

# MEMO

To: Planning Commission, Mayor Santini & City Council  
From: Randy Mannino and David Hardegree  
Date: July 1<sup>st</sup>, 2019  
Re: *Text Amendment T19-02. Adding Homeless Shelters as an allowed use in the M-U District with a special use permit*

Homeless Shelter Action Committee, Inc., (HSAC) Cartersville, proposes a revision to the Zoning Ordinance, *Section 9.2 Multiple Use (M-U) district*, to allow homeless shelters as an allowed use in the M-U district with a special use permit. HSAC provides services that are in demand and has an immediate need to expand. They have identified a location at 3 Townsley Dr. that would serve their needs. This location is in the M-U district.

HSAC is pursuing a Special Use permit, SU19-05, in conjunction with this text amendment.

The proposed ordinance amendments are attached.

**PROPOSED ORDINANCE AMENDMENTS**

**Ordinance No. \_\_\_\_\_**

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville that City of Cartersville Code of Ordinances, Chapter 26. Zoning, Article IX-COMMERCIAL DISTRICT REGULATIONS and Article XVI- SPECIAL USES, are revised as follows:

1.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia that the **City of Cartersville Code of Ordinances, CHAPTER 26 ZONING, ARTICLE IX-COMMERCIAL DISTRICT REGULATIONS, SECTION 9.2 M-U Multiple Use District, subsection 9.2.2 Use Regulations** is hereby amended by adding the following use:

Homeless shelters (SU).\*

2.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia that the **City of Cartersville Code of Ordinances, CHAPTER 26 ZONING, ARTICLE XVI- SPECIAL USES, Section 16.4 Minimum Special Use Standards, subsection 16.4.8 Homeless Shelters,** is hereby amended per the following:

A. *Allowable districts:* M-U, O-C and G-C.

3.

The remaining provisions of Sec. 9.2.2 and Sec. 16.4.8 shall remain as is and are not modified by this proposed ordinance.

4.

It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_

\_\_\_\_\_  
MATTHEW J. SANTINI, MAYOR

ATTEST: \_\_\_\_\_  
MEREDITH ULMER, CITY CLERK

Article IX---- Current Ordinance Text

Sec. 9.2. - M-U Multiple use district.

9.2.1. *M-U district scope and intent.* Regulations in this section are the M-U district regulations. The M-U district is intended to provide land areas for medium to high density residential land uses and commercial uses complimentary to office and institutional uses as further described in section 3.1.15 of this chapter and where existing and projected traffic patterns encourage such development. The M-U district is intended to:

- A. Encourage the development of tracts of land in the community;
- B. Encourage flexible, innovative, and creative concepts in site planning;
- C. Encourage efficient use of land;
- D. Provide a stable multiple use environment compatible with surrounding uses; and
- E. Protect neighboring residential properties by locating less intense uses adjacent to residential developments or by locating buffers between nonresidential and residential uses.

9.2.2. *Use regulations.* Within the M-U district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory apartments (SU).\*
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Amusement, indoor.
- Apartments and condominiums, above, below, or behind commercial uses in the same building (SU).\*
- Art galleries.
- Assembly halls.
- Automotive and light truck rental facility (allowed on properties fronting an arterial or major collector street only).
- Automotive specialty shops (allowed on properties fronting an arterial or major collector street only and shall be limited to four (4) bays).
- Barber shops.
- Beauty salons.
- Bed and breakfast inn (SU).\*
- Brewpub.
- Catering, carry out, delivery.
- Clinics (excludes veterinary).
- Clubs or lodges (noncommercial) (SU).\*
- Colleges and universities.
- Community center buildings.
- Condominiums.
- Construction contractors:

Article IX---- Current Ordinance Text

- ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Heavy equipment contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Special trade contractors; including but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
- Convenience stores.
  - Dancing schools.
  - Day care facilities.
  - Delicatessens.
  - Distillery (SU).\*
  - Dry cleaners.
  - Duplex dwellings.
  - Family day care.
  - Financial establishments.
  - Funeral homes (allowed on properties fronting an arterial or major collector street only) (crematories may be allowed in conjunction with a funeral home with approval of a special use).\*
  - Group homes (SU).\*
  - Guest house.
  - Gymnasiums/health clubs.
  - Home occupations.
  - Hospices (SU).\*
  - Hotels (allowed on properties fronting an arterial or major collector street only).
  - Institutions of higher learning including business colleges, music conservatories, and similar institutions.
  - Laboratories (medical and dental).
  - Laundromats.
  - Libraries.
  - Medical offices (excludes veterinary).
  - Microbreweries (SU).\*
  - Multifamily dwellings.
  - Museums.
  - Nursing home facilities.
  - Offices, general.
  - Parking lots.
  - Parks, private.
  - Patio homes.

Article IX---- Current Ordinance Text

- Pawn shops and/or title pawn (SU).\*
  - Pet grooming.
  - Personal care homes (SU).\*
  - Places of assembly (SU).\*
  - Printing establishments.
  - Pubs and taverns.
  - Public utility facilities.
  - Radio and television broadcast stations.
  - Radio, television, or other communication towers.
  - Religious institutions (SU).\*
  - Repair services, light (shoes, small appliances or similar).
  - Restaurants (drive-thru restaurants as SU).\*
  - Retail, general.
  - Retail package stores (including liquor and malt beverages and/or wine sales only in a multi-tenant shopping center development consisting of a minimum of seven (7) business suites and additionally, that detached, stand alone, retail package stores shall not be permitted).
  - Retirement centers (SU).\*
  - Reupholstery shops.
  - Schools, private (SU).\*
  - Service stations (allowed on properties fronting an arterial or major collector street only).
  - Single-family attached dwellings.
  - Single-family detached dwellings.
  - Stadiums (allowed on properties fronting an arterial or major collector street only).
  - Storage, warehouse (allowed on properties fronting an arterial or major collector street only).
  - Theaters.
  - Townhouses.
  - Wholesale sales office.
- \* Special use approval required.

- B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

9.2.3- .4 (Not shown)

Article XVI---- Current Ordinance Text

Sec. 16.4. - Minimum special use standards.

16.4.1-7 (Not shown)

16.4.8. *Homeless shelter.*

A. *Allowable districts:* O-C and G-C.

B. *Standards:*

1. In addition to required setbacks, a minimum twenty-five-foot wide buffer shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
2. Such use shall be a minimum of one thousand (1,000) feet from any other shelter for the homeless. (Required minimum distances shall be measured from property lines.)
3. There shall be no use on the property other than the shelter for the homeless.
4. Adequate shower and restroom facilities must be provided at the location to meet the needs of the overnight guests.
5. Beds must be provided for all overnight guests excluding staff and volunteer workers.
6. Such shelters shall comply with all applicable city building, housing, and fire codes and shall fully comply with O.C.G.A. § 30-3-1 et seq., before a certificate of occupancy can be issued.