.
- 4. Vehicle storage.

B. Vehicle Rental

- 1. **Defined.** A facility that rents motor vehicles for short periods of time (generally ranging from a few hours up to two weeks) for a fee.

2. **Use Standards.** Where vehicle rental is allowed as a limited use, it is subject to the following:

- a. A Type A or B buffer (see Sec. 10.2.4) must be established along all lot lines abutting a ground floor residential use;
- b. All surface parking areas abutting a public street (not including an alley) must be screened using one of the following options under Sec. 10.2.7;
- c. All parking areas in a parking structure must meet Sec. 10.1.15;
- d. Vehicle display areas may not be artificially elevated above the general topography of the site; and
- e. Parked or stored vehicles may not encroach upon any public right-of-way or sidewalk.

C. Vehicle Sales or Leasing, New

1. **Defined.** A facility where a manufacturer-authorized business or dealer engages in the sale or lease of new and used motor vehicles where a majority of the sales inventory is new.
2. **Use Standards.** Where new vehicle sales or leasing is allowed as a limited use, it is subject to the following:
 - a. The minimum lot size is 1.5 acres;
 - b. A Type A or B buffer (see Sec. 10.2.4) must be established along all lot lines abutting a ground floor residential use;
 - c. All surface parking areas abutting a public street (not including an alley) must be screened using one of the following options under Sec. 10.2.7;
 - d. All parking areas in a parking structure must meet Sec. 10.1.15;
 - e. Vehicle display areas may not be artificially elevated above the general topography of the site; and
 - f. Parked or stored vehicles may not encroach upon any public right-of-way or sidewalk.

D. Vehicle Sales or Leasing, Used

1. **Defined.** A facility that sells used vehicles. A used vehicle is any pre-owned, leased, or second-hand vehicle to which a certificate of title and license plates have been issued to a consumer or dealer, and any used or second-hand vehicle, defined as any vehicle required to be titled, including trailer coaches, and trailers weighing over 2,500 pounds.
2. **Use Standards.** Where used vehicle sales or leasing is allowed as a conditional use, it may be permitted subject to Sec. 13.4., and the following:
 - a. The minimum lot size is 0.75 acres;
 - b. The lot must contain a permanent structure to be used as a business or sales office;
 - c. Striped parking spaces for inventory must be painted on the pavement not less than 9 feet by 20 feet for each used automobile or the appropriate size for the type of vehicle being parked;
 - d. The area used for the parking and display of vehicles must contain a stabilized base of not less than 4 inches covered by a minimum of 2 inches of pavement or concrete;
 - e. The lot must have two driveways, one for ingress and one for egress, or one driveway adequate to permit simultaneous ingress and egress;
 - f. A Type A or B buffer (see Sec. 10.2.4) must be established along all lot lines abutting a ground floor residential use;
 - g. All surface parking areas abutting a public street (not including an alley) must be screened using one of the following options under Sec. 10.2.7;
 - h. All parking areas in a parking structure must meet Sec. 10.1.15;
 - i. Vehicle display areas may not be artificially elevated above the general topography of the site;

9.6.1. Light Industrial

- j. Parked or stored vehicles may not encroach upon any public right-of-way or sidewalk; and
- k. No loud or boisterous noises can emanate from the place of business, either by persons congregating there or by the playing of recording instruments, radios, or television sets or other sound-producing equipment as controlled by Roswell City Code Article 8.8 Nuisances.

E. Vehicle Storage

- 1. **Defined.** A facility that stores used vehicles. A used vehicle is any pre-owned, leased, or second-hand vehicle to which a certificate of title and license plates have been issued to a consumer or dealer, and any used or second-hand vehicle, defined as any vehicle required to be titled, including trailer coaches, and trailers weighing over 2,500 pounds.
- 2. **Use Standards.** Where vehicle storage is allowed as a conditional use, it may be permitted subject to Sec. 13.4. and the standards below:
 - a. The minimum lot size is 0.75 acres; and
 - b. Stored vehicles may not encroach upon any public right-of-way or sidewalk.

Sec. 9.6. Industrial Uses

9.6.1. Light Industrial

- A. **Defined.** A facility that involves a heavy or intensive use that may cause excessive smoke, odor, noise, glare, fumes or vibration, and may include uses that are unsightly, noisy, noxious or offensive. Light industrial includes the following.
 - 1. Bottling plant.
 - 2. Brewery, Distillery, Microbrewery.
 - 3. Contractors storage.
 - 4. Detention center, jail or prison (private).
 - 5. Laundry, dry-cleaning, and carpet cleaning plants.
 - 6. Recycling and recovery facility.

- 7. Sale or rental of machinery, heavy equipment or special trade tools.
- 8. Taxi cab and limousine service.

B. Brewery

- 1. **Defined.** A facility involved in the creation of malt beverages that produces 15,000 barrels or more (or the equivalent) per year of malt beverages.

C. Contractors Storage

- 1. **Defined.** An facility engaged in the provision of off-site contractor activities, including, but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, exterminating and landscaping and other such activities, including the storage of material and the overnight parking of commercial vehicles.
- 2. **Use Standards.** Where contractors storage is allowed as a limited use, all outdoor storage areas must be fully screened from view from the public right-of-way, public parking areas and abutting properties using a Type A or B buffer (see Sec. 10.2.4.).

D. Detention Center, Jail, Prison (Private)

- 1. **Defined.** A privately run facility to which people are legally committed as a punishment for crimes they have committed or while awaiting trial.

E. Distillery

- 1. **Defined.** A facility involved in the creation of any alcoholic spirits beverage with an alcohol volume greater than 21 percent.

F. Microbrewery

- 1. **Defined.** A facility involved in the creation of malt beverages that produces fewer than 15,000 barrels per year.
- 2. **Use Standards.** Where microbrewery is allowed as a limited use, it is subject to the following.
 - a. The individual establishment cannot exceed 15,000 square feet of gross floor area.

9.6.2. Light Manufacturing

- A. **Defined.** A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing includes the following.
1. Clothing, textile or apparel manufacturing.
 2. Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments.
 3. Pharmaceutical or medical supply manufacturing.
 4. Sheet metal, welding, machine shop, tool repair.
 5. Stone, clay, glass or concrete products.
 6. Woodworking, cabinet makers or furniture manufacturing.

9.6.3. Research and Development

- A. **Defined.** A facility focused primarily on the research and development of new products. Research and development includes the following.
1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
 2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
 3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

9.6.4. Self-Service Storage

- A. **Defined.** Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. Self-service storage includes the following.
1. Indoor multi-story storage.
 2. Mini-warehouse.
 3. Warehouse, self-service.

- B. **Use Standards.** Where self-service storage is allowed as a limited use, it is subject to the following.
1. The minimum lot size is 2 acres;
 2. All storage must be contained within a fully-enclosed building. However, the storage of boats, recreation vehicles or other similar vehicles are allowed subject Sec. 9.7.18; and
 3. A Type A or B buffer (see Sec. 10.2.4) must be established along all shared property lines, except for when abutting a self-service storage or light industrial use.

9.6.5. Vehicle Service and Repair

- A. **Defined.** Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Vehicle service includes the following.

1. Car wash.
2. Vehicle repair (minor).
3. Vehicle repair (major).
4. Vehicle repair (commercial vehicle).

B. Car Wash

1. **Defined.** A facility with mechanical or hand-operated equipment used for cleaning, washing, polishing or waxing of motor vehicles.
2. **Use Standards.** Where a car wash is allowed as a limited use, it is subject to the following:
 - a. No car wash is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the lot line of the car wash facility);
 - b. A Type A or B buffer (see Sec. 10.2.4) must be established along all lot lines abutting a ground floor residential use; and
 - c. When abutting a ground floor residential use, the car wash facility cannot operate before 6 AM or after 11 PM.

C. Vehicle Repair (Minor)

1. **Defined.** A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, and glass repair or replacement.
2. **Use Standards.** Where minor vehicle repair is allowed as a limited use, it is subject to the following.
 - a. The outdoor overnight storage of vehicles is allowed in accordance with [Sec. 9.7.18](#);
 - b. A Type A or B buffer (see [Sec. 10.2.4](#)) must be established along all lot lines abutting a ground floor residential use;
 - c. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed; and
 - d. In CX-, a maximum of two service bay doors no more than 24 feet in width each are permitted on two sides of the building.

D. Vehicle Repair (Major)

1. **Defined.** A facility where general vehicle repair is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops.
2. **Use Standards.** Where major vehicle repair is allowed as a limited use, it is subject to the following:
 - a. The outdoor overnight storage of vehicles is allowed in accordance with [Sec. 9.7.18](#);
 - b. A Type A or B buffer (see [Sec. 10.2.4](#)) must be established along all lot lines abutting a ground floor residential use; and
 - c. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

E. Vehicle Repair (Commercial Vehicle)

1. **Defined.** A facility conducting repair, service, washing or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction or other heavy equipment.

9.6.6. Warehouse and Distribution

- A. **Defined.** A facility involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and distribution includes the following.
 1. Bulk storage, including nonflammable liquids, cold storage plants, frozen food lockers, household moving and general freight storage.
 2. Distribution of products and merchandise.
 3. Parcel services.
 4. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.
 5. Trailer storage, drop-off lot.
- B. **Use Standards.** Where warehouse and distribution is allowed as a limited use, it is subject to the following:
 1. Outdoor ares used for the loading, parking, and storage of tractor trailers must be screened using a Type C or D buffer (see [Sec. 10.2.4](#)) along all shared property lines, except for an abutting warehouse and distribution or light industrial use.
 2. Outdoor ares used for the loading, parking, and storage of tractor trailers using a Type C or D buffer (see [Sec. 10.2.4](#)) along all property lines abutting a public right-of-way.

Sec. 9.7. Accessory Uses

9.7.1. Accessory Apartment, Attached

- A. **Defined.** A second dwelling unit within or attached to an existing detached house, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.
- B. **Use Standards.** Where an attached accessory apartment is allowed as a limited use, it is subject to the following:
1. Only one attached accessory apartment is allowed per lot. Where a carriage house is proposed or exists, an attached accessory apartment is not allowed to be associated with the same detached house;
 2. One additional off-street parking space must be provided on the lot;
 3. The conditioned space for an attached accessory apartment must not exceed:
 - a. 1,000 square feet in the RS-87 or RS-30 district;
 - b. 700 square feet in the RS-18 or RS-12 district; and
 - c. 500 square feet in all other districts where an attached accessory unit is permitted.
 4. In all instances, an attached accessory apartment must be less than 50% of the heated floor area of the entire dwelling (principal plus accessory); and
 5. Entrance to the attached accessory apartment must be from the rear or side and must not face the street to which the detached house is oriented.
 6. The property owner, which includes the title holder and any contract purchasers, must occupy either the principal unit or the accessory apartment as their permanent residence, but not both, and at no time receive rent for the owner-occupied unit. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory apartment. The Zoning Director may waive this requirement for temporary absences of less than

one year, where the accessory apartment has been a permitted use for at least two years. Upon sale of the property, a new owner shall be required to sign a new affidavit affirming owner occupancy.

9.7.2. Carriage House

- A. **Defined.** A small self-contained accessory dwelling unit located on the same lot as a detached house but physically separated for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.
- B. **Use Standards.** Where a carriage house is allowed as a conditional use, it may be permitted subject to [Sec. 13.4.4](#) and the standards below. Where a carriage house is allowed as a limited use, it is subject to the following:
1. Only one carriage house is allowed per lot. Where an attached accessory apartment is proposed or exists, a carriage house is not allowed to be associated with the same detached house;
 2. One additional off-street parking space must be provided on the lot;
 3. A carriage house in a Residential District must meet the requirements in [Sec. 3.2.6](#).
 4. A carriage house in PV- must meet the requirements in [Sec. 4.3.3](#).
 5. A carriage house in DR-, DX- or DH- must meet the requirements in [Sec. 5.3.4](#)
 6. The property owner, which includes the title holder and any contract purchasers, must occupy either the principal unit or the accessory apartment as their permanent residence, but not both, and at no time receive rent for the owner-occupied unit. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory apartment. The Zoning Director may waive this requirement for temporary absences of less than one year, where the accessory apartment has been a permitted use for at least two years. Upon sale of the property, a new owner shall be required to sign a new affidavit affirming owner occupancy.

9.7.3. Car Wash

- A. **Defined.** An accessory facility with mechanical equipment used for cleaning, washing, polishing, or waxing of motor vehicles, typically associated with a convenience store with fuel pumps.
- B. **Use Standards.** Where a car wash is allowed as a limited use, it is subject to the following:
 1. Only one single-bay automatic (not self-service) car wash that is completely enclosed except for openings necessary to allow entry and exit of vehicles is allowed;
 2. No car wash is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the car wash facility);
 3. A Type A or B buffer (see [Sec. 10.2.4](#)) must be established along all lot lines abutting a ground floor residential use; and
 4. When abutting a ground floor residential use, the car wash facility cannot operate before 6 AM or after 11 PM.

9.7.4. Donation Bin

- A. **Defined.** A donation bin is any enclosed receptacle or container made of metal, steel, or similar durable product that is designed or intended for the donation and temporary storage of clothing or other material.
- B. **Use Standards.** Where a donation bin is allowed as a limited use, it is subject to the following:
 1. **Permit Required.** It is unlawful for any person to place, use or employ a donation bin on private property without first obtaining an annual permit.
 2. **Size, Location and Placement**
 - a. The donation bin may not exceed a maximum size of 12 feet in length by 6 feet in width by 6 feet in height.
 - b. No donation bin may encroach onto or over any part of any public right-of-way.
 - c. No donation bin may endanger the safety of persons or property or otherwise constitute a safety hazard, including, but not limited to,

the placement of any clothing/material bin within 300 feet of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.

- d. No donation bin may interfere with or impede the flow of pedestrians or vehicular traffic, including any legally parked or stopped vehicle, vehicular traffic flow or maneuvering.
 - e. No donation bin may interfere with the ingress or egress from any residence or place of business.
 - f. No donation bin may interfere with passengers boarding or exiting from buses at designated bus stops.
 - g. No donation bin may interfere with the use of traffic signals, traffic or street signs, fire hydrants or mailboxes.
 - h. No donation bin may be within 25 feet of a crosswalk; fire hydrant, fire lane, fire call box, police call box or other emergency facility; or driveway.
 - i. No donation bin may be within a required buffer area.
 - j. No donation bin may be placed on a lot containing a single-family or two-family use.
 - k. The placement and screening of a donation bin must effectively shield the bin from the public right-of-way as determined by staff on a case by case basis.
 - l. A person or entity is allowed to place no more than one donation bin per parcel with a total of no more than 3 donation bins allowed per parcel.
3. **Display information.** The following information must be clearly and conspicuously displayed on the exterior of each donation bin:
 - a. The name, website and address of the registered person who owns the bin, and any other entity which may share in the profit from any clothing or other donations collected via the bin;

- b. The permit number; and
- c. The telephone number of the person's or entity's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin.

9.7.5. Drive-Thru Facility

- A. **Defined.** A facility at which the customer is served while sitting in a vehicle, typically associated with drive-thru restaurants, banks and pharmacies.
- B. **Use Standards.** Where a drive-thru is allowed as a conditional use, it may be permitted subject to [Sec. 13.4.](#) and the standards below. Where a drive-thru is allowed as a limited use, it is subject to the following:
 - 1. No drive-thru window, lane or order box is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the drive-thru lane);
 - 2. In NX-, CX- and DX-, all drive-thru areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru, must be located to the side or rear of the building. Drive-thru windows and lanes may not be placed between a public street (not including an alley) and the associated building; and
 - 3. Additional stacking and drive-thru screening requirements are specified in [Sec. 10.1.13.](#)

9.7.6. Family Day Care Home

- A. **Defined.** A private residence in which a business is operated by any person for pay that provides for supervision and care for 3 to 6 children under 18 years of age who are not residents in the same private residence.
- B. **Use Standards.** Where a family day care home is allowed as a limited use, it is subject to the following:
 - 1. The family day care home must operate fewer than 24 hours per day; and

- 2. The family day care home must be registered with the State of Georgia and licensed by the City of Roswell.

9.7.7. Farmers' Market

- A. **Defined.** The outside temporary display and sale of agricultural products sold directly by farmers. A farmers' market typically consists of booths, tables or stands where farmers sell fruits, vegetables, meats, and sometimes prepared foods and beverages.
- B. **Use Standards.** Where a farmers' market is allowed as a limited use, it is subject to the following:
 - 1. **Permit Required.** It is unlawful for any person to place, use or employ a farmers' market on private property without first obtaining an annual permit;
 - 2. **Historic District.** A farmers' market may be permitted in the Historic Overlay District with final design approval by the Historic Preservation Commission;
 - 3. **Rules.** A set of operating rules addressing the governance structure of the market, hours of operation, maintenance, security, and the appointment of a market manager must be prepared;
 - 4. **Removal of Temporary Displays.** All temporary structures such as umbrellas, tables, and displays must be removed when not in use or be stored within a screened storage area;
 - 5. **Market Manager.** The on-site presence of a market manager during hours of operation is required;
 - 6. **Removal of Waste Product.** All waste must be removed from the site each day;
 - 7. **Hours of Operation**
 - a. The farmer's market may operate between the hours of 7:00 AM and 9:00 PM;
 - b. In no event may a market operate more than 2 days per week and for more than 6 hours per day; and

- c. Set-up of market operations may begin no earlier than 6:00 AM and take-down must end no later than 10:00 PM.

8. Inventory

- a. At least 75% of the displayed inventory of the products sold in each farmer’s market are farm products or value-added farm products;
- b. At least 75% of the booths open during the market’s hours of operation are producers, or family members or employees or agents of producers; and
- c. If a booth sells farm products or value-added farm products that are not produced by the vendor, the booth must explicitly disclose the producer’s name and location in writing with lettering that is at least 2 inches tall and visible to the consumer.

9.7.8. Garden

- A. **Defined.** A plot of ground where herbs, fruits, flowers, or vegetables are cultivated for personal or group use, consumption or donation. Includes a rooftop garden or green roof.
- B. **Use Standards.** Where a garden is allowed as a limited use, the garden may not be located in the primary street or side street yard. This use standard is not intended to restrict flowers planted or grown for aesthetic reasons for household use only.

9.7.9. Greenhouse, Non-Commercial

- A. **Defined.** A glass accessory building in which herbs, fruits, flowers, or vegetables that need protection from the weather are cultivated for personal or group use, consumption or donation.

9.7.10. Helicopter Landing Area

- A. **Defined.** A designated area, either at ground level or elevated on a structure, used for the landing and takeoff of helicopters.

9.7.11. Home Occupation

- A. **Defined.** An occupation that provides a service or product that is conducted wholly within a residential dwelling.
- B. **Use Standards.** Where a home occupation is allowed as a limited use, it is subject to the following.

1. General Provisions

- a. No more than 2 home occupations may be established in a dwelling.
- b. A home occupation must be clearly incidental and secondary to the use of the dwelling for residence purposes.

- 2. **Physical Limitations.** The gross floor area of a dwelling unit devoted to a home occupation must not exceed 750 square feet, or 25% of the gross floor area of the dwelling, whichever is less.

3. Alterations to the Dwelling

- a. The exterior appearance and character of the dwelling must remain that of a dwelling.
- b. No internal or external alterations inconsistent with the residential use and character of the building are permitted.

4. Vehicles and Parking

- a. Vehicles kept on site in association with the home occupation must be used by residents only.
- b. Only vehicles used primarily as passenger vehicles are permitted in connection with the conduct of a home occupation.
- c. Incoming vehicles related to the home occupation, if any, must at all times be parked off-street within the confines of the residential driveway or other on-site permitted parking.
- d. The transport of goods by truck is prohibited.

5. Equipment, Off-Site Impacts and Nuisances

- a. No home occupation may generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance.

- b. No equipment that interferes with radio or television reception is allowed.
- c. Home occupations must exclude the use of machinery or equipment that emits sound (for example, saws, drills or musical instruments) detectable beyond the property.
- d. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes is not permitted.

6. Visitation

- a. Visits by clients is limited to 5 per week in conjunction with the home occupation; provided, however, that the following exceptions are made for purposes of meeting overriding public goals of education and the care of children:
 - i. Educational tutoring or instruction in music, dance, fitness, arts and crafts, and similar subjects, limited to 2 students in the home at one time; and
 - ii. A family day care home.

7. Signs. Signs identifying the home occupation are prohibited.

8. Employees and Licenses

- a. Only occupants of the dwelling and one additional employee, consultant, agent or subcontractor are allowed to work on the premises in connection with a home occupation. Any occupational licenses, including business registrations, required by state, county, or City regulations must be obtained. Proof of state registration, if required for the home occupation, must be submitted to the City prior to the issuance of a business registration.

9. Display, Stock-in-Trade, Sales and Storage

- a. Display, stock-in-trade and any commodity sold or stored on the premises in connection with a home occupation is prohibited.

- b. No activity associated with the home occupation may be visible outside the dwelling.

10. Uses Specifically Prohibited. The following uses are specifically prohibited as home occupations. This list is not all-inclusive. The Zoning Director may prohibit additional uses that do not meet the intent of these home occupation regulations.

- a. Animal care (not including a hobby kennel).
- b. Commercial or catering kitchen.
- c. Funeral home.
- d. Hotel or motel.
- e. Machine shop.
- f. Personal services.
- g. Restaurant.
- h. Retail sales.
- i. Special event facility.
- j. Vehicle sales or rental.
- k. Vehicle service and repair.

9.7.12. Horse Stable, Non-Commercial

A. Defined. A structure for sheltering horses for the use and enjoyment of residents of the property.

B. Use Standards. Where a horse stable is allowed as a conditional use, it may be permitted subject to Sec. 13.4. and the standards below. Where a horse stable is allowed as a limited use, it is subject to the following:

- 1. The horse stable may only be used for non-commercial, personal purposes;
- 2. The minimum lot size for the keeping of horses is 2 acres;
- 3. No more than three horses may be kept on the two acres;
- 4. An additional 0.5 acres is required for each additional horse kept beyond 3 horses; and

9.7.13. Kennel, Hobby

- 5. Any accessory building or structure related to the keeping of horses must be located a minimum of 150 feet from any property zoned or used for residential purposes.

9.7.13. Kennel, Hobby

- A. **Defined.** A hobby kennel is a dedicated structure or portion of a structure for the care, grooming, breeding, whelping, feeding and casual sale of a minimum of 4 and a maximum of 10 domestic dogs for one's enjoyment and pursuit of a hobby, including but not limited to competition among breeders of purebred domestic dogs for recognition at local, state and national levels.
- B. **Use Standards.** Where a hobby kennel is allowed as a conditional use, it may be permitted subject to Sec. 13.4. and the standards below. Where a hobby kennel is allowed as a limited use, it is subject to the following:

- 1. A hobby kennel must meet the requirements in Chapter 8.1.7 of the Roswell City Code.

9.7.14. Livestock Raising

- A. **Defined.** Livestock includes any animals of the equine, swine or bovine class, including goats, sheep, mules, cattle, hogs, pigs and other grazing animals, and all ratites, including, but not limited to, ostriches, emus and rheas.
- B. **Use Standards.** Where livestock raising is allowed as a conditional use, it may be permitted subject to Sec. 13.4., and the standards below. Where livestock raising is allowed as a limited use, it is subject to the following:

- 1. The minimum lot size for raising livestock is 2 acres; and
- 2. Any accessory building or structure related to livestock raising must be located a minimum of 150 feet from any property zoned or used for residential purposes.

9.7.15. Outdoor Dining

- A. **Defined.** A seating area specifically designed for the consumption of food or drink, typically associated with a restaurant or coffee shop and which is either: (1) located entirely outside the walls of building, or (2)

enclosed on two sides or less by walls, with or without a solid roof cover, or (3) enclosed on three sides by walls without a solid roof cover.

- B. **Use Standards.** Where outdoor dining is allowed as a limited use, it is subject to the following.

1. General

- a. The outdoor dining area must not interfere with the circulation of pedestrian or vehicular traffic. Outdoor dining cannot be located in a required parking space.
- b. When located in the Historic Overlay District, the furniture used must be approved by Historic Preservation Commission (or be on a pre-approved list) and must be kept in a clean, orderly and safe condition.
- c. Restaurants may serve alcoholic beverages in the outdoor dining area provided the principal use complies with state law and Chapter 3 of the Roswell Code of Ordinances which provide that any area outside of the licensed premises used for serving alcoholic beverages be defined by permanent or temporary fencing or other acceptable method.
- d. There may be no signage or logos displayed on umbrellas or awnings that can be seen from the public right-of-way. Where applicable, the Historic Preservation Commission must approve all umbrella and/or awning colors.
- e. The hours of operation for the outdoor dining area may be no greater than that of the principal use.
- f. Parking must be provided at a rate of 1 space per 300 square of outdoor dining area.

2. Outdoor Dining in the Right-of-Way

- a. It is unlawful to place outdoor dining in the public right-of-way without first obtaining a sidewalk cafe license.
- b. The outdoor dining area must abut the building facade, with a minimum 5-foot clear pedestrian passage provided between the dining area and the edge of the pavement;

- c. All kitchen equipment and refuse containers used to service the outdoor dining area must be located inside the principal building;
- d. The outdoor dining area must be maintained in a clean, neat and orderly condition. All debris and litter must be removed daily. Private trash containers in the outdoor dining area are not allowed. Public trash containers may not be used as a means of disposing of table waste;
- e. No extension cords are allowed across sidewalks and no televisions allowed in any outdoor dining area.
- f. The dispensing and/or storage of alcoholic beverages are prohibited within an outdoor dining area in the public right-of-way without the express permission of Mayor and Council. Any alcoholic beverages ordered within the sidewalk cafe area shall be delivered from a bar area located inside the building holding the consumption on the premises license. This prohibition expressly prohibits coolers, bins or other containers being located within the sidewalk cafe area without permission.

9.7.16. Outdoor Display

A. Defined

- 1. The outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink or similar vending machines is considered outdoor display.
- 2. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (see limited outdoor storage).

B. Use Standards. Where outdoor display is allowed as a limited use, it is subject to the following:

- 1. Outdoor display is only allowed with a permitted nonresidential use;

- 2. Outdoor display must abut the primary facade with the principal customer entrance, and may not extend more than 6 feet from the facade or occupy more than 25% of the horizontal length of the facade;
- 3. Outdoor display may not exceed 6 feet in height;
- 4. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks, ice storage bins, soft drink or similar vending machines may remain outside overnight; and
- 5. Outdoor display may not encroach upon any public right-of-way or sidewalk. Outdoor display may not impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

9.7.17. Outdoor Kitchen

- A. **Defined.** A permanent outdoor or covered area used for the preparation of food.
- B. **Use Standards.** Where an outdoor kitchen is allowed as a limited use, parking must be provided at a rate of 1 space for every 300 square feet of outdoor kitchen area.

9.7.18. Outdoor Storage, Limited

A. Defined. Limited outdoor storage includes, but is not limited to:

- 1. The overnight outdoor storage of vehicles awaiting repair;
- 2. The outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;
- 3. Outdoor sale areas for sheds, building supplies, garden supplies, plants, lawn movers, barbeque's and other similar items; and
- 4. The outdoor storage of vehicles, boats, recreational vehicles or other similar vehicles at a storage facility.

B. Use Standards. Where limited outdoor storage is allowed as a limited use, it is subject to the following:

9.7.19. Outdoor Storage, General

- 1. Limited outdoor storage may not be more than 12 feet in height and must be fully screened from view from the public right-of-way, public parking areas, and abutting properties using a Type A or B buffer (see Sec. 10.2.4); and
- 2. Vehicles awaiting repair may be stored up to 14 days within the screened storage area.

9.7.19. Outdoor Storage, General

A. **Defined.** General outdoor storage includes, but is not limited to:

- 1. The outdoor storage of contractors equipment;
- 2. The outdoor storage of fleet vehicles; and
- 3. The outdoor storage of soil, mulch, stone, lumber, pipe, steel, salvage or recycled materials, and other similar merchandise, material or equipment.

B. **Use Standards.** Where general outdoor storage is allowed as a limited use, it must be fully screened from view from the public right-of-way, public parking areas, and abutting properties using Type C or D buffer (see Sec. 10.2.4).

9.7.20. Parking, On-Site

A. **Defined.** Parking provided on-site to serve a principal use of the site.

9.7.21. Poultry Raising

A. **Defined.** Poultry includes any domesticated bird, including, but not limited to, chickens, ducks, guineas, quail and pigeons. Roosters are expressly prohibited.

B. **Use Standards.** Where poultry raising is allowed as a limited use, it is subject to the following:

- 1. The keeping of poultry is for non-commercial, personal use only. Non-commercial keeping of poultry allows no sales on the premises;
- 2. The maximum number of poultry allowed is based on total lot size:
 - a. Less than 0.33 acre is not allowed poultry,
 - b. 0.34 acre to 1.00 acre is allowed a maximum of 6 poultry,

c. 1.01 acres or more is allowed 12 poultry per acre for a total maximum of 36 poultry.

3. Poultry must be kept only in the rear or side yard and must be within a fenced area. If a poultry enclosure is permanently affixed to the ground, it must meet all requirements for accessory structures;

4. Any poultry enclosure, whether permanent or not, must be located a minimum of 25 feet from any residential structure on an abutting lot;

5. The keeping of poultry authorized under this subsection must not create a nuisance as defined by Chapter 8.8 of the Roswell City Code. The keeping of poultry must be conducted in a manner that does not disturb the use or enjoyment of adjacent or abutting properties. Odor generated must not be perceptible at the property boundaries, and noise generated must not disturb people of reasonable sensitivity at the property boundaries.

9.7.22. Recreational Vehicle Parking

A. **Defined.** Parking of recreational equipment such as boats, boat trailers, travel trailers, recreational vehicles, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other similar vehicles.

B. **Use Standards.** Where recreational vehicle parking is allowed as a limited use, it is subject to the following:

- 1. May be parked or stored only in established areas in side yards, rear yards, carports, or in an enclosed building.
- 2. Such equipment may be parked or stored anywhere on residential premises for a period not to exceed 24 hours during loading and unloading.
- 3. In the instance of a corner lot, the vehicle shall not be parked or stored in a yard that fronts on any street right-of-way.
- 4. Parking or storage of such recreational vehicles shall not take place on any vacant residential lot.

5. Where a parking or storage area is established in a side or rear yard, it shall be screened from view of the abutting properties by a fence, wall, or dense evergreen buffer as approved by the arborist, with a minimum height of 6 feet.

9.7.23. Solar Panels, Wind Turbines, Rainwater Collection Systems

- A. **Defined.** Renewable energy systems such as solar panels and wind turbines, along with rainwater collection systems such as rain barrels and cisterns.

9.7.24. Swimming Pool

- A. **Defined.** A structure intended for swimming or recreational bathing that can hold water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.
- B. **Use Standards.** Where a swimming pool is allowed as a limited use, it is subject to the following:
 1. The swimming pool area or the entire property on which the pool is located, must be walled or fenced to prevent uncontrolled access from the street or abutting properties;
 2. A swimming pool may not be located in a required front yard;
 3. Any decking or patio associated with the pool must be located at least 5 feet from any side or rear property line;
 4. The surface water of the pool must be located at least 10 feet from any side or rear property line.

Sec. 9.8. Temporary Uses

9.8.1. General Provisions

Temporary uses must comply with the requirements of the Zoning Director and are in addition governed by the requirements of Chapter 5, Article 5.8 of the Code of Ordinances of the City of Roswell.

9.8.2. Construction Field Office

A. **Defined.** A manufactured home, travel trailer, truck trailer or other structure used as an office in conjunction with a construction project.

B. **Use Standards**

1. Approval by the Zoning Director and issuance of a permit by the Building Official is required.
2. The permit is temporary but renewable once after a period of 6 months.
3. The permit must only be issued if plans and permits have been approved for one or more permanent buildings on the subject property.
4. The manufactured home or temporary structure must be removed upon the issuance of a certificate of occupancy for the principal building or use on the site.

9.8.3. Yard/Garage Sales

A. **Defined.** A sale of personal belongings or household effects held at a person's home, usually in the garage or front yard.

B. **Use Standards**

1. The duration of the sale may not exceed 72 hours.
2. A sale on a particular property may not occur more frequently than 3 times annually.
3. Requirements for signs associated with a yard/garage sale are specified in Sec. 10.3.6.A.2.

9.8.4. Temporary Portable Storage Container

A. **Defined.** A container designed and rented or leased for the temporary storage of commercial, industrial or residential household goods that does not contain a foundation or wheels for movement.

B. **Use Standards**

1. In an AG-43, RS- and R- districts, one container is permitted for a maximum of 30 consecutive days twice per calendar year.
2. No container can be more than 8 feet in height, or more than 16 feet in length in a residential district.
3. In all other districts, no more than 3 containers are permitted at any one time. No single container can be on-site for more than 30 consecutive days.
4. Any person wishing to utilize a container longer than 30 calendar days may apply for a 30-day extension subject to the Zoning Director's approval.
5. Containers cannot be stacked on top of each other.
6. Containers must be located so as to minimize visibility from both public streets and residential uses and cannot be located in any required setback.
7. Containers must be located completely on the owner's lot and no part of any container can be located in the public right-of-way.

9.8.5. Real Estate Sales Offices and Model Homes

A. **Defined.** A temporary structure used for the showing or sale of new homes within a new subdivision.

B. **Use Standards**

1. Real estate sales offices or model homes must meet all dimensional requirements of the underlying zoning district.
2. A facility permitted as a temporary real estate sales office must be removed upon completion of sales in the subdivision.

9.8.6. Open Air Seasonal Sales

- A. **Defined.** The outside sales of seasonal products such as Christmas trees, pumpkins and fireworks.
- B. **Use Standards**
1. All sales must be conducted on commercially zoned undeveloped lots or within existing developed retail and civic properties and must be privately owned.
 2. It is unlawful for any person to place, use or employ open air sales on private property without first obtaining a permit.
 3. A set of operating rules addressing hours of operation, maintenance and security must be prepared and submitted with a permit application.
 4. A site plan must be provided that depicts the proposed location of the sales area including any tents, fencing, temporary buildings, generators and lights.
 5. The on-site presence of a manager during hours of operation is required.
 6. Activities cannot obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 7. Fireworks stands must be approved by the City of Roswell Fire Department.
 8. Any temporary structures used in association with the use must be removed within 48 hours after the final day of sales.
 9. Requirements for signs associated with open air seasonal sales are specified in Sec. 10.3.6.

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