

**ZONING ORDINANCE**  
**Of**  
**THE CITY OF ACWORTH, GEORGIA**

**As Amended**



**The City of Acworth**  
**Department of Community Development**  
**Planning and Zoning Division**  
**4415 Senator Russell Avenue**  
**Acworth, Georgia 30101**

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

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## ARTICLE 1 TITLE, APPLICABILITY AND PURPOSE

**SECTION 10 Title**

The title is the *Zoning Ordinance and Unified Development Code of the City of Acworth, Year 2003*.

**SECTION 11 Applicability**

These regulations shall apply to all present and future land development located within the incorporated area of Acworth, Georgia. The requirements contained herein are declared to be minimum requirements necessary to carry out the purpose of this article. This article shall regulate the height, number of stories, and the size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density and distribution of population; the location and use of buildings and other structures; and the use, condition of use or occupancy of land and trade, industry, housing, recreation, transportation, agriculture or for any other purpose; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, enforcement and amendment; providing penalties and resolutions and for other purposes.

**SECTION 12 Planning Goals and Purpose**

- A. Promote orderly growth and development based on physical, social, and economic needs, environmental considerations, and public facilities and services.
- B. Provide for the development of adequate commercial facilities on both Citywide and neighborhood levels while retaining existing facilities.
- C. To achieve such timing, density, and distribution of land development and use as will prevent overloading public infrastructure systems for providing water supply, sewage disposal, drainage, sanitation, police and fire protection, and other public services.
- D. Promote a diversified housing market. Encourage, promote and facilitate high quality design, construction and landscape measures for new developments in a variety of ways, including flexible zoning and development regulations, coherent development standards, and innovative planning ideas.
- E. Establish appropriate planning procedures and innovative planning tools to guide growth and development.
- F. To encourage such distribution of population, land development and use as will facilitate the efficient and adequate provision of public services and facilities.
- G. Provide a diverse mix of residential types to serve the varying housing needs of Acworth's existing and future population. To achieve such density, design, and distribution of housing as will protect and enhance residential property values and facilitate the provision of adequate housing for every citizen.
- H. Increase the viability of businesses in downtown Acworth.
- I. Promote innovative, environmentally sensitive design and development.
- J. To prevent flooding of improved property.
- K. Promote balanced growth and diversity in residential development, business, and industry.
- L. Continue to address the issues of pollution and its effect on natural resources (i.e., water, air, noise, visual, ground).
- M. Retain existing offices and professional businesses and provide for the development of suitable areas for business and professional offices.
- N. Retain existing compatible industry and preserve adequate land, services, and facilities for expansion and growth of light, clean industrial activities.

O. Maximize the attractive character of Acworth by establishing aesthetically pleasing gateways and corridors into the City.

**SECTION 13 Severability**

It is hereby declared to be the intention of the Mayor and Board of Aldermen that the sections, paragraphs, sentences, clauses, and phrases of this article are severable, and if any phrase, clause, sentence, paragraph, or section of this article be declared unconstitutional or invalid, it shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article.

**SECTION 14 Effective Date**

This article shall be effective immediately upon its adoption by the Mayor and Council.

**SECTION 15 Repeal of conflicting ordinances and validity of prior approvals and actions**

A. This is the Zoning Ordinance of the City of Acworth, and all other conflicting ordinances or resolutions are hereby repealed; provided, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those zoning approvals or use permits issued under previous zoning ordinances or resolutions; however, modification or repeal of these past conditions of approval may be accomplished as provided by this ordinance.

B. All variances and exceptions heretofore granted shall remain in full force and effect and all terms, conditions and obligations imposed shall remain in full force and effect and be binding. Prior ordinances shall remain in effect insofar as required for the initiation of any proceedings against violations thereof and for the prosecution of any violations heretofore commenced.

C. Notwithstanding anything contained herein and notwithstanding any zoning classification change, all previous special stipulations, conditions, restrictions, agreements and terms contained in prior zoning ordinances shall remain in full force and effect and shall not be amended by this document and shall carry forward to any new zoning classification and shall be binding upon said property. Prior ordinances shall remain in effect and shall remain as such special stipulations, conditions, restrictions, agreements and terms, even though the zoning category itself may be changed hereunder.

**SECTION 16 Development Projects Under Construction**

Nothing in this article shall require any change in the development or proposed use of properties which are legally under construction or for which a development plan or preliminary plat has been approved within 5 years of the effective date of this article and the development of which shall be commenced within one year after the effective date of this article. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

## **ARTICLE II ESTABLISHMENT OF DISTRICTS**

### **SECTION 20 Official Zoning Map**

- A. The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and incorporated herein as though fully set forth herein. A copy of the Official Zoning Map shall be maintained on file with the City Clerk for inspection and review by the public.
- B. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the city under the following words: “This is to certify that this is the Official Zoning Map of the City of Acworth, Georgia” together with the date of the adoption of this article.
- C. If, in accordance with the provisions of this article and state law, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Aldermen, with an entry on the Official Zoning Map signed by the Mayor and attested by the City Clerk.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this article. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this article and punishable as provided under this article.
- E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority.

### **SECTION 21 Replacement of Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Aldermen may by resolution adopt a new Official Zoning Map which shall supersede all previous such maps. The new Official Zoning Map may correct drafting or other errors of omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.



**21.1 District Designations**

For the purpose of this ordinance, City of Acworth is hereby divided into thirteen (13) conventional zoning districts and two site-plan specific zoning district,

**TABLE A – CITY OF ACWORTH ZONING DISTRICTS**

	<b>SINGLE FAMILY RESIDENTIAL</b>
<b>R-1</b>	Detached single family residential, minimum lot size 16,000 sq. ft.
<b>R-2</b>	Detached single family residential, minimum lot size 12,000 sq. ft.
<b>R-3</b>	Detached single family residential, minimum lot size 9,000 sq. ft.
<b>R-5</b>	Attached/Detached single family residential, maximum five (5) dwelling units/acre
	<b>MULTI-FAMILY RESIDENTIAL</b>
<b>RM-6</b>	Multi-family residential, maximum six (6) dwelling units/acre
<b>RM-8</b>	Multi-family residential, maximum eight (8) dwelling units/acre
	<b>COMMERCIAL</b>
<b>C-1</b>	Neighborhood retail commercial
<b>C-2</b>	Community retail commercial
<b>OIT</b>	Office institutional transitional
<b>LRO</b>	Low-rise office
<b>OP</b>	Office professional
	<b>INDUSTRIAL</b>
<b>LI</b>	Light industrial
<b>HI</b>	Heavy industrial
	<b>MIXED USE</b>
<b>MU</b>	Mixed Use Development (Site-plan specific)
	<b>PLANNED RESIDENTIAL</b>
<b>RC</b>	Residential Conservation Planned Unit Development (Site-plan specific)
<b>SLC</b>	Senior Living Community (Site plan specific)

### **ARTICLE III APPLICATION OF DISTRICT REGULATIONS**

#### **SECTION 30 Rules Governing Interpretation**

Where uncertainty exists as to boundaries of any district shown on said map, the following rules shall apply:

- A. Where boundaries are indicated as approximately following the center line right-of-way of streets and alleys, land lot lines, militia district lines or lot lines, such lines shall be construed to be such boundaries.
- B. Where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such maps. Split zoned properties shall no longer be permitted; however, those existing on the date of adoption of this article shall be allowed to continue as a nonconforming use. Property owners may request the City rezone the entire property to one of the existing zonings or subdivide the property along the district boundary provided all lot standards are achieved for each newly created lot.
- C. Where a district boundary line divides a lot which was in single ownership at the time of passage of this article, the Board of Aldermen may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

#### **SECTION 31 Uniformity and Compliance**

The regulations set by this article within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and specifically, except as hereinafter provided.

#### **SECTION 32 Compliance with District Regulations**

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

#### **SECTION 33 Lots Reduced Below Requirements**

No lot existing at the time of passage of this article shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this article shall meet at least the minimum requirements established by this article.

#### **SECTION 34 Annexed Territory**

All territory which may hereafter be annexed into the City shall be classified as per the procedures outlined in Article XII (Amendments).

#### **SECTION 35 Special Land Use Permit Necessary**

Any person requesting a special exception from those permitted uses listed under any zoning district must comply with those regulations set forth in Section 70 and 110.

**ARTICLE IV NONCONFORMING USES****SECTION 40 Intent**

Within the districts established by this article or amendments that may later be adopted there may exist; lots, structures, uses of land and structures, and characteristics of use which were lawful before this article was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this article or such amendment. It is the intent of this article to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this article that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

**SECTION 41 Continuance of Nonconforming Use**

The lawful use of any building or structure or land existing at the time of enactment of this ordinance or amendment thereto may be continued, even though such use does not conform with the provisions of this article, except that the nonconforming use shall not be:

- A. Changed to another nonconforming use;
- B. Reestablished after discontinuance for a continuous period of 6 months or 18 months during any 3 year period (except when government action impedes access to the premises);
- C. Expanded, extended or enlarged in any manner which increase its non-conformity, but such structure may be altered to decrease its non-conformity.

**SECTION 42 Continuance of Building Occupied by Nonconforming Use**

A building occupied by a nonconforming use at the time of enactment of this ordinance or amendment thereto may be retained, except that it shall not be:

- A. Expanded, extended or enlarged in any manner which increase its non-conformity.
- B. Rebuilt, altered or repaired if such construction costs would exceed 50% of its replacement cost.

**SECTION 43 Exceptions**

- A. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, provided such construction costs do not exceed 50% of its replacement cost.
- B. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record existing on June 5, 2003, notwithstanding limitations imposed by other provisions of this article, only so long as it is used for a single family residence. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Aldermen.
- C. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this article, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this article, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this article, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this article.

**ARTICLE V DISTRICT STANDARDS AND PERMITTED USES****SECTION 50 District Standards**

For the purposes of this ordinance, the City of Acworth is divided into districts as follows:

**50.1 R-1, Single Family Residential****A. Purpose and Intent.**

The R-1 district is intended for low density single family detached housing and residentially compatible uses requiring large amounts of green space.

**B. Permitted Uses.**

1. Single family detached dwellings.
2. Manufactured homes, provided:
  - a) Roof pitch no less than 5:12 and finished with a type of shingle that is commonly used in standard residential construction;
  - b) Exterior siding shall consist of wood, vinyl, hardboard, stucco or brick comparable in composition, appearance, and durability to the exterior siding and use in standard residential construction;
  - c) Must be placed and anchored on a permanent foundation, either slab or pier. All anchoring shall be subject to review, approval and inspections by the City's building inspector. A masonry curtain wall designed to coordinate with the siding of the residence (ie: brick or stucco), shall be provided in lieu of skirting and shall only be pierced for the required ventilation and access;
  - d) Utility meters for the home shall be mounted to the structure rather than on a utility pole or other structure.
3. Non-commercial horticulture and agriculture.
4. Livestock, poultry and non-commercial riding stables, provided:
  - a) No livestock shall be kept on a lot containing less than 3 acres.
  - b) All buildings used for animals shall be set back not less than 150 feet from all property lines.
  - c) All animals shall be maintained at least 50 feet from any property line and shall have 5,000 square feet of fenced lot area not covered by the principal structure for each animal.
5. Non-commercial clubs or lodges.
6. Private parks and playgrounds.
7. Golf courses and driving ranges, provided:
  - a) Any building or structure established in connection with such use must be set back no less than 100 feet from any property line,
  - b) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
8. Group homes consisting of 6 or fewer individuals, inclusive of resident staff (see standards set forth in Section 71.2).
9. Personal care homes consisting of 6 or fewer individuals, inclusive of resident staff provided:
  - a) The principal structure contains a residential facade architecturally similar to adjacent buildings.
  - b) Such facilities obtain all necessary local and state licenses.
  - c) The use is limited to the principal structure only.
  - d) The maximum number of beds permitted shall be limited to one per 250 gross square feet of heated floor space within the principal structure.
10. Public buildings and utilities.
11. Neighborhood recreation centers or swimming pools, provided:
  - a) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- b) Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
  - c) All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.
12. Accessory uses and structures incidental to any legal permitted use.
13. Sign(s), (as permitted in the City of Acworth Sign Ordinance)

C. Temporary/Conditional Uses Allowed by the Director.

- 1. Temporary or portable sawmill not to exceed a period of 6 months. Such mill may only process timber removed from the property on which it is located. Timber harvesting permits shall be required to meet all aspects of the Tree Protection Ordinance (see standards set forth in City of Acworth Tree Preservation and Replacement Ordinance).
- 2. Guest homes, garage apartments and servant quarters, provided:
  - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
  - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
  - c) No paying guests or tenants are housed.
  - d) No other similar use or structure is located on the lot.
  - e) The building's height and/or area do not exceed that of the principal building.
- 3. Home Occupations (see standards set forth in Section 74).
- 4. Garage Sales, provided:
  - a) Limited to 3 consecutive days and one event every 3 months.
  - b) No consignment goods may be offered for sale.
  - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
  - d) One sign per property frontage is allowed, maximum 6 square feet in size.

D. Special Uses Permitted by Board of Aldermen

- 1. Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:
  - a) Minimum lot size is 5 acres.
  - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
  - c) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.
- 2. Cemeteries and mausoleums, provided:
  - a) Minimum lot size is 5 acres.
  - b) A 25 foot undisturbed buffer be established around the perimeter of the use with a solid fence or wall no less than six feet in height.
  - c) All buildings must be set back at least 25 feet from the buffer.
  - d) All graves be set back 10 feet from the buffer.
  - e) No graves may be placed within any required setback.
  - f) Funeral homes and mausoleums must have 20,000 square feet dedicated solely to their use.
- 3. Special Event Home, provided:
  - a) Establishment must be on a minimum of a two (2) acre site.
  - b) A maximum of 3,000 square feet may be dedicated to the reception floor area.
  - c) Trash receptacles must be located in a rear or side yard and shall be screened on all sides. Garbage shall be collected only during the daytime hours of 9 am. And 5 pm.
  - d) All applicants shall comply with the City of Acworth noise Ordinance.
  - e) Such use is required to supply one (1) parking space for every three persons of capacity or per every (10) ten square feet of gross reception floor area of the facility. The parking area is

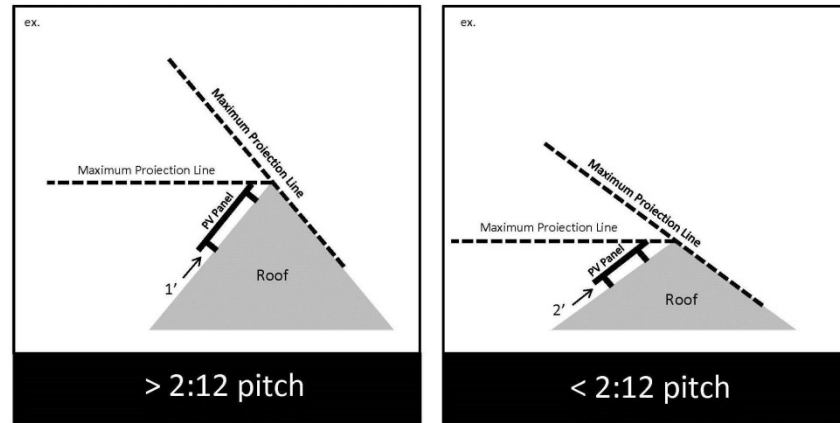
Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- not required to be paved but must be an improved surface approved by the Mayor and Board of Aldermen. Only 20 percent of the parking may be off-site.
- f) Capacity of the Special Events Home will be limited to three hundred (300) persons.
  - g) There shall be no retail sale of food or alcohol.
  - h) The commercial operations of the facility shall not operate between 12 am. And 9 am.
  - i) The facility must be a single family home and can be mixed-use.
  - j) Facility should only be located in appropriate areas of the City and not have a negative impact on surrounding properties.
  - k) If the facility ceases to operate as a Special Events Home for a period of six (6) consecutive months, the property shall lose its approval as a Special Events Home.
4. Bed and Breakfast, provided:
- a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
  - b) Such use must be located within a historical structure at least 50 years old which is included on the local City register. The structure shall also contain 2,000 square feet or more of gross heated floor area
  - c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
  - d) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
  - e) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
  - f) No catering, parties, weddings or special events shall be permitted.
  - g) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by City staff. The architectural integrity of the existing interior spaces must be maintained.
  - h) All bed and breakfast houses must meet all applicable health and safety codes.
  - i) Maximum length of stay shall not exceed 14 days.
  - j) A minimum of 1 parking space per rental room is provided in addition to those required for the resident. Parking shall be landscaped as set forth in the Acworth Tree Preservation and Replacement Standards.

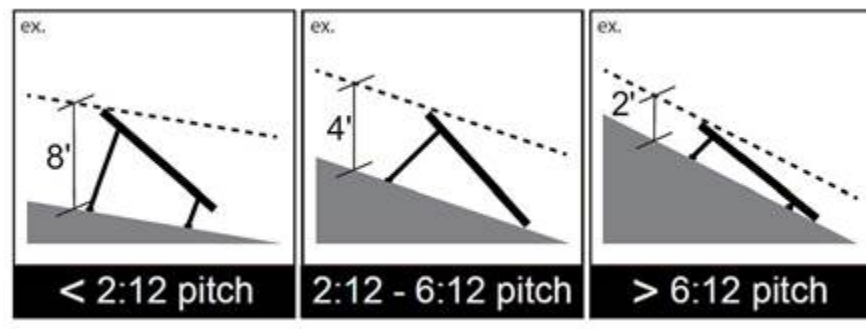
E. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory building shall be constructed upon a lot before the principal building.
4. No accessory structure may exceed twenty (20) feet in height.
5. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:

- a. Single family and duplex dwellings:
  - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations

- 1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Director may approve the

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.

2. A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way.
3. All front, side and rear yards must be planted with sod grass.
4. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
5. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
6. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.

G. Bulk and Area Regulations

Minimum Lot Size:	16,000 sq. ft.
Minimum Lot Width:	100 ft./80 ft. for a cul-de-sac
Maximum Building Height:	35 ft.
Minimum Floor Area:	2,000 sq. ft.
Maximum Lot Coverage:	25%
Maximum Impervious Surface:	35%
Front Setback (arterial):	40 ft.
Front Setback (other):	30 ft.
Side Setback (major):	30 ft.
Side Setback (minor):	15 ft.
Rear Setback:	50 ft.

H. Landscape and Buffer Requirements

Not applicable in this district.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

## **50.2 R-2, Single Family Residential**

### **A. Purpose and Intent.**

The R-2 district is intended for medium density single family detached housing and residentially compatible uses requiring large amounts of green space.

### **B. Permitted Uses.**

1. Single family detached dwellings.
2. Private parks and playgrounds.
3. Group homes consisting of six or fewer individuals, inclusive of resident staff (see standards set forth in Section 71.2).
4. Public buildings and utilities.
5. Neighborhood recreation centers or swimming pools, provided:
  - a) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
  - b) Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
  - c) All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.
6. Personal care homes consisting of six or fewer individuals, inclusive of resident staff provided:
  - a) The principal structure contains a residential facade architecturally similar to adjacent buildings.
  - b) Such facilities obtain all necessary local and state licenses.
  - c) The use is limited to the principal structure only.
  - d) The maximum number of beds permitted shall be limited to one per 250 gross square feet of heated floor space within the principal structure.
7. Accessory uses and structures incidental to any legal permitted use.
8. Sign(s), (as permitted in the City of Acworth Sign Ordinance)

### **C. Temporary/Conditional Uses Allowed by the Director.**

1. Guest homes, garage apartments and servant quarters, provided:
  - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
  - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
  - c) No paying guests or tenants are housed.
  - d) No other similar use or structure is located on the lot.
  - e) The building's height and/or area do not exceed that of the principal building.
2. Home Occupations (see standards set forth in Section 74).
3. Garage Sales, provided:
  - a) Limited to 3 consecutive days and one event every 3 months.
  - b) No consignment goods may be offered for sale.
  - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
  - d) One sign per property frontage is allowed, maximum 6 square feet in size.

### **D. Special Uses Permitted by Board of Aldermen**

1. Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:
  - a) Minimum lot size is 5 acres.
  - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
  - c) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.

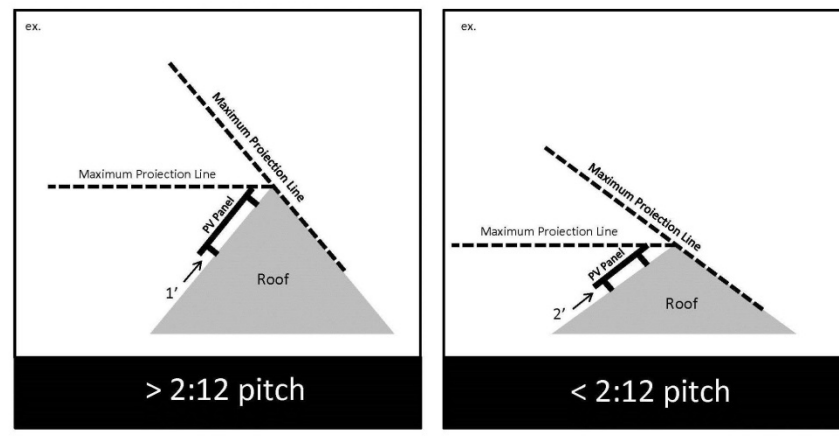
Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

2. Cemeteries and mausoleums, provided:
  - a) Minimum lot size is 5 acres.
  - b) A 25 foot undisturbed buffer be established around the perimeter of the use with a solid fence or wall no less than six feet in height.
  - c) All buildings must be set back at least 25 feet from the buffer.
  - d) All graves be set back 10 feet from the buffer.
  - e) No graves may be placed within any required setback.
  - f) Funeral homes and mausoleums must have 20,000 square feet dedicated solely to their use.
3. Special Event Home, provided:
  - a) Establishment must be on a minimum of a two (2) acre site.
  - b) A maximum of 3,000 square feet may be dedicated to the reception floor area.
  - c) Trash receptacles must be located in a rear or side yard and shall be screened on all sides. Garbage shall be collected only during the daytime hours of 9 am. And 5 pm.
  - d) All applicants shall comply with the City of Acworth noise Ordinance.
  - e) Such use is required to supply one (1) parking space for every three persons of capacity or per every (10) ten square feet of gross reception floor area of the facility. The parking area is not required to be paved but must be an improved surface approved by the Mayor and Board of Aldermen. Only 20 percent of the parking may be off-site.
  - f) Capacity of the Special Events Home will be limited to three hundred (300) persons.
  - g) There shall be no retail sale of food or alcohol.
  - h) The commercial operations of the facility shall not operate between 12 am. And 9 am.
  - i) The facility must be a single family home and can be mixed-use.
  - j) Facility should only be located in appropriate areas of the City and not have a negative impact on surrounding properties.
  - k) If the facility ceases to operate as a Special Events Home for a period of six (6) consecutive months, the property shall lose its approval as a Special Events Home.
4. Bed and Breakfasts, provided:
  - a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
  - b) Such use must be located within a historical structure at least 50 years old which is included on the local City register. The structure shall also contain 2,000 square feet or more of gross heated floor area
  - c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
  - d) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
  - e) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
  - f) No catering, parties, weddings or special events shall be permitted.
  - g) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by City staff. The architectural integrity of the existing interior spaces must be maintained.
  - h) All bed and breakfast houses must meet all applicable health and safety codes.
  - i) Maximum length of stay shall not exceed 14 days.
  - j) A minimum of 1 parking space per rental room is provided in addition to those required for the resident. Parking shall be landscaped as set forth in the Acworth Tree Preservation and Replacement Standards.

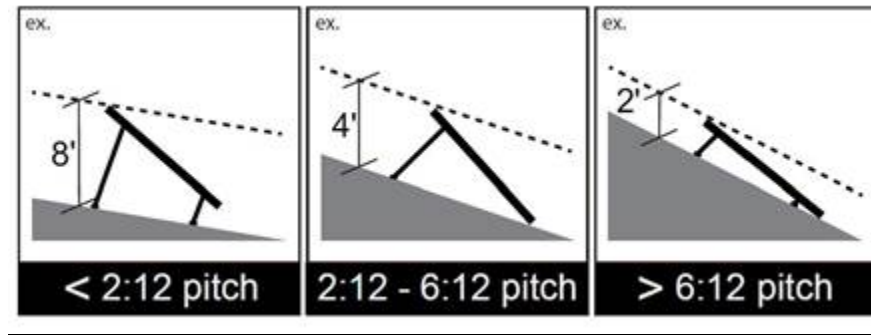
Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

### Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory building shall be constructed upon a lot before the principal building.
4. No accessory structure may exceed twenty (20) feet in height.
5. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:
    - 1) Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- 2) Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- 3) All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations

1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Director may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
2. A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way. Installation of more than one satellite dish per structure requires prior approval from Planning and Zoning staff.
3. All front, side and rear yards must be planted with sod grass.
4. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
5. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
6. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.

G. Bulk and Area Regulations

Minimum Lot Size:	12,000 sq. ft.
Minimum Lot Width:	80 ft./65 ft. for a cul-de-sac
Maximum Building Height:	35 ft.
Minimum Floor Area:	1,800 sq. ft.
Maximum Building Coverage:	25%
Maximum Impervious Surface:	35%
Front Setback (arterial):	40 ft.
Front Setback (other):	30 ft.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Side Setback (major):	30 ft.
Side Setback (minor):	10 ft.
Rear Setback:	40 ft.

- H. Landscape and Buffer Requirements.  
Not applicable in this district.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

### **50.3 R-3, Single Family Residential**

#### **A. Purpose and Intent.**

The R-3 district is intended for medium density single family detached housing and residentially compatible uses requiring large amounts of green space.

#### **B. Permitted Uses.**

1. Single family detached dwellings.
2. Private parks and playgrounds.
3. Group homes consisting of 6 or fewer individuals, inclusive of resident staff (see standards set forth in Section 71.2).
4. Public buildings and utilities.
5. Neighborhood recreation centers or swimming pools, provided:
  - a) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
  - b) Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
  - c) All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.
6. Personal care homes consisting of six or fewer individuals, inclusive of resident staff provided:
  - a) The principal structure contains a residential facade architecturally similar to adjacent buildings.
  - b) Such facilities obtain all necessary local and state licenses.
  - c) The use is limited to the principal structure only.
  - d) The maximum number of beds permitted shall be limited to one per 250 gross square feet of heated floor space within the principal structure.
  - e) Signage is limited to one non-illuminated wall sign no greater than 6 square feet and is permitted through the Zoning Administrator.
7. Accessory uses and structures incidental to any legal permitted use.
8. Sign(s), (as permitted in the City of Acworth Sign Ordinance)

#### **C. Temporary/Conditional Uses Allowed by the Director.**

1. Guest homes, garage apartments and servant quarters, provided:
  - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
  - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
  - c) No paying guests or tenants are housed.
  - d) No other similar use or structure is located on the lot.
  - e) The building's height and/or area do not exceed that of the principal building.
2. Home Occupations (see standards set forth in Section 74).
3. Garage Sales, provided:
  - a) Limited to 3 consecutive days and one event every 3 months.
  - b) No consignment goods may be offered for sale.
  - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
  - d) One sign per property frontage is allowed, maximum 6 square feet in size.

#### **D. Special Uses Permitted by Board of Aldermen**

1. Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:
  - a) Minimum lot size is 5 acres.
  - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.

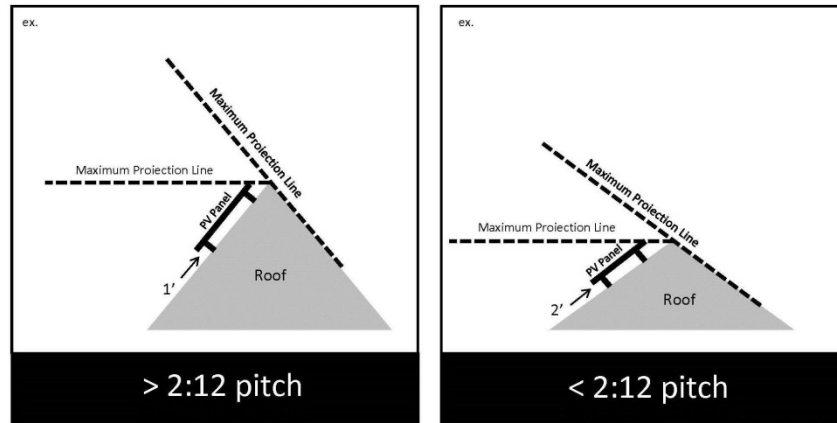
Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- c) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.
2. Cemeteries and mausoleums, provided:
  - a) Minimum lot size is 10 acres.
  - b) A 25 foot undisturbed buffer be established around the perimeter of the use with a solid fence or wall no less than six feet in height.
  - c) All buildings must be set back at least 25 feet from the buffer.
  - d) All graves be set back 10 feet from the buffer.
  - e) No graves may be placed within any required setback.
  - f) Funeral homes and mausoleums must have 20,000 square feet dedicated solely to their use.
3. Bed and Breakfast, provided:
  - a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
  - b) Such use must be located within a historical structure at least 50 years old which is included on the local City register. The structure shall also contain 2,000 square feet or more of gross heated floor area
  - c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
  - d) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
  - e) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
  - f) No catering, parties, weddings or special events shall be permitted.
  - g) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by City staff. The architectural integrity of the existing interior spaces must be maintained.
  - h) All bed and breakfast houses must meet all applicable health and safety codes.
  - i) Maximum length of stay shall not exceed 14 days.
  - j) A minimum of 1 parking space per rental room is provided in addition to those required for the resident. Parking shall be landscaped as set forth in the Acworth Tree Preservation and Replacement Standards.

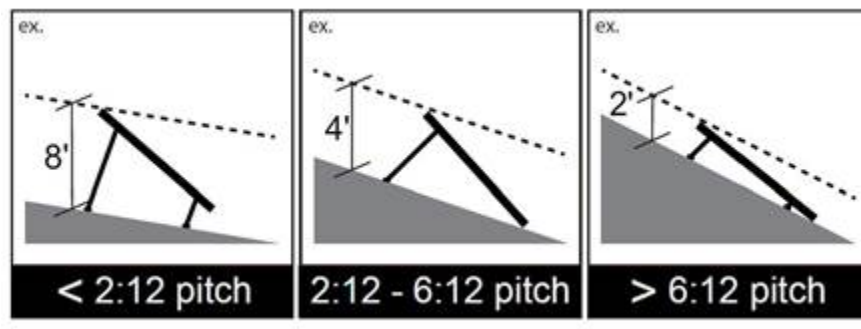
E. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory building shall be constructed upon a lot before the principal building.
4. No accessory structure may exceed twenty (20) feet in height.
5. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:

- a. Single family and duplex dwellings:
  - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations

- 1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Director may approve the



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.

2. A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way. Installation of more than one satellite dish per structure requires prior approval from Planning and Zoning staff.
3. All front, side and rear yards must be planted with sod grass.
4. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
5. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
6. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.

G. Bulk and Area Regulations

Minimum Lot Size:	9,000 sq. ft.
Minimum Lot Width:	70 ft./60 ft. for a cul-de-sac
Maximum Building Height:	35 ft.
Minimum Floor Area:	1,600 sq. ft.
Maximum Building Coverage:	30%
Maximum Impervious Surface:	40%
Front Setback (arterial):	40 ft.
Front Setback (other):	25 ft.
Side Setback (major):	25 ft.
Side Setback (minor):	10 ft.
Rear Setback:	30 ft.

H. Landscape and Buffer Requirements.

Not applicable in this district.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

**50.4 R-5, Mixed Single Family Residential (Note: This District is strictly in place for existing developments as shown on the most recently adopted Zoning Map. No new developments may be applied for under this category).**

A. Purpose and Intent.

The R-5 district is intended to provide suitable areas for single family attached and detached housing at medium densities. These districts may also serve as transitional zones between light commercial/office uses and areas reserved for lower density single family uses.

B. Permitted Uses.

1. Single family detached dwellings
2. Duplexes and triplexes
3. Fee simple town homes
4. Condominiums, provided:
  - a) Maximum Density: 5 units per acre
  - b) Minimum floor area: 1,500 square feet per unit
  - c) Homeowners association required for maintenance of common areas and amenities.
5. Private parks and playgrounds
6. Public buildings and utilities
7. Neighborhood recreation centers or swimming pools, provided:
  - a) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
  - b) Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
  - c) All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.
8. Accessory uses and structures incidental to any legal permitted use.
9. Sign(s), (as permitted in the City of Acworth Sign Ordinance)

C. Temporary/Conditional Uses Allowed by the Director.

1. Home Occupations (see standards set forth in Section 74).
2. Garage Sales, provided:
  - a) Limited to 3 consecutive days and one event every 3 months.
  - b) No consignment goods may be offered for sale.
  - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
  - d) One sign per property frontage is allowed, maximum 6 square feet in size.

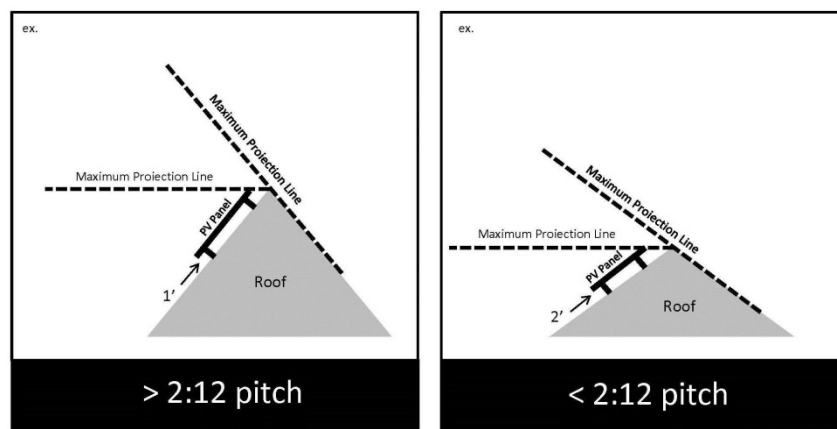
D. Special Uses Permitted by Board of Aldermen

1. Bed and Breakfast, provided:
  - a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
  - b) Such use must be located within a historical structure at least 50 years old which is included on the local City register. The structure shall also contain 2,000 square feet or more of gross heated floor area
  - c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
  - d) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
  - e) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
  - f) No catering, parties, weddings or special events shall be permitted.

- g) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by City staff. The architectural integrity of the existing interior spaces must be maintained.
- h) All bed and breakfast houses must meet all applicable health and safety codes.
- i) Maximum length of stay shall not exceed 14 days.
- j) A minimum of 1 parking space per rental room is provided in addition to those required for the resident. Parking shall be landscaped as set forth in the Acworth Tree Preservation and Replacement Standards.

E. Accessory Structures.

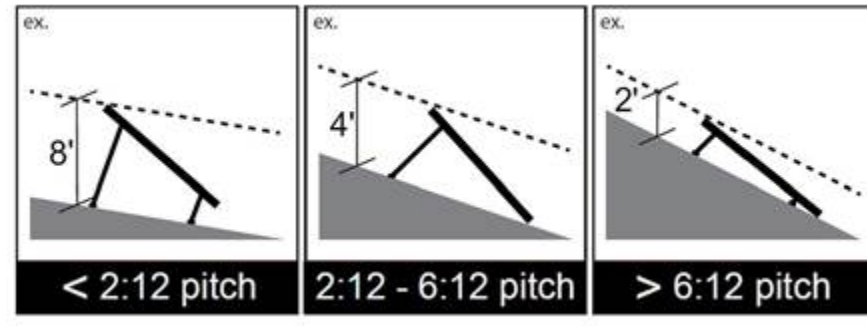
1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory building shall be constructed upon a lot before the principal building.
4. No accessory structure may exceed twenty (20) feet in height.
5. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:
    - a. Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
- ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
- iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations.

1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Director may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
2. A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way. Installation of more than one satellite dish per structure requires prior approval from Planning and Zoning staff.
3. Minimum parking provided shall be two spaces per dwelling unit. Such space shall be provided not more than 150 feet from the dwelling unit.
4. All front, side and rear yards must be planted with sod grass.
5. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
6. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
7. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

G. Bulk and Area Regulations.

Minimum Lot Size:	12,000 sq. ft. – duplexes 18,000 sq. ft. – triplexes 6,000 sq. ft. – single family detached dwellings 5,000 sq. ft. – fee simple town homes
Maximum Density:	5 dwelling units per acre
Minimum Lot Width:	45 ft. – single family 25 ft. – town homes 100 ft. – duplexes and triplexes
Maximum Building Height:	35 ft.
Minimum Floor Area/unit:	1,600 sq. ft. – single family detached dwellings 1,500 sq. ft. – fee simple town homes 1,000 sq. ft. per unit – duplexes and triplexes
Maximum Lot Coverage:	35%
Maximum Impervious Surface:	40%
Front Setback (arterial):	30 ft.
Front Setback (other):	20 ft.
Side Setback (major):	25 ft. (not applicable with common walls)
Side Setback (minor):	Five (5) feet with 20 ft. spacing between buildings, 0 ft. for attached units)
Rear Setback:	30 ft.

H. Landscape and Buffer Requirements.

When an R-5 district over two acres in size abuts an “R” district, a 30 foot greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than six feet in height (finished side to the exterior).

I. Previous Conditions/stipulations.

The subdivisions placed in the R-5 district were approved site-plan specific. All previous stipulations for subdivisions in this district including site plan layout requirement, lot size and averages, architectural approvals, etc. shall continue to apply. (See Section 15) A listing of the stipulations for these subdivisions shall reside in the office of the Zoning Administrator.

**50.5 RC – Residential Conservation Planned Unit Development****A. Purpose and Intent.**

The RC district is intended to provide opportunities for development that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land. To achieve this, the RC district provides suitable areas for single family attached and detached housing at medium densities in exchange for a minimum amount of greenspace/openspace. These districts may also serve as transitional zones between light commercial/office uses and areas reserved for lower density single family uses. This district is intended to be site-plan specific and shall require submission of a detailed site-plan at the time of rezoning application.

**B. Permitted Uses.**

1. Duplexes
2. Triplexes
3. Private parks and playgrounds
4. Public buildings and utilities
5. Neighborhood recreation centers or swimming pools, provided:
  - a) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
  - b) Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
  - c) All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.
6. Accessory uses and structures incidental to any legal permitted use.
7. Sign(s), (as permitted in the City of Acworth Sign Ordinance)

**C. Temporary/Conditional Uses Allowed by the Director.**

1. Home Occupations (see standards set forth in Section 74).
2. Garage Sales, provided:
  - a) Limited to 3 consecutive days and one event every 3 months.
  - b) No consignment goods may be offered for sale.
  - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
  - d) One sign per property frontage is allowed, maximum 6 square feet in size.

**D. Special Uses Permitted by Board of Aldermen**

1. Single-Family Residential, when part of a mixed-residential development.
2. Condominiums, provided:
  - a) Maximum Density: 5 units per acre
  - b) Minimum floor area: 1,500 square feet per unit
  - c) Homeowners association required for maintenance of common areas and amenities.
3. Townhomes, provided:
  - a) Minimum unit size 1,750 square feet, (1,200 square feet within the Downtown Development Authority District);
  - b) Submittal of a Design and Use Plan including, but not limited to:
    1. Architectural upgrades such as carriage style garage doors, upgraded exterior building materials such as stone, brick or other comparable material, doors, windows and patios;
    2. Renderings and/or narrative descriptions of the interior features of buildings, including the floor area of units, floor plan, ceiling height, flooring materials, kitchen and bath features, and information on trim/finish details;
    3. A plan for the development and long-term maintenance of all common areas and facilities (including private streets and parking areas, detention areas, green spaces);
    4. The proposed documents for the homeowners or condominium association, which shall include covenants related to maintenance of units, dues and fees, exterior storage and

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

appearance, restrictions on rental occupancy. All such documents shall be reviewed and approved by the City.

4. Cottage Style Development, provided:

- a) Minimum lot dimension: 45' x 120';
- b) Of the 40 percent greenspace required for RC developments, an area amounting to no less than 15 percent of the development's buildable total land area shall be designed to accommodate its use for passive or active recreation;
- c) Minimum unit size 1,600 square feet;
- d) Maximum unit size 2,000 square feet;
- e) Maximum unit height 1½ story;
- f) Setbacks:

Front:	20 feet (with the garage portion of the home no less than twenty-five (25) feet from the back of the curb)
Minor Side:	Minimum 10 feet between structures
Major Side:	25 feet
Rear:	20 feet
Maximum Lot Coverage	40%
Maximum Impervious Surface Area per lot	60%

g) Submittal of a Design and Use Plan including, but not limited to:

1. Architectural upgrades such as carriage style garage doors, upgraded exterior building materials such as stone, brick or other comparable material, doors, windows and patios;
2. Renderings and/or narrative descriptions of the interior features of buildings, including the floor area of units, floor plan, ceiling height, flooring materials, kitchen and bath features, and information on trim/finish details;
3. A plan for the development and long-term maintenance of all common areas and facilities (including private streets and parking areas, detention areas, green spaces);
4. The proposed documents for the homeowners or condominium association, which shall include covenants related to maintenance of units, dues and fees, exterior storage and appearance, restrictions on rental occupancy. All such documents shall be reviewed and approved by the City.

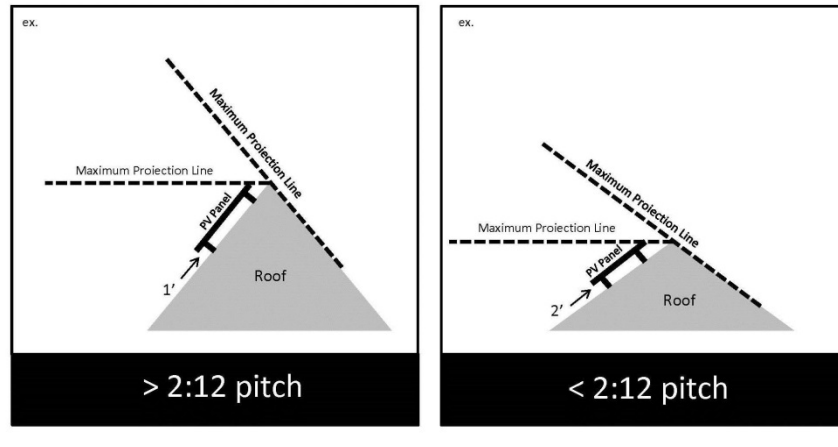
E. Accessory Structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory building shall be constructed upon a lot before the principal building.
4. No accessory structure may exceed twenty (20) feet in height.
5. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.

c) Roof mounted systems:

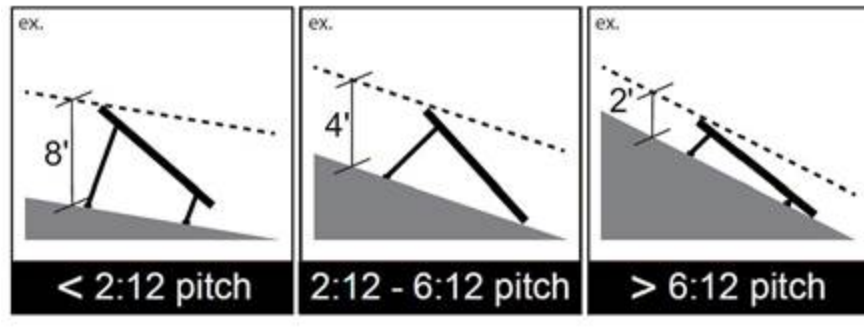
a. Single family and duplex dwellings:

- i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):

- i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
- ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
- iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.

d) May not be attached to a street facing roof face.

e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

F. Use Limitations.

1. Developments in this district shall be site-plan specific. Each plan shall require the submission of a site plan, architectural building elevations, proposed tree-save and grading plan,
2. Any significant changes including but not limited to additional units, overall layout, façade elevation changes, shall require a zoning amendment.
3. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Director may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
4. A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way. Installation of more than one satellite dish per structure requires prior approval from Planning and Zoning staff.
5. Minimum parking provided shall be two spaces per dwelling unit. Such space shall be provided not more than 150 feet from the dwelling unit.
6. All front, side and rear yards must be planted with sod grass.
7. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
8. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
9. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.

G. Bulk and Area Regulations.

Minimum Lot Size:	9,000 sq. ft. – single family detached 12,000 sq. ft. – duplexes 18,000 sq. ft. – triplexes 5,000 sq. ft. dedicated per unit (note: actual size of fee simple lots will vary) – fee simple town homes (with no more than 6 units per building)
Maximum Density:	5 dwelling units per acre
Minimum Tract Size:	5 acres
Minimum Lot Width:	55 ft. – single family 25 ft. – town homes 100 ft. – duplexes and triplexes
Maximum Building Height:	35 ft.
Minimum Floor Area/unit:	2,000 sq. ft. – single family 1,000 sq. ft. per unit – duplexes and triplexes
Maximum Lot Coverage:	35%
Maximum Impervious Surface:	40%
Front Setback (arterial):	30 ft.
Front Setback (other):	20 ft.
Side Setback (major):	25 ft. (not applicable with common walls)

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Side Setback (minor): 5ft. with 20 ft. spacing between buildings (0 ft. for attached units)  
Rear Setback: 30 ft.

H. Landscape and Buffer Requirements.

When a RC district abuts an "R" district, a 30 foot buffer shall be established. Such buffer shall be undisturbed where practical or enhanced where devoid of significant vegetation and must include a solid fence or wall no less than six feet in height (finished side to the exterior).

I. Greenspace Requirement.

1. For every RC development, a minimum of forty percent (40%) of the gross tract area shall be required greenspace unless otherwise specified in this ordinance.
2. Where applicable, the greenspace shall remain primarily undisturbed unless otherwise shown and approved in the greenspace management plan.
3. For housing density calculation purposes, the maximum number of lots shall be determined by dividing the area of the tract of land by the minimum lot size, as described in the bulk and area requirements section of this article. In making this calculation, the following shall not be included in the total area of the parcel:
  - a) 100 year floodplain,
  - b) Floodway,
  - c) Wetlands-as defined by the US Army Corps of Engineers pursuant to the Clean Water Act,
  - d) Retention/detention areas, utility areas,
  - e) Slopes over 25% of at least 5,000 square feet contiguous area,
  - f) Road right-of-ways and areas reserved for utilities.
4. The following are considered Primary Conservation Areas shall be included in the required greenspace, unless the Applicant demonstrates that with this provision would constitute an unusual hardship and be counter to the purposes of this article:
  - a) 100 year floodplain,
  - b) All required stream bank buffer zones,
  - c) Floodway,
  - d) Wetlands-as defined by the US Army Corps of Engineers pursuant to the Clean Water Act,
  - e) Populations of endangered or threatened species, or habitat for such species,
  - f) Archaeological sites, cemeteries, and burial grounds,
  - g) Retention/detention areas, utility areas,
  - h) Slopes over 25% of at least 5,000 square feet contiguous area,
5. The following are considered Secondary Conservation Areas and are required to be included within the required green space to the maximum extent feasible:
  - a) Important historic sites,
  - b) Existing healthy, native forests of at least one acre contiguous area,
  - c) Individual existing healthy trees greater than eight (8) inches in caliper, as measured from their outermost drip line,
  - d) Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads,
  - e) Prime agricultural lands of at least five acres contiguous area,
  - f) Existing trails that connect the tract to neighboring areas.
6. The required greenspace must be organized and designed so that at least 75% of the minimum required green space shall be in a contiguous tract no less than twenty (20) feet in width at its narrowest point. The required greenspace shall adjoin any neighboring areas of green space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected greenspace. Tree density calculations shall be provided for the protected greenspace based on the acreage of dedicated greenspace utilizing the formula specified within the

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Tree Protection and Landscaping Ordinance. This calculation shall be made separate of the required tree density of the remainder of the development.

7. Above ground utility rights-of-way and small areas of impervious surface (no more than 400 square feet in area) may be included within the protected green space, but cannot be counted towards the forty (40%) percent minimum area requirement (exception: historic structures and pedestrian or non-motorized, except for those allowed by ADA, trails may be counted). Large areas of impervious surface shall be excluded from the minimum required green space.
8. The required greenspace shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the green space.
9. Green Space Management Plan Required. An green space management plan (“Plan”) shall be prepared and submitted prior to the issuance of a land disturbance permit. This plan shall, at a minimum, that consists of the following:
  - a) allocates responsibility and guidelines for the maintenance and operation of the green space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements,
  - b) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the green space and outlines the means by which such funding will be obtained or provided,
  - c) provides that any changes to the Plan be approved by the Mayor and Board of Aldermen,
  - d) Provides for enforcement of the Plan.
10. Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant shall be placed on the required greenspace property concurrent with the issuance of a land disturbance permit.

J. Permitted/Prohibited Uses of Greenspace.

1. Permitted uses of greenspace:
  - a) Conservation of natural, archeological or historical resources,
  - b) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas,
  - c) Walking or non-motorized trails, except for those allowed by ADA,
  - d) Passive recreation areas,
  - e) Active recreation areas, provided that they are limited to no more than ten (10) percent of the total minimum *required* greenspace, unless otherwise stated in this ordinance, and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected green space,
  - f) Agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas,
  - g) Nonstructural stormwater management practices,
  - h) Easements for drainage, access, and underground utility lines,
  - i) Other conservation-oriented uses compatible with the purposes of this article.
2. Prohibited uses of greenspace:
  - a) Golf courses,
  - b) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections,
  - c) Agricultural and forestry activities not conducted according to accepted best management practices,
  - d) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

K. Ownership and Management of Greenspace.

1. The applicant must identify the owner of the green space and facilities located thereon. If a Homeowner's Association is the owner, membership in the association is mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the green space and any facilities located thereon shall be borne by the owner.
2. In the event the party responsible for maintenance of the green space fails to maintain all or any portion in reasonable order and condition, the City of Acworth may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

L. Legal Instrument for Permanent Protection.

1. The green space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
  - a) A permanent conservation easement in favor of either:
    - (i) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
    - (ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
  - b) If the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement,
  - c) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
  - d) An equivalent legal tool that provides permanent protection, if approved by the City of Acworth.
2. The instrument for permanent protection shall include clear restrictions on the use of the green space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the green space

M. Site Plan.

A site analysis map shall be required concurrent with the submission of a site concept plan. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed green space will meet the requirements of this article. The required conceptual site plan shall be drawn to scale and shall include, at a minimum, the following features:

- a) Property boundaries;
- b) All streams, rivers, lakes, wetlands and other hydrologic features;
- c) Topographic contours of no less than 10-foot intervals;
- d) Complete chart of calculations illustrating full compliance with regulations;
- e) All Primary and Secondary Conservation Areas labeled by type;
- f) General vegetation characteristics;
- g) General soil types;
- h) The planned location of protected greenspace;
- i) Existing roads and structures;
- j) Potential connections with existing greenspace and trails.
- k) Proposed roads, alleys, sidewalks, trails
- l) Lot configuration/layout, including setback lines

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- m) Proposed detention areas
- n) Proposed amenity areas
- o) Example building footprint layout
- p) Surrounding property owners
- q) Zoning information (current and proposed) for the subject property and current zoning information for the surrounding parcels
- r) Estimated impervious surface calculation for the development
- s) Unit count and calculation of greenspace.

**50.6 RM-6, Multi-Family Residential (6 units/acre)****A. Purpose and Intent.**

The RM-6 district is intended to provide suitable areas for multi-family housing designed in a compatible and complementary manner so as to function as a singular and integrated land use. This zoning district may serve as a transitional zone between commercial/office uses and residential districts of a lesser intensity.

**B. Permitted Uses.****1. Condominiums, provided:**

- a. Maximum Density: 5 units per acre
- b. Minimum floor area: 1,500 square feet per unit
- c. Homeowners association required for maintenance of common areas and amenities.

**2. Multi-family dwelling units (apartments).****3. Leasing office, clubhouse, gazebo or other structures related to apartment development.****4. Private parks and playgrounds.****5. Public buildings and utilities.****6. Group homes, limited to one bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.****7. Assisted living, personal care and retirement home facilities, provided:**

- a) Such facilities must obtain all necessary state licenses and/or certifications.
- b) The maximum number of beds permitted shall be determined by multiplying the site's acreage by the district's density limitation and a factor of 1.5.

*Ex. A 2 acre site could include 24 beds [(2.0 acres) x (8 DUA) x (1.5) = 24]*

**8. Fraternity and sorority houses and residence halls.****9. Neighborhood recreation centers or swimming pools, provided:**

- a) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
- b) Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
- c) All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.

**10. Rooming and boardinghouses. Maximum 7 beds per acre.****11. Accessory uses and structures incidental to any legal permitted use.****12. Sign(s), (as permitted in the City of Acworth Sign Ordinance)****C. Temporary/Conditional Uses Allowed by the Director.**

Home Occupations (see standards set forth in Section 74).

**D. Special Uses Permitted by Board of Aldermen.****1. Halfway houses (see standards set forth in Section 71.3).****2. Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:**

- a) Minimum lot size is 5 acres.
- b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
- c) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.
- d) Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:

**3. Townhomes, provided:**

- a) Minimum unit size 1,750 square feet, (1,200 square feet within the Downtown Development Authority District);

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- b) Submittal of a Design and Use Plan including, but not limited to:
1. Architectural upgrades such as carriage style garage doors, upgraded exterior building materials such as stone, brick or other comparable material, doors, windows and patios;
  2. Renderings and/or narrative descriptions of the interior features of buildings, including the floor area of units, floor plan, ceiling height, flooring materials, kitchen and bath features, and information on trim/finish details;
  3. A plan for the development and long-term maintenance of all common areas and facilities (including private streets and parking areas, detention areas, green spaces);
  4. The proposed documents for the homeowners or condominium association, which shall include covenants related to maintenance of units, dues and fees, exterior storage and appearance, restrictions on rental occupancy. All such documents shall be reviewed and approved by the City.
4. Cottage Style Development, provided:
- a) Minimum lot dimension: 45' x 120';
  - b) Green space to be provided within the development shall have a total area not less than 15% of the development's total buildable land area. Said green space shall be designed to accommodate its use for passive or active recreation;
  - c) Minimum unit size 1,600 square feet;
  - d) Maximum unit size 2,000 square feet;
  - e) Maximum unit height 1½ story;
  - f) Setbacks:
 

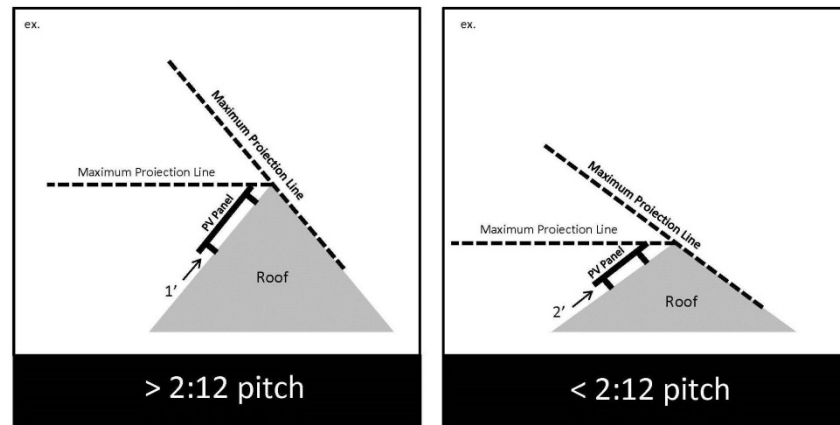
Front:	20 feet (with the garage portion of the home no less than twenty-five (25) feet from the back of the curb)
Minor Side:	Minimum 10 feet between structures
Major Side:	25 feet
Rear:	20 feet
Maximum Lot Coverage	40%
Maximum Impervious Surface Area per lot	60%
  - g) Submittal of a Design and Use Plan including, but not limited to:
    1. Architectural upgrades such as carriage style garage doors, upgraded exterior building materials such as stone, brick or other comparable material, doors, windows and patios;
    2. Renderings and/or narrative descriptions of the interior features of buildings, including the floor area of units, floor plan, ceiling height, flooring materials, kitchen and bath features, and information on trim/finish details;
    3. A plan for the development and long-term maintenance of all common areas and facilities (including private streets and parking areas, detention areas, green spaces);
    4. The proposed documents for the homeowners or condominium association, which shall include covenants related to maintenance of units, dues and fees, exterior storage and appearance, restrictions on rental occupancy. All such documents shall be reviewed and approved by the City.

E. Accessory Structures.

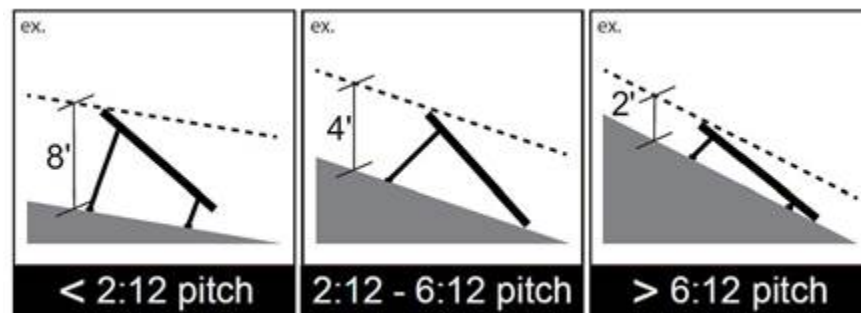
1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory building shall be constructed upon a lot before the principal building.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

4. No accessory structure may exceed the mean height of the principal building.
5. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
6. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
7. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:
    - a. Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.





- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations.

1. All outside storage associated with non-residential uses must be stored in a side or rear yard and screened from all streets and adjacent properties by an opaque fence no less than six feet in height. The Director may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
2. Buildings must be separated by at least 60 feet unless a side face is involved in which case the buildings shall be separated by no less than 40 feet.
3. No building may exceed 250 feet in length.
4. No unit or building may have direct access to an arterial street outside the development.
5. A recreation area must be provided at a ratio of one acre per 50 units (or a proportional percentage thereof) with a minimum of 10,000 sq. ft. provided. Such area may serve as green space and/or developed for recreational purposes such as pools or basketball and tennis courts. Non-passive recreational areas must be located in such a manner that at least 75% of the units are within 300 feet, as measured from building footprints.
6. Common on-site parking areas shall be located not more than 200 feet from the dwelling units served. No more than 25% of the required parking may be provided within the front yard or setback.
7. When over 50% of the required parking is provided underground, a density bonus of two dwelling units per acre shall be allowed.
8. Apartment complexes which convert to condominium use must file a new final plat and meet all requirements of the Public Works and Fire Departments.
10. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
11. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
12. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.

G. Bulk and Area Regulations.

Minimum Tract Size:	2 acres
Maximum Tract Size:	20 acres
Maximum Density:	6 dwelling units per acre
Minimum Tract Width:	100 ft.
Maximum Building Height:	45 ft.
Minimum Floor Area:	550 sq. ft. for an efficiency
	650 sq. ft. for 1 bedroom unit
	900 sq. ft. for 2 bedroom unit
	1100 sq. ft. for 3 bedroom unit

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Maximum Building Coverage:	35%
Maximum Impervious Surface:	55%
Minimum Parking Required:	2 spaces per unit
Front Setback (arterial):	50 ft.
Front Setback (other):	40 ft.
Side Setback (major):	40 ft.
Side Setback (minor):	25 ft.
Rear Setback:	50 ft.

#### H. Landscape and Buffer Requirements.

When a RM-6 district abuts a single family residential district or use, a 40 foot greenbelt buffer shall be established. Such buffer shall be undisturbed where practical or enhanced where devoid of significant vegetation and must include a solid fence or wall no less than six feet in height (finished side to the exterior).

#### I. Greenspace Requirement.

1. For every RM-6 development, forty percent (40%) of the gross tract area greenspace shall be required unless otherwise specified in this ordinance.
2. Where applicable, the greenspace shall remain primarily undisturbed unless otherwise shown and approved in the greenspace management plan.
3. For housing density calculation purposes, the maximum number of lots shall be determined by dividing the area of the tract of land by the minimum lot size, as described in the bulk and area requirements section of this article. In making this calculation, the following shall not be included in the total area of the parcel:
  - a) 100 year floodplain,
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4. The following are considered Primary Conservation Areas shall be included in the required greenspace, unless the Applicant demonstrates that with this provision would constitute an unusual hardship and be counter to the purposes of this article:
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- e) Prime agricultural lands of at least five acres contiguous area,
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2. In the event the party responsible for maintenance of the Green Space fails to maintain all or any portion in reasonable order and condition, the City of Acworth may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

L. Legal Instrument for Permanent Protection.

1. The green space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
  - a. A permanent conservation easement in favor of either:
    - i. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
    - ii. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
  - b. If the entity accepting the easement is not [the jurisdiction], then a third right of enforcement favoring the shall be included in the easement,
  - c. A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or;
  - d. An equivalent legal tool that provides permanent protection, if approved by the City.
2. The instrument for permanent protection shall include clear restrictions on the use of the green space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the green space

M. Site Plan.

A site analysis map shall be required concurrent with the submission of a site concept plan. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed green space will meet the requirements of this article. The required conceptual site plan shall be drawn to scale and shall include, at a minimum, the following features:

- a) Property boundaries;
- b) All streams, rivers, lakes, wetlands and other hydrologic features;

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- c) Topographic contours of no less than 10-foot intervals;
- d) Complete chart of calculations illustrating full compliance with regulations;
- e) All Primary and Secondary Conservation Areas labeled by type;
- f) General vegetation characteristics;
- g) General soil types;
- h) The planned location of protected greenspace;
- i) Existing roads and structures;
- j) Potential connections with existing greenspace and trails.
- k) Proposed roads, alleys, sidewalks, trails
- l) Lot configuration/layout, including setback lines
- m) Proposed detention areas
- n) Proposed amenity areas
- o) Example building footprint layout
- p) Surrounding property owners
- q) Zoning information (current and proposed) for the subject property and current zoning information for the surrounding parcels
- r) Estimated impervious surface calculation for the development
- s) Unit count and calculation of required greenspace.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

### 50.7 RM-8, Multi-Family Residential (8 units/acre)

#### A. Purpose and Intent.

The RM-8 district is intended to provide suitable areas for multi-family housing designed in a compatible and complementary manner so as to function as a singular and integrated land use. This zoning district may serve as a transitional zone between commercial/office uses and residential districts of a lesser intensity.

#### B. Permitted Uses.

1. Multi-family dwelling units (apartments).
2. Private parks and playgrounds.
3. Leasing office, clubhouse, gazebo or other structures related to apartment development.
4. Public buildings and utilities.
5. Group homes, limited to one bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.
6. Assisted living, personal care and retirement home facilities, provided:
  - a) Such facilities must obtain all necessary state licenses and/or certifications.
  - b) The maximum number of beds permitted shall be determined by multiplying the site's acreage by the district's density limitation and a factor of 1.5.  
*Ex. A 4 acre site could include 48 beds [(4.0 acres) x (8 DUA) x (1.5) = 48]*
7. Fraternity and sorority houses and residence halls.
8. Neighborhood recreation centers or swimming pools, provided:
  - a) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
  - b) Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
  - c) All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.
9. Rooming and boardinghouses. Maximum 15 beds per acre.
10. Accessory uses and structures incidental to any legal permitted use.
11. Sign(s), (as permitted in the City of Acworth Sign Ordinance)

#### C. Temporary/Conditional Uses Allowed by the Director.

Home Occupations (see standards set forth in Section 74).

#### D. Special Uses Permitted by Board of Aldermen.

1. Condominiums, provided:
  - a. May allow as conversion from existing structure(s) used as an apartment complex.
  - b. Maximum Density: 8 units per acre. Note: May be waived upon approval of Mayor and Aldermen based on configuration of existing structure(s).
  - c. Minimum floor area: 1,500 square feet per unit. Note: May be waived upon approval of Mayor and Aldermen based on configuration of existing structure(s).
  - d. Homeowners association required for maintenance of common areas and amenities.
  - e. Land use of condominium is consistent with the latest adopted Future Land Use Map.
2. Manufactured home parks and subdivisions with special bulk and area regulations:
 

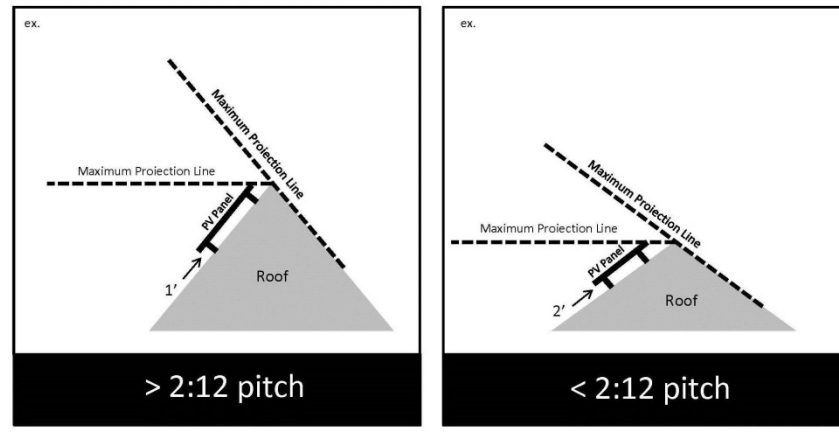
Minimum Lot Size:	6,000 sq. ft.
Minimum Tract Size:	5 acres
Maximum Tract Size:	10 acres
Minimum Lot Width:	50 ft.
Maximum Building Height:	15 ft.
Maximum Building Coverage:	30%
Maximum Impervious Surface:	50%
Minimum recreation area:	10% of total acreage

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

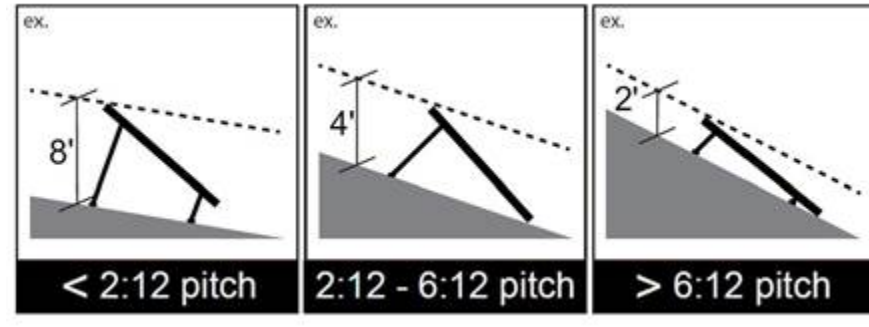
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|-----------------------|--------|
| Front Setback:        | 20 ft. |
| Side Setback (major): | 20 ft. |
| Side Setback (minor): | 10 ft. |
| Rear Setback:         | 20 ft. |
3. Halfway houses (see standards set forth in Section 71.3).
  4. Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:
    - a) Minimum lot size is 5 acres.
    - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
    - c) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.
  5. Townhomes, provided:
    - a) Minimum unit size 1,750 square feet, (1,200 square feet within the Downtown Development Authority District);
    - b) Submittal of a Design and Use Plan including, but not limited to:
      1. Architectural upgrades such as carriage style garage doors, upgraded exterior building materials such as stone, brick or other comparable material, doors, windows and patios;
      2. Renderings and/or narrative descriptions of the interior features of buildings, including the floor area of units, floor plan, ceiling height, flooring materials, kitchen and bath features, and information on trim/finish details;
      3. A plan for the development and long-term maintenance of all common areas and facilities (including private streets and parking areas, detention areas, green spaces);
      4. The proposed documents for the homeowners or condominium association, which shall include covenants related to maintenance of units, dues and fees, exterior storage and appearance, restrictions on rental occupancy. All such documents shall be reviewed and approved by the City.

E. Accessory Structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory building shall be constructed upon a lot before the principal building.
4. No accessory structure may exceed the mean height of the principal building.
5. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
6. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
7. Solar collection devices:
  - f) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - g) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - h) Roof mounted systems:
    - a. Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
  - i) May not be attached to a street facing roof face.
  - j) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations.

1. All outside storage associated with non-residential uses must be stored in a side or rear yard and screened from all streets and adjacent properties by an opaque fence no less than six feet in height. The Director may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
2. Buildings must be separated by at least 60 feet unless a side face is involved in which case the buildings shall be separated by no less than 40 feet.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

3. No building may exceed 250 feet in length.
4. No unit or building may have direct access to an arterial street outside the development.
5. A recreation area must be provided at a ratio of one acre per 50 units (or a proportional percentage thereof) with a minimum of 10,000 sq. ft. provided. Such area may serve as green space and/or developed for recreational purposes such as pools or basketball and tennis courts. Non-passive recreational areas must be located in such a manner that at least 75% of the units are within 300 feet, as measured from building footprints.
6. Common on-site parking areas shall be located not more than 200 feet from the dwelling units served. No more than 25% of the required parking may be provided within the front yard or setback.
7. Apartment complexes which convert to condominium use must file a new final plat and meet all requirements of the Public Works and Fire Departments.
8. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
9. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
10. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.

G. Bulk and Area Regulations.

Minimum Tract Size:	4 acres
Maximum Tract Size:	25 acres
Maximum Density:	8 dwelling units per acre
Minimum Tract Width:	100 ft.
Maximum Building Height:	45 ft.
Minimum Floor Area:	550 sq. ft. for an efficiency 650 sq. ft. for 1 bedroom unit 900 sq. ft. for 2 bedroom unit 1100 sq. ft. for 3 bedroom unit
Maximum Building Coverage:	40%
Maximum Impervious Surface:	60%
Minimum Parking Required:	2 spaces per unit
Front Setback (arterial):	50 ft.
Front Setback (other):	40 ft.
Side Setback (major):	40 ft.
Side Setback (minor):	25 ft.
Rear Setback:	50 ft.

H. Landscape and Buffer Requirements.

When a RM-8 district abuts a single family residential district or use, a 40 foot greenbelt buffer shall be established. Such buffer shall be undisturbed where practical or enhanced where devoid of significant vegetation and must include a solid fence or wall no less than six feet in height (finished side to the exterior).

I. Greenspace Requirement.

1. For every RM-8 development, forty percent (40%) of the gross tract area greenspace shall be required unless otherwise specified in this ordinance.
2. Where applicable, the greenspace shall remain primarily undisturbed unless otherwise shown and approved in the greenspace management plan.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

3. For housing density calculation purposes, the maximum number of lots shall be determined by dividing the area of the tract of land by the minimum lot size, as described in the bulk and area requirements section of this article. In making this calculation, the following shall not be included in the total area of the parcel:
  - a) 100 year floodplain,
  - b) Floodway,
  - c) Wetlands-as defined by the US Army Corps of Engineers pursuant to the Clean Water Act,
  - d) Retention/detention areas, utility areas,
  - e) Slopes over 25% of at least 5,000 square feet contiguous area,
  - f) Road right-of-ways and areas reserved for utilities.
4. The following are considered Primary Conservation Areas shall be included in the required greenspace, unless the Applicant demonstrates that with this provision would constitute an unusual hardship and be counter to the purposes of this article:
  - a) 100 year floodplain,
  - b) All required stream bank buffer zones,
  - c) Floodway,
  - d) Wetlands-as defined by the US Army Corps of Engineers pursuant to the Clean Water Act,
  - e) Populations of endangered or threatened species, or habitat for such species,
  - f) Archaeological sites, cemeteries, and burial grounds,
  - g) Retention/detention areas, utility areas,
  - h) Slopes over 25% of at least 5,000 square feet contiguous area,
5. The following are considered Secondary Conservation Areas and are required to be included within the required greenspace to the maximum extent feasible:
  - a) Important historic sites,
  - b) Existing healthy, native forests of at least one acre contiguous area,
  - c) Individual existing healthy trees greater than eight (8) inches in caliper, as measured from their outermost drip line,
  - d) Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads,
  - e) Prime agricultural lands of at least five acres contiguous area,
  - f) Existing trails that connect the tract to neighboring areas.
6. The required greenspace must be organized and designed so that at least 75% of the minimum required green space shall be in a contiguous tract no less than twenty (20) feet in width at its narrowest point. The required greenspace shall adjoin any neighboring areas of greenspace, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected greenspace. Tree density calculations shall be provided for the protected greenspace based on the acreage of dedicated greenspace utilizing the formula specified within the Tree Protection and Landscaping Ordinance. This calculation shall be made separate of the required tree density of the remainder of the development.
7. Above ground utility rights-of-way and small areas of impervious surface (no more than 400 square feet in area) may be included within the protected green space, but cannot be counted towards the forty (40%) percent minimum area requirement (exception: historic structures and pedestrian or non-motorized, except for those allowed by ADA, trails may be counted). Large areas of impervious surface shall be excluded from the minimum required greenspace.
8. The required greenspace shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the green space.
9. Green Space Management Plan Required. An green space management plan ("Plan") shall be prepared and submitted prior to the issuance of a land disturbance permit. This plan shall, at a minimum, that consists of the following:

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- e) allocates responsibility and guidelines for the maintenance and operation of the green space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements,
  - f) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the green space and outlines the means by which such funding will be obtained or provided,
  - g) provides that any changes to the Plan be approved by the Mayor and Board of Aldermen,
  - h) Provides for enforcement of the Plan.
10. Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant shall be placed on the required greenspace property concurrent with the issuance of a land disturbance permit.

J. Permitted/Prohibited Uses of Greenspace

- 1. Permitted uses of greenspace:
  - a) Conservation of natural, archeological or historical resources,
  - b) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas,
  - c) Walking or non-motorized trails, except for those allowed by ADA,
  - d) Passive recreation areas,
  - e) Active recreation areas, provided that they are limited to no more than ten (10) percent of the total minimum *required* greenspace, unless otherwise stated in this ordinance, and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected green space,
  - f) Agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas,
  - g) Nonstructural stormwater management practices,
  - h) Easements for drainage, access, and underground utility lines,
  - i) Other conservation-oriented uses compatible with the purposes of this article.
- 3. Prohibited uses of greenspace:
  - a) Golf courses,
  - b) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections,
  - c) Agricultural and forestry activities not conducted according to accepted best management practices,
  - d) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

K. Ownership and Management of Greenspace

- 1. The applicant must identify the owner of the green space and facilities located thereon. If a Homeowner's Association is the owner, membership in the association is mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Green Space and any facilities located thereon shall be borne by the owner.
- 2. In the event the party responsible for maintenance of the Green Space fails to maintain all or any portion in reasonable order and condition, the City of Acworth may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

L. Legal Instrument for Permanent Protection

1. The green space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
  - a) A permanent conservation easement in favor of either:
    1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
    2. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement
  - b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
  - c) An equivalent legal tool that provides permanent protection, if approved by the City.
2. The instrument for permanent protection shall include clear restrictions on the use of the green space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the green space.

M. Site Plan

A site analysis map shall be required concurrent with the submission of a site concept plan. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed green space will meet the requirements of this article. The required conceptual site plan shall be drawn to scale and shall include, at a minimum, the following features:

- a) Property boundaries;
- b) All streams, rivers, lakes, wetlands and other hydrologic features;
- c) Topographic contours of no less than 10-foot intervals;
- d) Complete chart of calculations illustrating full compliance with regulations;
- e) All Primary and Secondary Conservation Areas labeled by type;
- f) General vegetation characteristics;
- g) General soil types;
- h) The planned location of protected greenspace;
- i) Existing roads and structures;
- j) Potential connections with existing greenspace and trails.
- k) Proposed roads, alleys, sidewalks, trails
- l) Lot configuration/layout, including setback lines
- m) Proposed detention areas
- n) Proposed amenity areas
- o) Example building footprint layout
- p) Surrounding property owners
- q) Zoning information (current and proposed) for the subject property and current zoning information for the surrounding parcels
- r) Estimated impervious surface calculation for the development
- s) Unit count and calculation of greenspace.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

## **50.8 C-1, Neighborhood Retail Commercial**

### **A. Purpose and Intent.**

The C-1 district is intended to provide suitable areas for limited retail and personal services serving those neighborhoods in the immediate area. Uses located within this district supply those goods and services that require frequent purchasing with a minimum of customer travel. The scope at which properties are developed within the C-1 district should reflect their relatively small market areas. This zoning district may serve as a step down from more intense commercial uses to residential uses. Goals and objectives of the C-1 district are:

1. To create attractive living areas that will reduce pressure and demand for sprawling development.
2. To accommodate, in compatible fashion, appropriate mixes of residential, employment, and commercial uses in close proximity
3. To create neighborhoods that are visually coherent
4. To create compact, identifiable settlements, with visually discernible boundaries
5. To protect and promote suitable areas for business and commercial uses which benefit from proximity to each other
6. To encourage the intensive development of a centralized business center for the City of Acworth
7. To discourage off-street parking lots; to accommodate parking in a way that does not detract from the neighborhood's visual attributes and works to complement a pedestrian-friendly environment

### **B. Permitted Uses.**

1. Animal grooming shops.
2. Athletic and health clubs.
3. Banks and financial institutions.
4. Barber and beauty shops.
5. Billiards, pool halls and video arcades.
6. Coin operated laundries and dry cleaning pickup establishments.
7. Convenience stores. Such uses may include self-service fuel sales, provided:
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) No automotive repair is allowed.
  - d) Car washes permitted as accessory use only.
8. Copy centers.
9. Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
10. Day care centers and nursery schools, provided:
  - a) Such use must obtain certification from the Georgia Department of Human Resources
  - b) Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
11. Eating and drinking establishments, including drive-in fast food restaurants. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning.
12. Grocery/food stores. Limited to 20,000 square feet of gross floor area.
13. Neighborhood retail uses (excluding pawn shops) with floor areas under 10,000 square feet. Appropriate uses include:
  - a) book and video stores (non-adult)
  - b) camera shops
  - c) florists
  - d) drug stores
  - e) gift shops
  - f) toy stores

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- g) pet grooming and supply shops
  - h) jewelry stores
  - i) sporting goods and hobbies
  - j) apparel stores
  - k) beverage shops (must meet standards in Chapter 6 of the City Code)
  - l) other similar and customary uses
14. Non-automotive repair services such as cameras, shoes, jewelry and the like.
  15. Parking for vehicles. If such use abuts a single family residential district, a 15 foot wide landscaped buffer with a solid fence or wall no less than six feet in height shall be provided.
  16. Pharmacies and drug stores.
  17. Professional offices with floor areas under 15,000 square feet.
  18. Radio, recording and television studios.
  19. Religious institutions, provided:
    - a) Minimum lot size is 5 acres.
    - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
  20. Shopping Centers, neighborhood markets (up to 30,000 square feet in gross floor area).
    - a) No outparcels allowed.
    - b) All businesses and uses within these centers must be permissible within the district in their own right.
    - c) All loading areas shall be located to the rear.
  21. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
  22. Accessory uses and structures incidental to any legal permitted use.
  23. Sign(s), (as permitted in the City of Acworth Sign Ordinance)

C. Temporary/Conditional Uses Allowed by the Director.

Certain temporary uses such as seasonal, tent or sidewalk sales may be permitted within this district, provided:

1. Such use is conducted by the business owner as a part of their business.
2. Such use does not last longer than 45 days.
3. These uses are not located within 25 feet of any public right-of-way.
4. Adequate parking, ingress and egress are provided on site.
5. A temporary use permit is applied for and approved by the Zoning Administrator.

D. Special Uses Permitted by Board of Aldermen.

1. Construction Contractors Offices (including but not limited to Building, Heating, Plumbing and Electrical) and Related Activities provided the following conditions are met:
  - a) The use must provide for the main office of the contracting company.
  - b) A maximum of 50% of the net floor area will be set aside for storage of equipment and materials and the fabrication of and assembly of said materials.
  - c) There shall be no outdoor storage of materials, supplies, equipment, or construction vehicles. Construction vehicles means any vehicles whose primary purpose is use in land development including but not limited to earth-moving equipment, dump trucks, and bucket trucks.
  - d) A designated off-street parking area shall be provided for the parking of all other vehicles.
2. Mixed Use retail and limited manufacturing as produced by an artisan, as defined, provided the following conditions are met:
  - a) Items assembled or produced on-site as part of the manufacturing function must be offered for sale as part of the retail function;
  - b) No more than 50% of the floor area shall be used for manufacturing purposes;

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

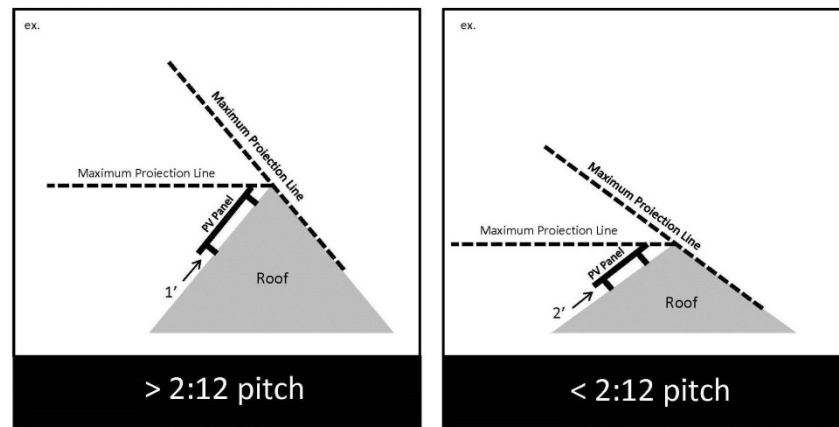
- c) In as much as the manufacturing component of the business entity is considered a secondary use, it should be situated in such a way as not intrude on the retail activities. Furthermore, public access to the manufacturing component shall only be permitted through the retail portion of the business entity;
  - d) All signage associated with the business entity shall only advertise the retail component;
  - e) Outdoor mechanical equipment associated with the manufacturing component of the business entity shall be screened from public view with lattice-work or some other similar screening material;
  - f) When located adjacent to an R-District, such use shall restrict its hours to 8:00 a.m. to 8 p.m. In addition, the building shall be designed so that no wall openings face the R-District. Parking requirements shall be met for both retail and manufacturing functions.
3. Residential Lofts provided the following conditions are met:
- a) Maximum density of 5 units per acre
  - b) Residential units shall be located only on the second story (entry ways may be accessed from the ground level)
  - c) Each unit shall have a minimum of 1,200 square feet of floor area.
4. Bed and Breakfast Inn, provided:
- a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
  - b) Such use must be located within a historical structure at least 50 years old which is included on the local City register. The structure shall also contain 2,000 square feet or more of gross heated floor area
  - c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
  - d) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
  - e) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
  - f) No catering, parties, weddings or special events shall be permitted.
  - g) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by City staff. The architectural integrity of the existing interior spaces must be maintained.
  - h) All bed and breakfast houses must meet all applicable health and safety codes.
  - i) Maximum length of stay shall not exceed 14 days.
  - j) A minimum of 1 parking space per rental room is provided in addition to those required for the resident. Parking shall be landscaped as set forth in the Acworth Tree Preservation and Replacement Standards.

E. Accessory Structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. For Properties located within the Downtown Development Authority District (DDA) area, outdoor display or products that are actively available for sale or lease shall adhere to the following:
  - a) Outdoor display is only allowed with a permitted non-residential land use.
  - b) Outdoor display materials must abut the primary building façade with the principal customer entrance, not extend more than six (6) feet from the façade, and not occupy more than 25% of the horizontal length of the façade;
  - c) Outdoor display materials must not exceed six (6) feet in overall height;
  - d) Outdoor display materials must be removed and placed within the fully enclosed building at the end of each posted business day with the exception of propane gas storage racks, ice

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- storage bins, soft drink or similar vending machines which may remain outside overnight; and
  - e) Outdoor display materials 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 six (6) feet of clear distance of sidewalk at all times.
3. Any accessory building in excess of 1,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
  4. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
  5. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
  6. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building, Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
    - a) All rooftop units shall be screened.
    - b) All dumpsters shall be located in the rear or side yard and shall have a roof structure
    - c) Recycling collection/drop off centers.
    - d) No outside storage allowed.
    - e) Location of container bins must be approved by the Administrator.
  7. Solar collection devices:
    - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
    - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
    - c) Roof mounted systems:
      - a. Single family and duplex dwellings:
        - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.

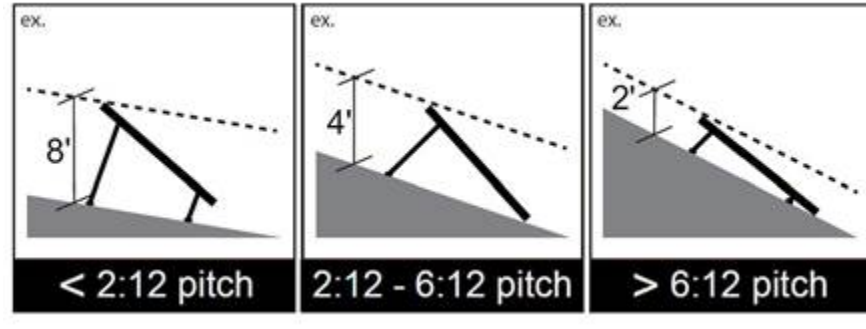


- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
- iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations.

1. All outside storage areas must be located in the rear yard and must be screened by a solid fence or wall no less than six feet in height.
2. No manufacturing processes are permitted, except for those explicitly listed above.
3. Building design and materials may be of the developer’s choosing; however, any facade of the building facing a roadway shall be constructed with brick, stone, rock or wood covering.
4. All new developments must submit a site plan including all of the information listed in Section 69.

G. Bulk and Area Regulations.

Minimum Lot Size:	5,000sq. ft.
Minimum Lot Width:	35 ft.
Maximum Building Height:	40 ft.
Maximum Floor Area Ratio:	0.50
Maximum Impervious Surface:	80 %
Minimum landscaped area:	20%
Front Setback (arterial):	10 ft.
Front Setback (other):	10 ft.
Side Setback (major):	10 ft. (3 feet if located within the Acworth Downtown Historic District)
Side Setback (minor):	10 ft.
Rear Setback:	10 ft. (3 feet if located within the Acworth Downtown Historic District)

H. Landscape and Buffer Requirements.

1. When a property in this district directly abuts a residential district, a 20 ft. greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than six feet in height.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Article VIII) may be counted within this figure, however, no more than 33% of the required landscaping provided may be within stormwater retention facilities.
3. Stormwater retention facilities are not permitted within required buffers.

I. Supplemental Provisions

1. When such buildings are adjacent to existing development, facades shall be built within a distance of the frontage line that equals the average of five feet and the setback distance of adjacent development.
2. All uses shall be conducted within complete enclosed buildings unless otherwise specified.
3. No less than 75 % of parking spaces shall be to the side or rear of the building and shall be screened from the sidewalk by low walls, fences or hedges. The Zoning Administrator may reduce or waive all on-site parking requirements where suitable and adequate parking will be achieved off-site or on-street.
4. The use of shared parking is strongly encouraged.
5. Parking lots and parking garages shall not abut street intersections.

J. Design Provisions

1. New buildings shall be compatible in size, scale and mass with buildings and architectural styles prevalent in the area.
2. Building frontages shall face the street whenever possible.
3. The maximum height of walls or fences shall be eight feet. Barbed wire is prohibited.
4. A consistently high quality of architecture shall be used throughout the development.

**50.9 C-2, Community Retail Commercial****A. Purpose and Intent.**

The C-2 district is intended to provide suitable areas for the provision of retail and personal services for the community at large. The regulations which apply within this district are designed to encourage the formation of compatible and economically healthy business and service uses which benefit from close proximity to each other.

**B. Permitted Uses.**

1. Ambulance services.
2. Amusement centers and arcades, including billiards and pool halls.
3. Private parks and playgrounds including Commercial Recreation Facilities (indoor and outdoor).
4. Animal hospitals, kennels clinics.
  - a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
  - b) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
5. Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
6. Athletic and health clubs.
7. Automobile, trailer and boat sales.
  - a) Minimum one acre lot size.
  - b) All vehicles shall be set back at least 10 feet from the street right-of-way line.
  - c) When such use abuts residentially zoned properties, a solid fence or wall no less than six feet in height shall be provided for visual screening.
8. Light Automotive repair shops.
  - a) Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
  - b) All activities shall be carried on entirely within an enclosed building.
  - c) Such use shall not be established on a lot which is adjacent to or directly across the street from any single family residential district.
  - d) All outdoor storage must be to the rear of the principal structure and enclosed by a solid fence or wall no less than six feet in height.
  - e) No vehicle under repair shall remain parked for a period of more than thirty (30) days without being considered "stored." If a vehicle remains parked for a period of more than thirty (30) days, said vehicle shall be moved to the rear of the repair facility and screened or placed inside said repair facility where the vehicle shall remain until all repairs are completed.
9. Automobile service stations.
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
  - d) No outside storage or engine/body dismantling is allowed.
  - e) No vehicle under repair shall remain parked for a period of more than thirty (30) days without being considered "stored." If a vehicle remains parked for a period of more than thirty (30) days, said vehicle shall be moved to the rear of the repair facility and screened or placed inside said repair facility where the vehicle shall remain until all repairs are completed.
10. Convenience stores. Such uses may include self-service fuel sales, provided:
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- c) No automotive repair is allowed.
11. Banks and financial institutions.
12. Barber and beauty shops.
13. Car washes.
14. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
  - a) All activities shall take place within an enclosed building.
  - b) No outside storage or engine/body dismantling is allowed.
  - c) No vehicle under repair shall remain parked for a period of more than thirty (30) days without being considered "stored." If a vehicle remains parked for a period of more than thirty (30) days, said vehicle shall be moved to the rear of the repair facility and screened or placed inside said repair facility where the vehicle shall remain until all repairs are completed.
15. Clinics and health centers.
16. Clubs and lodges, including assembly halls and conference centers. Such use may include office space where incidental to the principal use.
17. Coin operated laundries and dry cleaning pickup establishments.
18. Coliseum, stadium. Minimum lot size of 5 acres.
19. Commercial landscapers. Outdoor storage shall be at least 25 feet from the street right-of-way. Such use shall be at least 100 feet from any property zoned single family residential.
20. Copy centers.
21. Cultural facilities. Art galleries, museums, theaters, libraries, and other uses similar in character to those listed.
22. Day care centers and nursery schools, provided:
  - a) Such use must obtain certification from the Georgia Department of Human Resources
  - b) Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
23. Dry cleaning utilizing petrochemicals. Such use shall not be established within 100 feet of any property used or zoned for residential purposes.
24. Eating and drinking establishments, including drive-in fast food restaurants. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning. (Must meet Chapter 6 of the City Code)
25. Exterminating facilities.
26. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall be at least 25 feet from the street right-of-way.
27. Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
28. Golf courses, club houses and golf/baseball driving ranges.
  - a) The facility shall be enclosed by a wall or fence and buffer area of 10 feet in depth to screen adjacent property.
  - b) Central loudspeakers are prohibited.
  - c) Any building or structure established in connection with such use shall be set back not less than 100 feet from rear and side property lines.
  - d) A fifty foot undisturbed buffer shall be required around Lake Allatoona.
29. Grocery and food stores.
30. Hospitals.
31. Hotels and motels.
  - a) Such use shall not be established within 300 feet of any property zoned for residential use.
  - b) Maximum density of 100 guest units per acre.
32. Lumber, hardware, paint, glass and wallpaper stores. Outdoor storage shall be at least 50 feet from the street right-of-way line and be screened with a solid fence or wall no less than six feet in height.
33. Medical and dental laboratories, provided chemicals are not manufactured on site.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

34. Movie theaters.
35. Multi-lease shops (flea markets, etc.). No outdoor display or stalls permitted.
36. Non-automotive repair service centers. No outside storage is permitted.
37. Parking lots and garages. Up to 75% of the gross floor area of the ground floor level may be devoted toward commercial use oriented towards pedestrian traffic. If a surface parking lot abuts a single family residential district, a 5 foot wide landscaped buffer with a solid fence or wall no less than six feet in height shall be provided.
38. Pharmacies and drug stores.
39. Plumbing and heating equipment dealers.
40. Printing services.
41. Professional and general business offices. No outside storage is permitted.
42. Radio, recording and television studios.
43. Religious institutions, provided:
  - a) Minimum lot size is 5 acres.
  - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
44. Retail automobile parts and tire store.
  - a) There shall be no dismantling of vehicles on the premises to obtain auto parts.
  - b) The only auto part installation that shall be permitted in connection with such use shall be the installation of tires and the installation of minor maintenance or accessory parts.
  - c) Major auto repair shall not be permitted in connection with such uses. Minor repair and maintenance may be permitted provided such repair and maintenance shall be incidental to the normal up-keep of an automobile.
45. Retail trade. Appropriate uses include, but are not limited to:
  - a) book and video stores (non-adult)
  - b) camera shops
  - c) florists
  - d) drug stores
  - e) gift shops
  - f) toy stores
  - g) pet grooming and supply shops
  - h) jewelry stores
  - i) furniture, home furnishings and equipment stores
  - j) pawn shops
  - k) office supplies
  - l) sporting goods and hobbies
  - m) apparel stores
  - n) beverage shops (Must meet Chapter 6 of the City Code)
  - o) general commercial merchandise (variety or department store)
  - p) general commercial wholesale club
46. Shopping centers (up to 250,000 square feet in gross floor area, excluding outparcels). All businesses and uses within these centers must be permissible within the district in their own right (and remain subject to any relevant distancing requirements) except dry cleaning plants utilizing petrochemicals. All loading areas shall be located to the rear. All outparcels must meet the minimum standards. The shopping center must allow for vehicular and pedestrian interconnectivity with the neighboring properties and outparcels, where the topography difference is less than a two to one slope.
47. Vehicle rental facilities meeting the following criteria:
  - a) All vehicles must be stored or otherwise kept to the rear of the shopping center.
  - b) No vehicle maintenance shall be performed on site except vacuuming and washing of vehicles.
  - c) The number of vehicles stored or otherwise kept on site cannot exceed twenty.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- d) All vehicles on site must be in good working order.
48. Stations, bus or train terminals for passenger service with minimum freight.
49. Taxi stands and dispatching agencies.
50. Telecommunications offices and switching stations (excluding towers).
51. Vehicle leasing or rentals.
52. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
53. Accessory uses and structures incidental to any legal permitted use.
54. Sign(s), (as permitted in the City of Acworth Sign Ordinance)

C. Temporary/Conditional Uses Allowed by the Director.

Certain temporary uses such as seasonal, tent or sidewalk sales may be permitted within this district, provided:

1. Such use is conducted by the business owner as a part of their business.
2. Such use does not last longer than 45 days.
3. These uses are not located within 25 feet of any public right-of-way.
4. Adequate parking, ingress and egress are provided on site.
5. A temporary use permit is applied for and approved by the Zoning Administrator.

D. Special Uses Permitted by Board of Aldermen.

1. Shelters for the homeless. Minimum one acre lot size.
  - a) Such use shall be located at least 750 feet from residentially zoned property.
  - b) Such use may not be established within 1000 feet of any other shelter for the homeless.
  - c) All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI) as amended.
2. Planned Shopping centers (up to 250,000 square feet in gross floor area, excluding outparcels). All businesses and uses within these centers must be permissible within the district in their own right (and remain subject to any relevant distancing requirements) except dry cleaning plants utilizing petrochemicals. All loading areas shall be located to the rear. Lot size, width, setbacks and other standards for lots and outparcels within a planned shopping center may be reduced up to thirty percent (30%). The intent of the reductions is allow unique site design and for greater preservation of greenspace/openspace. All applications must include a specific site plan and must follow a specific architectural theme. The shopping center must allow for vehicular and pedestrian interconnectivity with the neighboring properties and outparcels, where the topography difference is less than a two to one slope.
3. Shopping centers (over 250,000 square feet in gross floor area, excluding outparcels). All businesses and uses within these centers must be permissible within the district in their own right (and remain subject to any relevant distancing requirements) except dry cleaning plants utilizing petrochemicals. All loading areas shall be located to the rear. Where applicable, this use shall also abide by the State of Georgia Developments of Regional Impact review (DRI) requirements by the Atlanta Regional Commission. The shopping center must allow for vehicular and pedestrian interconnectivity with the neighboring properties and outparcels, where the topography difference is less than a two to one slope.
4. Construction Contractors Offices (including but not limited to Building, Heating, Plumbing and Electrical) and Related Activities provided the following conditions are met:
  - a) The use must provide for the main office of the contracting company.
  - b) A maximum of 75% of the net floor area will be set aside for storage of equipment and materials and the fabrication of and assembly of said materials.
  - c) There shall be no outdoor storage of materials, supplies, equipment, or construction vehicles. Construction vehicles means any vehicles whose primary purpose is use in land development including but not limited to earth-moving equipment, dump trucks, and bucket trucks.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

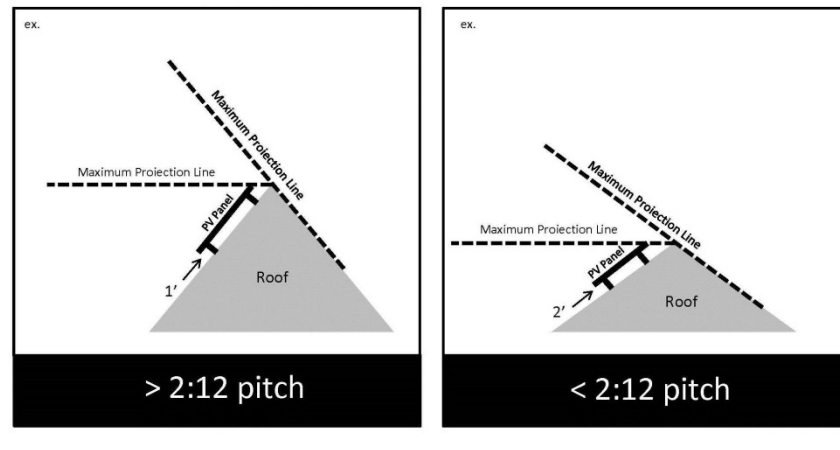
- d) A designated off-street parking area shall be provided for the parking of all other vehicles.
5. Extended stay facilities (see standards set forth in Section 73).
6. Religious institutions with a lot size less than 5 acres, provided:
  - a. All applications must include a specific site plan.
  - b. The use of a church in an existing shopping center, (as defined in this ordinance) shall not affect the ability of neighboring businesses within the shopping center from applying for alcohol permits under the City Code of Ordinances. Such businesses, whether established prior to or after the location of a church shall not be required to meet the minimum distance requirements within the shopping center.
7. Mini warehouses and self-storage facilities.
8. Office Services, provided:
  - a. There shall be no manufacturing of any product. Light assembly may be considered.
  - b. No more than 60% of the building shall be used as warehouse unless otherwise approved by the Mayor and Board of Aldermen.
  - c. All actives, including storage, shall be conducted within the enclosed building.
9. Automotive repair shops including paint and body.
  - a) Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
  - b) All activities shall be carried on entirely within an enclosed building.
  - c) Such use shall not be established on a lot which is adjacent to or directly across the street from any single family residential district.
  - d) All outdoor storage must be to the rear of the principal structure and enclosed by a solid fence or wall no less than six feet in height
10. Assisted Living Health Care Facility provided:
  - a) Must consist of a minimum lot size of 4 acres and a maximum of 8 acres.
  - b) There shall not be a similar assisted living medical care facility located within a 1,000 foot radial perimeter of the proposed facility.
  - c) The proposed facility shall incorporate amenities such as, but not limited to, a central gathering area for dining, resident's activities and socializing, media room, community center, fitness/physical therapy room and a guest reception area for residents to meet visitors. Outdoor areas shall include, but not be limited to, pathways with sitting areas, flower gardens or other similar active or passive outdoor recreation areas.
  - d) Minimum parking:
    - 1) 0.4 spaces/unit, plus;
    - 2) 1 guest space for each 6 dwelling units, plus;
    - 3) 1 space for each employee on largest shift.
  - e) The Assisted Living Health Care Facility shall not be converted into any non-assisted living medical care facility, apartments, condominiums or any other type of development other than that of original intention.

D. Accessory Structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. Accessory structures may not be located within 25 feet of any residential property. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. Any accessory building in excess of 1,500 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

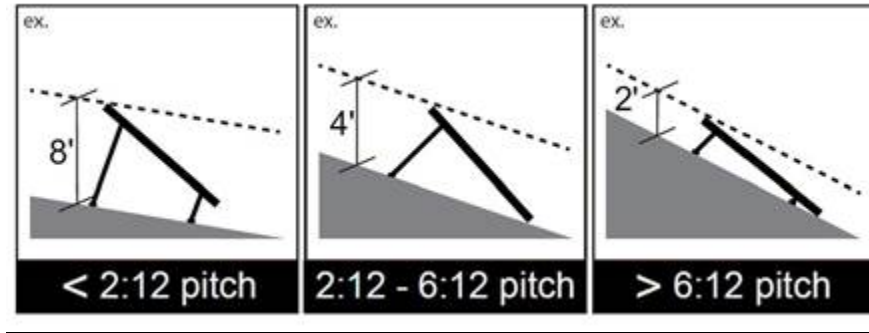
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4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
5. No accessory structure may exceed the more restrictive of either 25 feet or the height of the principal building,
6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. All rooftop units shall be screened.
9. All dumpsters shall be located in the rear or side yard and shall have a roof structure
10. Recycling collection/drop off centers.
  - a) No outside storage allowed.
  - b) Location of container bins must be approved by the Administrator.
11. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:
    - a. Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.





- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

E. Use Limitations.

1. All outside storage areas must be located in the side or rear yard and must be screened by a solid fence no less than six feet in height. Limited to 25% of total lot.
2. For properties located within the Downtown Development Authority District (DDA) area, outdoor display or products that are actively available for sale or lease shall adhere to the following:
  - a) Outdoor display is only allowed with a permitted non-residential land use.
  - b) Outdoor display materials must abut the primary building façade with the principal customer entrance, not extend more than six (6) feet from the façade, and not occupy more than 25% of the horizontal length of the façade;
  - c) Outdoor display materials must not exceed six (6) feet in overall height;
  - d) Outdoor display materials must be removed and placed within the fully enclosed building at the end of each posted business day with the exception of propane gas storage racks, ice storage bins, soft drink or similar vending machines which may remain outside overnight; and
  - e) Outdoor display materials 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 six (6) feet of clear distance of sidewalk at all times.
3. No manufacturing processes are permitted.
4. Building design and materials may be of the developer’s choosing; however any facade of the building facing a roadway shall be constructed with brick, stone, rock or wood covering.
5. All new developments must submit a site plan including all of the information listed in Section 69.

F. Bulk and Area Regulations.

Minimum Lot Size:	30,000 sq. ft.
Minimum Lot Width:	150 ft.
Maximum Building Height:	50 ft.
Maximum Floor Area Ratio:	0.50
Maximum Impervious Surface:	80%
Minimum landscaped area:	15%
Front Setback (arterial):	45 ft.
Front Setback (other):	35 ft.
Side Setback (major):	30 ft.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Side Setback (minor): 20 ft.  
Rear Setback: 40 ft.

G. Landscape and Buffer Requirements.

1. When a property in this district directly abuts a residential district, a 40 ft. greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than six feet in height.
2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Article VIII) may be counted within this figure, however, no more than 25% of the required landscaping provided may be within stormwater retention facilities.
3. Stormwater retention facilities are not permitted within required buffers.

H. Zoning Bonuses and Incentives.

The following zoning incentives are designed to allow specific benefits to property owners, developers, and end users of a property and not for the purpose of circumventing any other provision of this ordinance. If a specific bonus or incentive is determined to be contrary to any provision of this ordinance, the City reserves the right to deny a specific bonus or incentive on that basis alone.

1. If required parking is provided exclusively in the rear yard, then the required front yard setback may be reduced 50%.
2. Where parking spaces are provided in on-site underground or deck parking, a bonus floor area of 350 square feet for each provided parking space shall be allowed.
3. Any entity that retrofits an existing site without vehicular or pedestrian interconnection to provide permanent access to adjacent sites' parking and sidewalks shall be allowed a 20% reduction in required parking.
4. All developments wherein the front door is located within 250 feet of a public transit stop shall be allowed a 10% reduction in required parking.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

## **50.10 OIT, Office Institution Transitional**

### **A. Purpose and Intent.**

The OIT district is intended to provide protection to the residents of residential areas experiencing transition to other uses, primarily professional offices, by promoting the continued utilization of existing houses, discouraging demolition and permitting office uses which do not generate large volumes of traffic, noise or other harmful effects. The OIT district is differentiated from other zonings in that it is designed to facilitate the reuse of existing structures designed for residential purposes in contrast to new developments.

### **B. Permitted Uses.**

1. Professional offices. Health practitioners are limited to 2,500 gross square feet.
2. Private parks and playgrounds.
3. Public buildings and facilities, not to include storage yards.
4. Radio, recording and television studios.
5. Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
6. Single family detached dwellings, but not including manufactured homes. Such use shall adhere to R-2 zoning standards.
7. Duplexes and triplexes. Such use shall adhere to R-5 zoning standards.
8. Rooming and boardinghouses. Maximum 15 beds per acre.
9. Personal care homes, provided:
  - a) The principal structure contains a residential facade architecturally similar to adjacent buildings.
  - b) Such facilities obtain all necessary local and state licenses.
  - c) The use is limited to the principal structure only.
  - d) The maximum number of beds permitted shall be limited to one per 250 gross square feet of heated floor space within the principal structure.
  - e) Signage is limited to one non-illuminated wall sign no greater than 6 square feet and is permitted through the Zoning Administrator.
10. Public buildings and utilities.
11. Non-commercial clubs or lodges.
12. Photography and artist studios.
13. Day care centers and nursery schools, provided:
  - a) Such use must obtain certification from the Georgia Department of Human Resources.
  - b) Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
14. Service related uses such as catering, event planning and similar uses that typically conduct an end service at an off-site location.
15. Accessory uses and structures incidental to any permitted use.
16. Sign(s), (as permitted in the City of Acworth Sign Ordinance).
17. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

### **C. Temporary/Conditional Uses Allowed by the Director.**

Not applicable in this district.

### **D. Special Uses Permitted by Board of Aldermen.**

Bed and Breakfast Inns, provided:

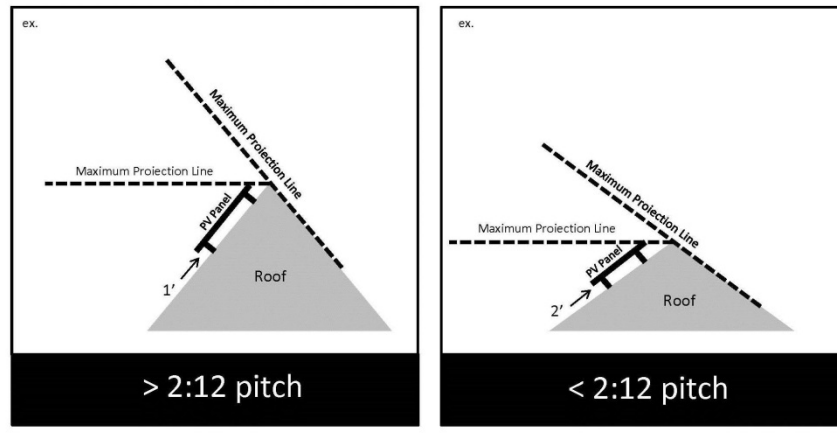
- a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

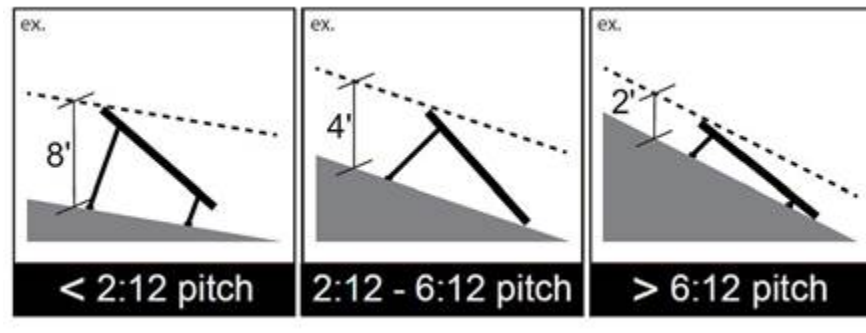
- b) Such use must be located within a historical structure at least 50 years old which is included on the local City register. The structure shall also contain 2,000 square feet or more of gross heated floor area
- c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
- d) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
- e) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
- f) No catering, parties, weddings or special events shall be permitted.
- g) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by City staff. The architectural integrity of the existing interior spaces must be maintained.
- h) All bed and breakfast houses must meet all applicable health and safety codes.
- i) Maximum length of stay shall not exceed 14 days.
- j) A minimum of 1 parking space per rental room is provided in addition to those required for the resident. Parking shall be landscaped as set forth in the Acworth Tree Preservation and Replacement Standards.

E. Accessory Structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
4. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.
5. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
6. Heating and air conditioning units may encroach into the required rear or side setback.
7. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:
    - a. Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations.

- 1. Residential facade, architecturally similar to adjacent buildings.
- 6. For properties located within the Downtown Development Authority District (DDA) area, outdoor display or products that are actively available for sale or lease shall adhere to the following:
  - a) Outdoor display is only allowed with a permitted non-residential land use.
  - b) Outdoor display materials must abut the primary building façade with the principal customer entrance, not extend more than six (6) feet from the façade, and not occupy more than 25% of the horizontal length of the façade;
  - c) Outdoor display materials must not exceed six (6) feet in overall height;

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- d) Outdoor display materials must be removed and placed within the fully enclosed building at the end of each posted business day with the exception of propane gas storage racks, ice storage bins, soft drink or similar vending machines which may remain outside overnight; and
  - e) Outdoor display materials 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 six (6) feet of clear distance of sidewalk at all times.
2. The parking area shall be located in the rear yard at least 5 feet from the rear property line.
  3. Limitation on signs:
    - a) No sign structure shall exceed 32 square feet or 6 feet in height.
    - b) Copy area of the sign is limited to 20 square feet.
    - c) No animated, roof, internally illuminated or flashing/blinking signs.
    - d) Wall signs shall not be permitted higher than 12 feet and are limited to 12 square feet.
  4. Bulk and area requirements may be waived by the Director when an existing structure is converted to OIT use.
  5. Only existing structures previously utilized for residential purposes may be rezoned to OIT. A commercial certificate of occupancy must be obtained prior to any business license being issued.
  6. Lighting shall be established so that no direct light shall cast over any property line nor adversely affect neighboring properties.

G. Bulk and Area Regulations.

Minimum Lot Size:	10,000 sq. ft.
Minimum Lot Width:	60 ft.
Maximum Building Height:	35 ft.
Maximum Impervious Surface:	50%
Front Setback (arterial):	40 ft.
Front Setback (other):	30 ft.
Side Setback (major):	25 ft.
Side Setback (minor):	10 ft.
Rear Setback:	40 ft.

H. Landscape and Buffer Requirements.

When a property in this district is converted to commercial uses a solid fence or wall no less than six feet in height shall be provided and maintained between such use and any abutting residential district. The type of fence must be approved by the Director of Planning and Zoning. Plantings may be approved in lieu of the required fence at the discretion of the Director. In no case shall the screening requirement be waived except when the required screening would be in front of the principal structures upon the subject and adjacent properties.

**50.11 LRO, Low Rise Office****A. Purpose and Intent.**

The LRO district is intended to provide suitable areas for small scale professional offices and other non-retail oriented commercial uses such as offices and day care centers. This district provides a step down from more intense uses and is ideally located between residential zonings and more intense uses.

**B. Permitted Uses.**

1. Banks and financial institutions, including those with drive-in services and automatic tellers.
2. Cultural facilities.
3. Private Parks and playgrounds.
4. Day care centers and nursery schools, provided:
  - a) Such use must obtain certification from the Georgia Department of Human Resources
  - b) Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
4. Health service clinics.
5. Public buildings and facilities, not to include storage yards.
6. Radio, recording and television studios.
7. Photography and artist studios.
8. Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
9. Offices, professional and general office. Maximum gross floor area of 15,000 square feet.
10. Personal care facilities, provided:
  - a) Such use must obtain all necessary local and state licenses.
  - b) The maximum number of beds permitted shall not exceed one per 200 gross square feet.
11. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
12. Accessory uses and structures incidental to any permitted use.
13. Sign(s), (as permitted in the City of Acworth Sign Ordinance)

**C. Temporary/Conditional Uses Allowed by the Director.**

Not applicable in this district.

**D. Special Uses Permitted by Board of Aldermen.**

Group homes (see standards set forth in Section 71.2).

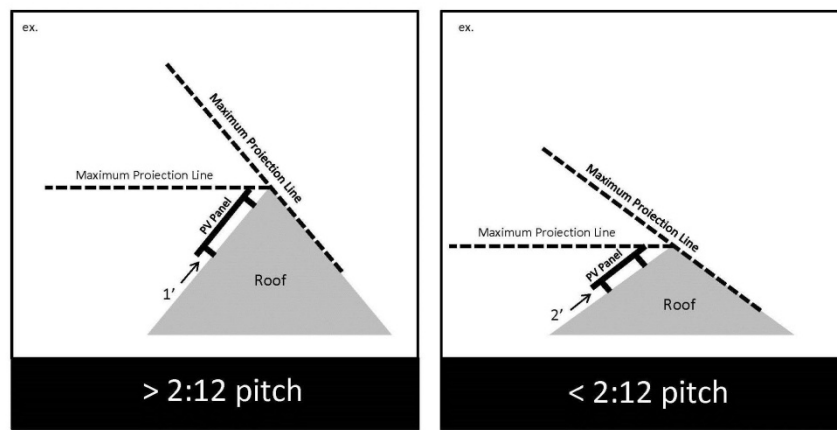
**E. Accessory Structures**

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. Any accessory building in excess of 1,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.
6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

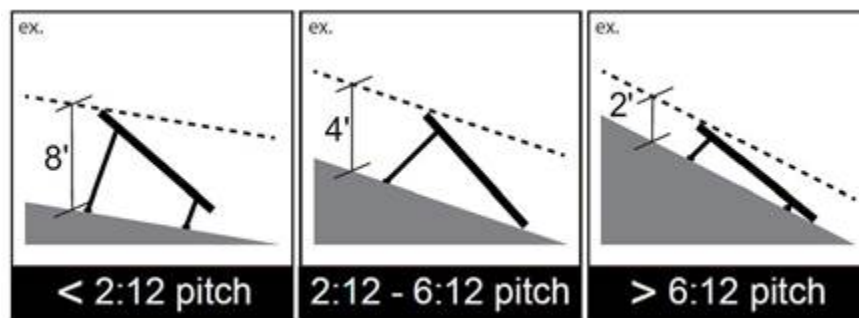
Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

8. Solar collection devices:

- a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
- b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
- c) Roof mounted systems:
  - a. Single family and duplex dwellings:
    - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations.

- 1. No outside storage is permitted.
- 2. Commercial vehicles parked on-site may be no larger than a step van.
- 3. No laboratories or clinics are permitted.
- 4. Lighting shall be established so that no direct light shall cast over any property line nor adversely affect neighboring properties.
- 5. All new developments must submit a site plan including all of the information listed in Section 69.

G. Bulk and Area Regulations.

Minimum Lot Size:	15,000 sq. ft.
Minimum Lot Width:	70 ft.
Maximum Building Height:	35 ft.
Maximum Floor Area Ratio:	0.50
Maximum Impervious Surface:	70%
Minimum landscaped area:	20%
Front Setback (arterial):	40 ft.
Front Setback (other):	30 ft.
Side Setback (major):	25 ft.
Side Setback (minor):	15 ft.
Rear Setback:	30 ft.

H. Landscape and Buffer Requirements.

- 1. When a property in this district directly abuts a single family residential district, a 20 ft. greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than six feet in height if vegetative materials do not provide continuous visual screening.
- 2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Article VIII) may be counted within this figure, however, no more than 25% of the required landscaping provided may be within stormwater retention facilities.
- 3. Stormwater retention facilities are not permitted within required buffers.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

## **50.12 OP, Office Professional**

### **A. Purpose and Intent.**

The OP district is intended to provide suitable areas for non-retail commercial uses such as offices and financial institutions, schools and clinics. This district is designed to support mid-sized office developments, banking and professional offices, hotels and other non-retail commercial activities.

### **B. Permitted Uses.**

1. Animal hospitals and veterinary clinics.
  - a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
  - b) All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.
2. Assembly halls including union halls, conference centers, fraternal clubs and uses of a similar nature.
3. Private parks and playgrounds including Commercial Recreation Facilities (indoor and outdoor).
4. Banks and financial institutions, including those with drive-in services and automatic tellers.
5. Cultural facilities.
6. Day care centers and nursery schools, provided:
  - a) Such use must obtain certification from the Georgia Department of Human Resources
  - b) Any outdoor play area shall be enclosed by a fence not less than four feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
7. Group homes and halfway houses, limited to one bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.
8. Funeral homes. Such use shall be at least 300 feet from any property zoned for residential purposes.
9. Halfway houses.
  - a) The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.
  - b) The operator obtains certification from the appropriate state licensing body.
  - c) No other such facility is located within 1,000 feet as measured from property line to property line.
10. Health service clinics (including accessory pharmacies).
11. Hospitals.
12. Medical and dental laboratories.
13. Offices, professional and general business.
14. Parking lots and garages. Up to 50% of the gross floor area of the ground floor level may be devoted toward commercial use oriented towards pedestrian traffic. If a surface parking lot abuts a single family residential district, a 10 foot wide landscaped buffer with a solid fence or wall no less than six feet in height shall be provided.
15. Public buildings and utilities.
16. Radio, recording and television studio facilities.
17. Religious institutions, provided:
  - a) Minimum lot size is 5 acres.
  - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
  - c) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.
18. Sanitariums, rest and retirement homes, nursing homes, assisted living and personal care facilities.
  - a) Must attain all required state certifications.
  - b) Maximum 20 beds per gross acre of development.
19. Schools, colleges and universities. Public and private.
  - a) Minimum 5 acre lot size.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- b) Accessory uses may include food preparation and service, athletic facilities, residence halls, limited retail activities and any other use denoted as a permitted use within this subsection subject to such use being wholly accessory to the principal use.
20. Shelters for the homeless.
    - a) Minimum one acre lot size.
    - b) Such use shall be located at least 750 feet from residentially zoned property.
    - c) Such use may not be established within 1000 feet of any other shelter for the homeless.
    - d) All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI) as amended.
  21. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
  22. Accessory uses and structures incidental to any legal permitted use, provided:
    - a) Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and are limited to the first two stories.
    - b) No show window or other advertising shall be visible from the exterior of the primary use structure.
  23. Personal care facilities, including nursing homes, assisted living, retirement home facilities provided:
    - a) Such use must obtain all necessary local and state licenses.
    - b) The maximum number of beds permitted shall not exceed one per 200 gross square feet.
  24. Sign(s), (as permitted in the City of Acworth Sign Ordinance).

C. Temporary/Conditional Uses Allowed by the Director.

Not applicable in this district.

D. Special Uses Permitted by Board of Aldermen.

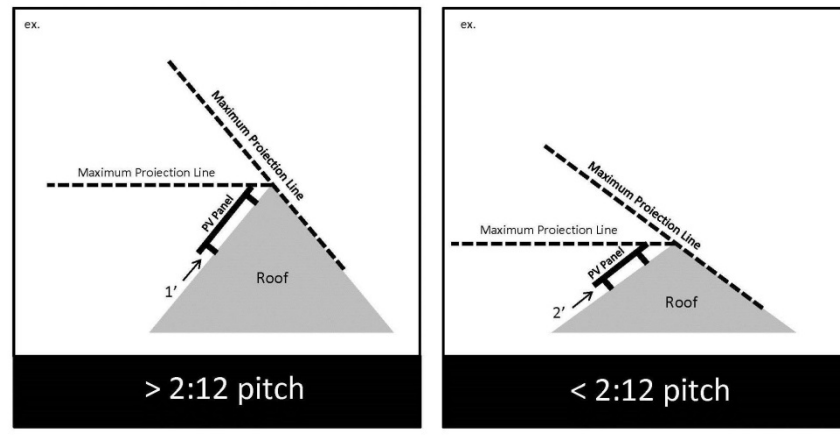
1. Religious institutions with a lot size less than 5 acres, provided:
  - a) All applications must include a specific site plan.
  - b) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.

E. Accessory Structures.

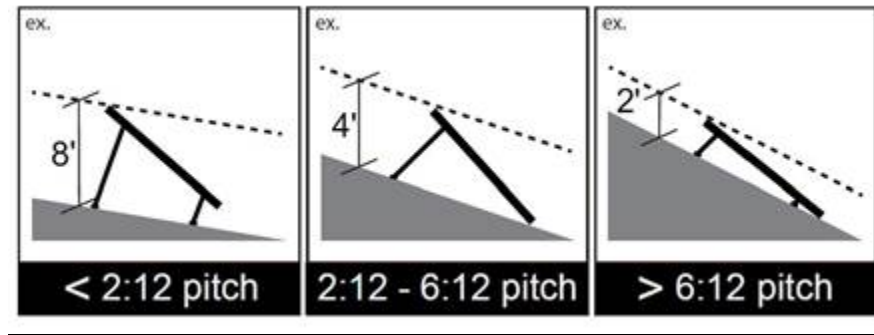
1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
7. For properties located within the Downtown Development Authority District (DDA) area, outdoor display or products that are actively available for sale or lease shall adhere to the following:
  - a) Outdoor display is only allowed with a permitted non-residential land use.
  - b) Outdoor display materials must abut the primary building façade with the principal customer entrance, not extend more than six (6) feet from the façade, and not occupy more than 25% of the horizontal length of the façade;
  - c) Outdoor display materials must not exceed six (6) feet in overall height;
  - d) Outdoor display materials must be removed and placed within the fully enclosed building at the end of each posted business day with the exception of propane gas storage racks, ice storage bins, soft drink or similar vending machines which may remain outside overnight; and
  - e) Outdoor display materials 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 six (6) feet of clear distance of sidewalk at all times.
2. Any accessory building in excess of 1,000 square feet of gross space must be at least 10 feet from any property line and architecturally compatible with the principal structure.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.
6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:
    - a. Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations.

- 1. No outside storage is permitted.
- 2. No uses which emit odors, fumes or sounds are permitted.
- 3. All new developments must submit a site plan including all of the information listed in Section 69.

G. Bulk and Area Regulations.

Minimum Lot Size:	25,000 sq. ft.
Minimum Lot Width:	100 ft.
Maximum Building Height:	50 ft.
Maximum Floor Area Ratio:	0.50
Maximum Impervious Surface:	80%
Minimum landscaped area:	15%
Front Setback (arterial):	50 ft.
Front Setback (other):	40 ft.
Side Setback (major):	25 ft.
Side Setback (minor):	15 ft.
Rear Setback:	40 ft.

H. Landscape and Buffer Requirements.

- 1. When a property in this district directly abuts a single family residential district, a 30 ft. greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than six feet in height if vegetative materials do not provide continuous visual screening. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Article VIII) may be counted within this figure, however, no more than 25% of the required landscaping provided may be within stormwater retention facilities.
- 2. Stormwater retention facilities are not permitted within required buffers.

I. Zoning Bonuses and Incentives.

The following zoning incentives are designed to allow specific benefits to property owners, developers, and end users of a property and not for the purpose of circumventing any other provision of this ordinance. If a specific bonus or incentive is determined to be contrary to any provision of this ordinance, the City reserves the right to deny a specific bonus or incentive on that basis alone.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

1. If required parking is provided exclusively in the rear yard, then the required front yard setback may be reduced 50%.
2. Where parking spaces are provided in on-site underground or deck parking, a bonus floor area of 350 square feet for each provided parking space shall be allowed.
3. Any entity that retrofits an existing site without vehicular or pedestrian interconnection to provide permanent access to adjacent sites' parking and sidewalks shall be allowed a 15% reduction in required parking.
4. All developments wherein the front door is located within 250 feet of a public transit stop shall be allowed a 10% reduction in required parking.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

### **50.13 LI, Light Industrial**

#### **A. Purpose and Intent.**

The LI district is intended to provide suitable areas for business distribution/service facilities, transportation terminals and manufacturing/assembly processes which do not emit noise, vibration, smoke, gas, fumes, odors or any other effluents from an enclosed building. These districts should have access to arterial roadways and utilities and discourage uses that are incompatible with light manufacturing. When located on the perimeter of an industrial node, the LI district should provide for uses that are low in intensity and scale to ensure compatibility with adjacent properties.

#### **B. Permitted Uses.**

1. Agriculture and forestry, provided:
  - a) All buildings used for livestock shall be set back not less than 200 feet from any property line.
  - b) All animals shall be maintained at least 100 feet from any property line.
  - c) Livestock and poultry rearing are not permitted on lots containing less than two acres.
  - d) Abattoirs and hatcheries shall be located at least 300 feet from any property zoned for residential use.
2. Private parks and playgrounds including Commercial Recreation Facilities (indoor and outdoor).
3. Community fairs.
4. Farmers' markets.
5. Helicopter landing areas. Minimum one acre lot. Must be enclosed by a fence or wall no less than eight feet in height.
6. Administrative and distribution offices including contractors' offices. All outdoor storage must be screened with an opaque fence or wall no less than six feet in height and at least 50 feet from any property zoned or used for residential purposes and 25 feet from City right-of-way.
7. Dry cleaning plants.
  - a) Such use shall be at least 300 feet from any property zoned or used for residential purposes.
  - b) All applicable state, federal and local codes must be met.
8. Commercial greenhouse or plant nursery.
9. Health service clinics (including accessory pharmacies).
10. Assembly halls including union halls, conference centers, fraternal clubs and uses of a similar nature.
11. Office service and supply facilities (non-retail).
12. Vocational schools.
13. Research laboratories including medical and dental labs.
14. Public buildings and utilities.
15. Ambulance services.
16. Outdoor storage facilities, excluding junk and salvage yards.
  - a) Such use shall be enclosed by an opaque fence or wall no less than 8 feet in height which provides continuous visual screening.
  - b) No repair or other such activity shall be conducted.
  - c) Such use shall be at least 50 feet from any property zoned or used for residential purposes and 25 feet from City right-of-way.
17. Exterminating facilities.
18. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall be at least 25 feet from City right-of-way.
19. Light manufacturing establishments.
  - a) Maximum lot size of 5 acres.
  - b) No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.
20. Fuel and ice dealers.
21. Rail, bus and transit stations.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

22. Heavy repair services and trade shops, including sheet metal, upholstering, plumbing, carpentry, sign painting and other similar activities.
23. Taxi stands and dispatching agencies.
24. Automobile, trailer and boat sales/service.
  - a) Minimum one acre lot size.
  - b) All vehicles shall be set back at least 10 feet from the street right-of-way line.
  - c) Such use shall be located at least 50 feet from any properties zoned for residential purposes.
  - d) A solid fence or wall no less than six feet in height shall be maintained to provide a visual screening between the residential and commercial properties.
25. Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
26. Newspaper publishing facilities.
27. Warehousing, including commercial mini-warehouses.
28. Outdoor advertising services. Includes the construction, repair, and maintenance of outdoor advertising signs. All non-storage activities shall be conducted within an enclosed building.
29. Printing services.
30. Radio and television studio facilities.
31. Light assembly and fabrication. No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.
32. Parking lots and garages.
33. Automobile service stations.
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
  - d) No outside storage or engine/body dismantling is allowed.
  - e) No vehicle under repair shall remain parked for a period of more than thirty (30) days without being considered "stored." If a vehicle remains parked for a period of more than thirty (30) days, said vehicle shall be moved to the rear of the repair facility and screened or placed inside said repair facility where the vehicle shall remain until all repairs are completed.
34. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
  - a) All activities shall take place within an enclosed building.
  - b) No outside storage or engine/body dismantling is allowed.
  - c) No vehicle under repair shall remain parked for a period of more than thirty (30) days without being considered "stored." If a vehicle remains parked for a period of more than thirty (30) days, said vehicle shall be moved to the rear of the repair facility and screened or placed inside said repair facility where the vehicle shall remain until all repairs are completed.
35. Automotive repair shops (including paint and body).
  - a) Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
  - b) All activities shall be carried on entirely within an enclosed building.
  - c) Such use shall not be established on a lot which is adjacent to or directly across the street from any single family residential district.
  - d) All outdoor storage must be to the rear of the principal structure and enclosed by an opaque fence no less than eight feet in height.
  - e) No vehicle under repair shall remain parked for a period of more than thirty (30) days without being considered "stored." If a vehicle remains parked for a period of more than thirty (30) days, said vehicle shall be moved to the rear of the repair facility and screened or placed inside said repair facility where the vehicle shall remain until all repairs are completed.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

36. Wholesale trade and distribution facilities, including office showrooms and display areas.
37. Coliseum, stadiums and amusement parks. Minimum 5 acre lot size.
  - a) The facility shall be enclosed by a wall or fence and buffer area of 10 feet in depth to screen adjacent property.
  - b) No building shall not be permitted within 500 feet of property zoned or used for residential purposes.
38. Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
39. Commercial recreation and entertainment facilities.
40. Golf courses, club houses and golf/baseball driving ranges.
  - a) The facility shall be enclosed by a wall or fence and buffer area of 10 feet in depth to screen adjacent property.
  - b) Central loudspeakers are prohibited.
  - c) Any building or structure established in connection with such use shall be set back not less than 100 feet from rear and side property lines.
41. Movie theaters.
42. Drive-in movie theater.
  - a) The theater screen and all buildings shall be set back at least 50 feet from any property line.
  - b) Central loudspeakers are prohibited.
  - c) The theater screen shall not be visible from an interstate or arterial roadway.
43. Animal hospitals, kennels and veterinary clinics.
  - a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
  - b) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
44. Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
45. Car washes.
46. Industrial/warehouse parks.
47. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
48. Accessory uses and structures incidental to any legal permitted use, provided:
  - a) Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and comprise no more than 10% of the gross floor area.
  - b) No show window or other advertising shall be visible from the exterior of the primary use structure.
49. Sign(s), (as permitted in the City of Acworth Sign Ordinance)

C. Temporary/Conditional Uses Allowed by the Director.

Not applicable in this district.

D. Special Uses Permitted by Board of Aldermen.

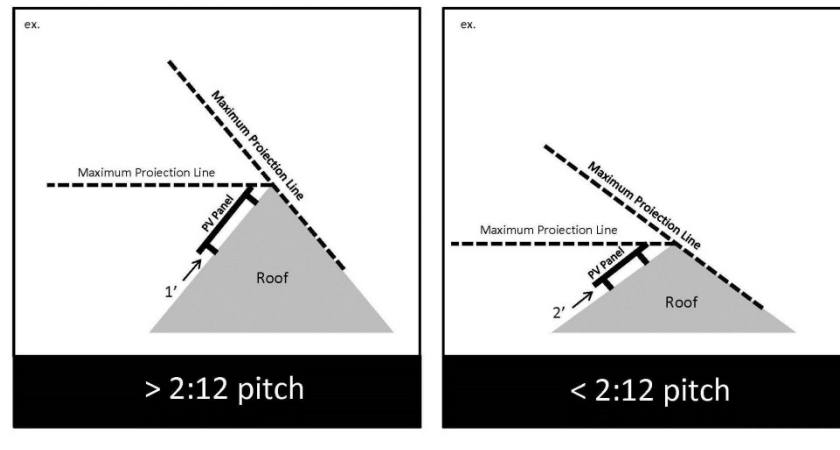
1. Telecommunications antennas and towers (see standards set forth in Section 76).
2. Adult Entertainment (see Chapter 10, Article II, City Code)
3. Extended Stay Facilities (See standards set forth in Section 73)
4. Religious institutions, provided:
  - a) All applications must include a specific site plan.
  - b) The use of a church in an existing industrial park or shopping center, (as defined in this ordinance) shall not affect the ability of neighboring businesses within the shopping center from applying for alcohol permits under the City Code of Ordinances. Such businesses,

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

whether established prior to or after the location of a church shall not be required to meet the minimum distance requirements within the shopping center.

E. Accessory Structures.

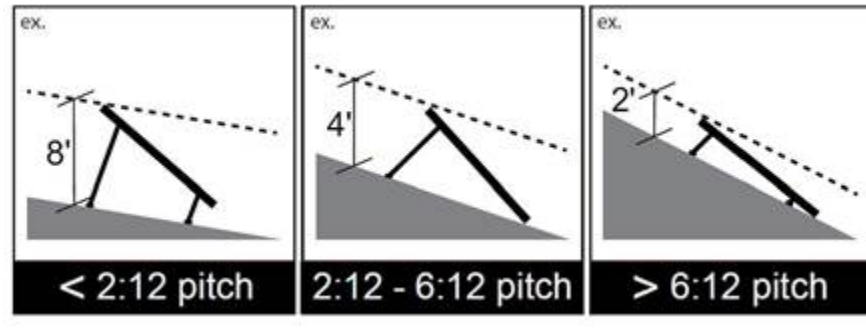
1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 15 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. Any accessory building in excess of 2,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
4. No accessory structure shall be constructed upon a lot before the principal structure.
5. No accessory structure may exceed the more restrictive of either 20 feet or the height of the principal building,
6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:
    - a. Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations.

1. All outside storage areas must be screened by an opaque fence no less than eight feet in height. Maximum of 67 % of lot may be utilized for such use.
8. For properties located within the Downtown Development Authority District (DDA) area, outdoor display or products that are actively available for sale or lease shall adhere to the following:
  - a) Outdoor display is only allowed with a permitted non-residential land use.
  - b) Outdoor display materials must abut the primary building façade with the principal customer entrance, not extend more than six (6) feet from the façade, and not occupy more than 25% of the horizontal length of the façade;
  - c) Outdoor display materials must not exceed six (6) feet in overall height;
  - d) Outdoor display materials must be removed and placed within the fully enclosed building at the end of each posted business day with the exception of propane gas storage racks, ice storage bins, soft drink or similar vending machines which may remain outside overnight; and
  - e) Outdoor display materials 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 six (6) feet of clear distance of sidewalk at all times.
2. Building design and materials may be of the developer’s choosing; however, any facade of the building facing a roadway shall be constructed with brick, stone, rock or wood covering.
3. All new developments must submit a site plan including all of the information listed in Section 69

G. Bulk and Area Regulations.

Minimum Lot Size:	20,000 sq. ft.
Minimum Lot Width:	100 ft.
Maximum Building Height:	50 ft.
Maximum Floor Area Ratio :	0.50
Maximum Impervious Surface:	80%
Minimum Landscaped Area:	15%
Front Setback (arterial):	40 ft.
Front Setback (other):	40 ft.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Side Setback (major):	30 ft.
Side Setback (minor):	20 ft.
Rear Setback:	40 ft.

H. Landscape and Buffer Requirements.

1. When a property in this district directly abuts a residential district, a 50 ft. greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than six feet in height. All loading docks shall be screened by either landscaping or a stabilized berm.
2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Article VIII) may be counted within this figure, however, no more than 33% of the required landscaping provided may be within stormwater retention facilities.
3. Stormwater retention facilities are not permitted within required buffers.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

## **50.14 HI, Heavy Industrial**

### **A. Purpose and Intent.**

The HI district is intended to provide suitable areas for major manufacturing processing, warehousing and research facilities which require open storage and large amounts of land. Typical heavy industrial uses include manufacturing, chemical manufacturing and storage, petrochemical refining and storage, mining and other land uses that may affect the environment. These districts should have access to major streets and utilities and discourage uses which are incompatible. When located on the perimeter of an industrial node, the HI district should provide for uses that are lower in intensity and scale to ensure compatibility with adjacent properties.

### **B. Permitted Uses.**

1. Agriculture and forestry, provided:
  - a) All buildings used for livestock shall be set back not less than 200 feet from any property line.
  - b) All animals shall be maintained at least 100 feet from any property line.
  - c) Livestock and poultry uses are not permitted on lots containing less than 2 acres.
  - d) Abattoirs and hatcheries shall be located at least 300 feet from any property zoned for residential use.
2. Private parks and playgrounds including Commercial Recreation Facilities (indoor and outdoor).
3. Community fairs.
4. Farmers' markets.
5. Helicopter landing areas. Minimum one acre. Must be enclosed by a fence no less than 8 feet in height.
6. Administrative and distribution offices including contractor's offices. All outdoor storage must be screened with an opaque fence no less than eight feet in height and at least 50 feet from any property zoned or used for residential purposes and 25 feet from City right-of-way.
7. Dry cleaning plants.
  - a) Such use shall be at least 300 feet from any property zoned or used for residential purposes.
  - b) All applicable state, federal and local codes must be complied with.
8. Commercial greenhouse or plant nursery.
9. Mining.
  - a) The extraction of dirt, sand or soil shall not be established within 500 feet of a residential use or 200 feet of any other use.
  - b) The extraction of rock and gravel shall not be established within 4,000 feet of a residential use or 2,000 feet of any other use.
  - c) The removal area shall be enclosed by a fence no less than 8 feet in height to prevent access by the general public. This fence shall be locked during non-business hours.
10. Assembly halls including union halls, conference centers, fraternal clubs and uses of a similar nature.
11. Office service and supply facilities (non-retail).
12. Vocational schools.
13. Research laboratories including medical and dental labs.
14. Public buildings and utilities.
15. Ambulance services.
16. Outdoor storage facilities including junk and salvage yards shall be permitted in compliance with section 65.
  - a) Such use shall be enclosed by an opaque wall or fence no less than 8 feet in height which provides continuous visual screening.
  - b) No repair or other such activity shall be conducted.
  - c) Such use shall be at least 50 feet from any property zoned or used for residential purposes.
17. Exterminating facilities.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

18. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall be at least 50 feet from any property zoned or used for residential purposes.
19. Fuel and ice dealers.
20. Truck terminals. Minimum 5 acre lot size. All structures shall be located and activities conducted (including parking) at least 300 feet from any property zoned for residential purposes.
21. Rail yards. Minimum 10 acres.
22. Rail, bus and transit stations.
23. Heavy repair services and trade shops, including sheet metal, upholstering, plumbing, carpentry, sign painting and other similar activities
24. Taxi stands and dispatching agencies.
25. Automobile, trailer and boat sales/service. Minimum one acre lot size.
  - a) Minimum one acre lot size.
  - b) All vehicles shall be set back at least 10 feet from the street right-of-way line.
  - c) Such use shall be located at least 50 feet from any properties zoned for residential purposes.
  - d) A solid fence or wall no less than six feet in height shall be maintained to provide a visual screening between the residential and commercial properties.
26. Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
27. Newspaper publishing facilities.
28. Warehousing.
29. Outdoor advertising services. Includes the construction, repair, and maintenance of outdoor advertising signs. All non-storage activities shall be conducted within an enclosed building.
30. Printing services.
31. Radio and television studio facilities.
32. Assembly and fabrication.
33. Parking lots and garages.
34. Automobile service stations.
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
  - d) No outside storage or engine/body dismantling is allowed.
  - e) No vehicle under repair shall remain parked for a period of more than thirty (30) days without being considered "stored." If a vehicle remains parked for a period of more than thirty (30) days, said vehicle shall be moved to the rear of the repair facility and screened or placed inside said repair facility where the vehicle shall remain until all repairs are completed.
35. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
  - a) All activities shall take place within an enclosed building.
  - b) No outside storage or engine/body dismantling is allowed.
  - c) No vehicle under repair shall remain parked for a period of more than thirty (30) days without being considered "stored." If a vehicle remains parked for a period of more than thirty (30) days, said vehicle shall be moved to the rear of the repair facility and screened or placed inside said repair facility where the vehicle shall remain until all repairs are completed.
36. Automotive repair shops (including paint and body).
  - a) Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
  - b) All activities shall be carried on entirely within an enclosed building.
  - c) Such use shall not be established on a lot which is adjacent to or directly across the street from any single family residential district.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- d) All outdoor storage must be to the rear of the principal structure and enclosed by an opaque fence no less than 8 feet in height.
  - e) No vehicle under repair shall remain parked for a period of more than thirty (30) days without being considered "stored." If a vehicle remains parked for a period of more than thirty (30) days, said vehicle shall be moved to the rear of the repair facility and screened or placed inside said repair facility where the vehicle shall remain until all repairs are completed.
37. Wholesale trade and distribution facilities, including office showrooms and display areas.
38. Coliseum, stadium. 5 acre minimum lot size.
39. Manufacturing establishments involving the conversion of raw materials into useable finished products, provided that any manufacturing process which generates liquid waste complies with all local, state and federal pollution standards.
40. Petroleum and petrochemical refining and storage. All structures (excluding offices) shall be located at least 100 feet from any property line and 200 feet from any residentially zoned or used property.
41. Tire retreading and recapping.
42. Drive-in movie theater.
- a) The theater screen and all buildings shall be set back at least 50 feet from any property line.
  - b) Central loudspeakers are prohibited.
  - c) The theater screen shall not be visible from an interstate or arterial roadway.
43. Animal hospitals, kennels and veterinary clinics.
- a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
  - b) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
44. Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
45. Car washes.
46. Commercial recreation and entertainment facilities.
47. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
48. Accessory uses and structures incidental to any legal permitted use, provided:
- a) Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and comprise no more than 10% of the gross floor area.
  - b) No show window or other advertising shall be visible from the exterior of the primary use structure.
49. Sign(s), (as permitted in the City of Acworth Sign Ordinance)

C. Temporary/Conditional Uses Allowed by the Director.

Not applicable in this district.

D. Special Uses Permitted by Board of Aldermen.

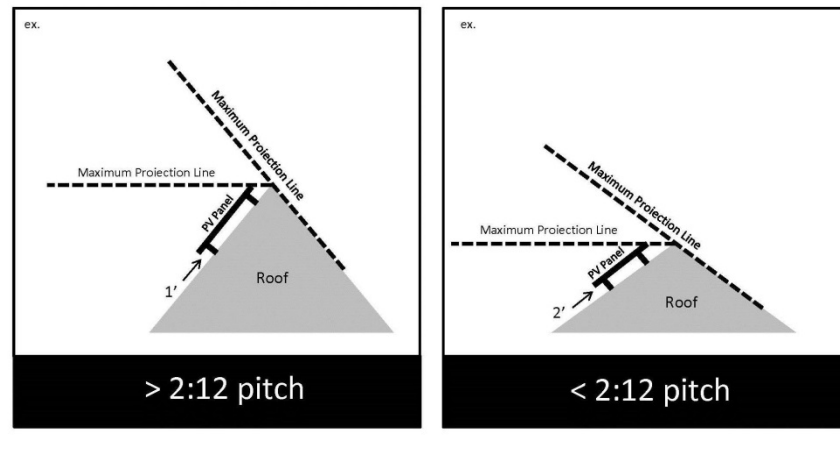
- 1. Telecommunications antennas and towers (see standards set forth in Section 76).
- 2. Adult Entertainment (see Chapter 10, Article II, City Code)
- 3. Recycling collection centers (may also be defined by the State as a construction and demolition transfer station) are to be submitted and reviewed with the following:
  - a) Site plan detailing building location, business operation, curb cuts and traffic flow, distance from the nearest facility.
  - b) No outside storage allowed.
  - c) Location of container bins must be approved by the Administrator.
  - d) There shall only be a transfer of construction and demolition debris.
  - e) There shall be no transfer of household solid and liquid waste.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- f) The facility must be located on an arterial or higher classified public road.
- g) The site shall be a minimum of 2 acres.
- h) Must be approved and permitted by the State of Georgia and meet all Local, State, and Federal laws.

E. Accessory Structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 15 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory structure shall be constructed upon a lot before the principal structure.
4. No accessory structure may exceed the more restrictive of either 20 feet or the height of the principal building.
5. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
6. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
7. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:
    - a. Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.

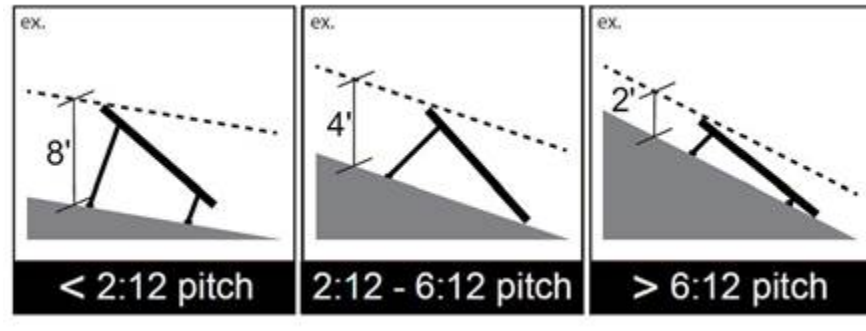


- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations.

1. All outside storage areas must be located in the rear yard and must be screened by an opaque fence no less than eight feet in height.
9. For properties located within the Downtown Development Authority District (DDA) area, outdoor display or products that are actively available for sale or lease shall adhere to the following:
  - a) Outdoor display is only allowed with a permitted non-residential land use.
  - b) Outdoor display materials must abut the primary building façade with the principal customer entrance, not extend more than six (6) feet from the façade, and not occupy more than 25% of the horizontal length of the façade;
  - c) Outdoor display materials must not exceed six (6) feet in overall height;
  - d) Outdoor display materials must be removed and placed within the fully enclosed building at the end of each posted business day with the exception of propane gas storage racks, ice storage bins, soft drink or similar vending machines which may remain outside overnight; and
  - e) Outdoor display materials 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 six (6) feet of clear distance of sidewalk at all times.
2. Building design and materials may be of the developer’s choosing; however, any facade of the building facing a roadway shall be constructed with brick, stone, rock or wood covering.
3. All new developments must submit a site plan including all of the information listed in Section 69.

G. Bulk and Area Regulations.

Minimum Lot Size:	40,000 sq. ft.
Minimum Lot Width:	150 ft.
Maximum Building Height:	50 ft.
Maximum Floor Area Ratio:	1.0
Maximum Impervious Surface:	80%
Minimum Landscaped Area:	10%
Front Setback (arterial):	50 ft.
Front Setback (other):	50 ft.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Side Setback (major):	50 ft.
Side Setback (minor):	20 ft.
Rear Setback:	50 ft.

H. Landscape and Buffer Requirements.

1. When a property in this district directly abuts a residential district, a 50 ft. greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than six feet in height. All loading docks shall be screened by either landscaping or a stabilized berm.
2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Article VIII) may be counted within this figure, however, no more than 50% of the required landscaping provided may be within stormwater retention facilities.
3. Stormwater retention facilities are not permitted within required buffers.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

## **50.15 MU, Mixed Use District**

### **A. Purpose.**

The mixed use zoning category is a floating zone which is established for the purpose of providing a compatible mixture of commercial, employment, residential, recreational, civic, and/or cultural uses which are planned and developed as a unit. The location of a mixed use district is restricted to areas which are designated mixed use (single-family, multi-family, commercial, office) in the Acworth Comprehensive Plan and Future Land Use Map. A mixed use development should complement surrounding areas. Among the goals of the mixed use zoning category are the following:

1. Encourage residential uses in conjunction with commercial activities in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic;
2. Provide opportunities for horizontal and vertical mixed-use developments by permitting existing and planned commercial zones to be combined into unified development sites;
3. Encourage compatibility between residential and commercial uses in areas where residential zones directly abut commercial zones, by permitting greater design flexibility across the existing boundaries of the two zones;
4. Ensure that the appearance and effects of buildings and uses are harmonious with the character (topography, economy, society) of the area in which they are located.

### **B. Effect and Procedure.**

The site plan for development within the mixed use district shall be in conjunction with a master development plan approved by the Board of Planning and Zoning and Board of Aldermen. The owner and/or developer of the tract of land proposed to be included in the development shall file a general site plan with the Zoning Administrator for recommendation to the Boards of Planning and Zoning and Aldermen. The plan shall contain information and representations required or deemed necessary by the Zoning Administrator, Public Works Director, Board of Planning and Zoning, and Board of Aldermen for proper review. The site plan will be reviewed and a determination will be made as to whether the plan is consistent with the intent and standards of the mixed use district and whether the development of the tract serves the public welfare.

### **C. Permitted Uses.**

The following uses are permitted in the Mixed Use Zoning District:

1. Single-family residential (Including single family detached, cottages, and townhomes)
2. Multi-family residential (Including apartments and condominiums)
3. Government administrative services
4. Ambulance services
5. Fire and Police protection services
6. Cultural facilities. Art galleries, museums, theaters, libraries, and other uses similar in character to those listed.
7. Administrative and business offices
8. Medical services
9. Personal services – such as copy and mail centers, dry cleaning and other similar uses.
10. Neighborhood Retail uses as listed in the C-1 District
11. Retail Professional services
12. Sign(s), (as permitted in the City of Acworth Sign Ordinance)
13. Senior Living Communities (following the requirements of Section 50.16, SLC, Senior Living Community District)
14. Eating and drinking establishments, Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning. (Must meet Chapter 6 of the City Code)
15. Private parks and playgrounds including Commercial Recreation Facilities (indoor and outdoor).

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

16. Athletic and health clubs.
17. Barber and beauty shops.
18. Grocery and food stores up to 20,000 square feet.

The following uses are prohibited when located within a mixed use development that contains residential uses (single- or multiple-family):

1. Animal grooming, animal hospitals, animal sales
2. Drive-through services associated with any restaurant use
3. Service Stations, including auto repair and maintenance
4. New or used automobile or truck sales facilities

D. Special Uses Permitted by Board of Aldermen.

1. Hotels and motels for Mixed-Use sites over 20 acres.
2. Religious Institutions over 5 acres.
3. Townhomes, provided:
  - a) Minimum unit size 1,750 square feet (1,200 square feet within the Downtown Development Authority District);
  - b) Submittal of a Design and Use Plan including, but not limited to:
    1. Architectural upgrades such as carriage style garage doors, upgraded exterior building materials such as stone, brick or other comparable material, doors, windows and patios;
    2. Renderings and/or narrative descriptions of the interior features of buildings, including the floor area of units, floor plan, ceiling height, flooring materials, kitchen and bath features, and information on trim/finish details;
    3. A plan for the development and long-term maintenance of all common areas and facilities (including private streets and parking areas, detention areas, green spaces);
    4. The proposed documents for the homeowners or condominium association, which shall include covenants related to maintenance of units, dues and fees, exterior storage and appearance, restrictions on rental occupancy. All such documents shall be reviewed and approved by the City.
4. Cottage Style Development, provided:
  - a) Minimum lot dimension: 45' x 120';
  - b) Green space to be provided within the development shall have a total area not less than 15% of the development's buildable total land area. Said green space shall be designed to accommodate its use for passive or active recreation;
  - c) Minimum unit size 1,600 square feet;
  - d) Maximum unit size 2,000 square feet;
  - e) Maximum unit height 1½ story;
  - f) Setbacks:
 

Front:	20 feet (with the garage portion of the home no less than twenty-five (25) feet from the back of the curb)
Minor Side:	Minimum 10 feet between structures
Major Side:	25 feet
Rear:	20 feet
Maximum Lot Coverage	40%
Maximum Impervious Surface Area per lot	60%
  - g) Submittal of a Design and Use Plan including, but not limited to:
    1. Architectural upgrades such as carriage style garage doors, upgraded exterior building materials such as stone, brick or other comparable material, doors, windows and patios;

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

2. Renderings and/or narrative descriptions of the interior features of buildings, including the floor area of units, floor plan, ceiling height, flooring materials, kitchen and bath features, and information on trim/finish details;
3. A plan for the development and long-term maintenance of all common areas and facilities (including private streets and parking areas, detention areas, green spaces);
4. The proposed documents for the homeowners or condominium association, which shall include covenants related to maintenance of units, dues and fees, exterior storage and appearance, restrictions on rental occupancy. All such documents shall be reviewed and approved by the City.

E. Use Ratios.

In general, proposed mixed use developments shall adhere to the types established in the Acworth Future Land Use Map. The types and requirements are as follows:

1. Single-family (SF) mixed use: detached and attached single-family residential structures shall be the dominant use, comprising the largest percentage of total building floor area.
2. Multi-family (MF) mixed use: multi-family residential structure(s) shall be the dominant use, comprising the largest percentage of total building floor area.
3. Commercial mixed use: commercial structures shall be the dominant use, comprising the largest percentage of total building floor area.
4. Office mixed use: professional office structures shall be the dominant use, comprising the largest percentage of total building floor area.

In developments with two (2) uses, no use shall occupy less than twenty five percent (25%) of the either the total building floor area or twenty five percent of the overall acreage. In developments with three uses (3), no use shall occupy less than (Add) either twenty percent (20%) of the total building floor area or twenty percent (20%) of the overall acreage. In developments with four (4) or more uses, no use shall occupy less than either fifteen percent (15%) of total building floor area or fifteen percent (15%) of the overall acreage.

F. Density.

Areas identified in the Acworth Comprehensive Plan for mixed use development and that include a residential component shall be developed under this mixed use zone at a minimum of four (4) net residential units per acre and up to a maximum of twelve (12) net residential units per acre. These units may be any combination of single-family detached, single-family attached, or multi-family.

G. Bulk Limits, Lot Area, and Setback Requirements.

All mixed use developments shall be planned and constructed on lots at least fifteen thousand (15,000) square feet.

Maximum lot coverage:	60% (1 building); 75% (2 or more buildings)
Minimum undisturbed area or replanted area for sites already cleared:	20% (excludes floodplains, stream buffers, and setback buffers)
Maximum building height:	40 feet (as measured from street façade)
Minimum lot width:	40 feet
Minimum lot depth:	3 times lot width
Maximum building height:	40 feet
Front setback:	10 feet facing an internal street 25 feet if a double frontage adjacent to an external, collector or major road

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Side setback (major):	10 feet
Side setback (minor):	10 feet
Rear setback:	15 feet
Minimum floor area for apartments:	550 square feet for efficiency unit 650 square feet for 1 bedroom unit 900 square feet for 2 bedroom unit 1100 square feet for 3 bedroom unit
Minimum floor area for Single Family detached and condominiums:	1200 square feet
Floor Area Ratios:	At least 25% of MF units must be 900 square feet or above; Up to 25% of MF units may be 600 square feet or less

#### H. Parking.

All off-street parking areas shall be located solely in the side or rear yard areas and excluded from the area between the public right-of-way and the front face of the building. Parking spaces may be located either on or off parcel. Site plans must show proof of spaces, their location in relation to buildings and indicate if spaces are owned or leased.

1. Maximum number of off-street, surface parking spaces for office and industrial uses is one (1) space for every three hundred (300) square feet of building floor space; minimum number of off-street parking spaces for office uses is one (1) space for every five hundred (500) square feet of building floor space.
2. Maximum number of off-street, surface parking spaces for retail and consumer commercial establishments is one (1) space for every two hundred (200) for retail, one hundred fifty (150) for restaurant square feet of building floor area; minimum number of off-street parking spaces for retail and consumer establishments is one (1) space for every five hundred (500) square feet of building floor area.
3. Maximum number of off-street, surface parking spaces for residential dwelling units shall be one and three quarters (1.75) spaces within three hundred (300) feet of each unit, excluding on-street parking; minimum number of off-street parking spaces for each dwelling unit shall be one space within three hundred (300) feet of the unit, excluding on-street parking.
4. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
5. Minimum number of bicycle parking spaces shall be one (1) space for every thirty (30) automobile spaces. In no case shall a mixed use development provide fewer than three (3) bicycle spaces.
6. Parking incentives- Commercial maximums may be increased by a ratio of 1.5 % if developer provides at least 20% pervious spaces (as defined in SECTION 87 Overflow parking standards) or 20% of the spaces are shared spaces with residential mix (exclusive of the residential parking space minimum).
7. If a developer chooses to construct a parking deck as part of a mixed-use development, the maximum requirements for off-street parking shall not apply. Decks can include as many parking spaces as possible, provided the exterior of the structure fits the same dimensions as other permanent structures, meaning they must conform to setbacks, height limitations, and lot coverage.
8. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.

### I. Landscape and Buffer Requirements.

In general, the areas between the public rights-of-way and parking facilities or buildings shall be landscaped with deciduous trees and planter boxes or beds, using standards established in City of Acworth Tree Preservation and Replacement Ordinance, "Tree Protection and Landscaping". The following additional landscape stipulations shall be required for mixed-use developments.

1. In order to reduce problems associated with runoff and water supply contamination, innovative stormwater management techniques shall be used in all mixed use district developments. This could include porous pavement and/or perforated brick or block, ground swales, reconstructed wetlands, depressions, etc. In no instance shall a retention pond be constructed as the sole means of controlling stormwater.
2. A minimum of twenty percent (20%) of the gross area of the development site must be set aside as permanent undisturbed greenspace (or replanted area for sites already cleared). This percentage cannot include space within wetland, stream, or setback buffers.
3. (3) All off-street parking areas shall be set back a minimum of fifteen (15) feet from all other property lines, and at least ten (10) feet from any public right-of-way.
4. (4) A buffer between a mixed use development and any surrounding residential developments shall be provided in the form of a minimum ten (10) foot wide, ten (10) foot tall landscaped area that includes native species trees, shrubs, flowers, and grasses
5. (5) Pedestrian pathways and sidewalks shall provide safe and aesthetically pleasing means of on-site movement and shall be an integral part of overall site design. Pedestrian pathways to buildings, parking areas, and other amenities shall be planned and installed in all developments. Sidewalks shall be required along all public roadways abutting the property and shall be a minimum of five (5) feet in width, paved, and shall include a minimum five (5) foot wide landscape buffer between the edge of the sidewalk and the boundary of the public roadway.

### J. Lighting.

Lighting shall provide for the safe illumination of the site in order to maintain pedestrian and vehicle safety, security, and design accentuation. Building illumination and architectural lighting shall be indirect in character. Architectural lighting shall articulate the particular building design as well as provide the required functional lighting for safety of pedestrian movement. Pedestrian pathway lighting shall clearly identify the pedestrian walkway and direction of travel. All lighting shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic.

### K. Design Provisions.

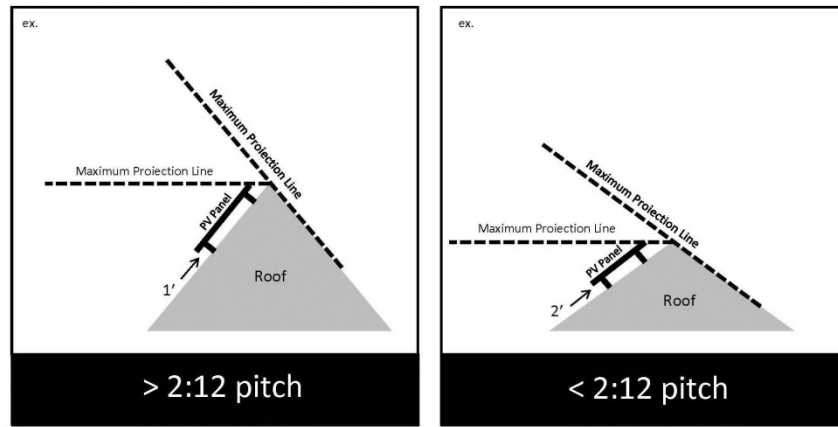
It is the intent of the mixed use district to provide an environment of high quality building and landscape design. Special emphasis shall be placed upon methods that tend to reduce the overwhelming visual impact of large buildings, encourage tasteful, imaginative design for individual buildings, and create a complex of buildings compatible with the streetscape and neighboring areas in terms of design, scale, and use.

1. Innovative and beautiful design is encouraged and welcomed as a means to enhance the overall quality of the built environment.
2. Minimum conflict shall exist between service vehicles, private automobiles, and pedestrians within the site.
3. Building entries shall be readily identifiable and accessible, with at least one (1) main entrance facing and opening directly onto a connecting walkway with pedestrian frontage.
4. Building materials shall blend with those existing on adjacent properties.
5. There shall be structural variations in roof lines to reduce the massive scale of structures and add visual interest.
6. All building facades facing public rights-of-way shall have at least thirty (30%) percent fenestration.

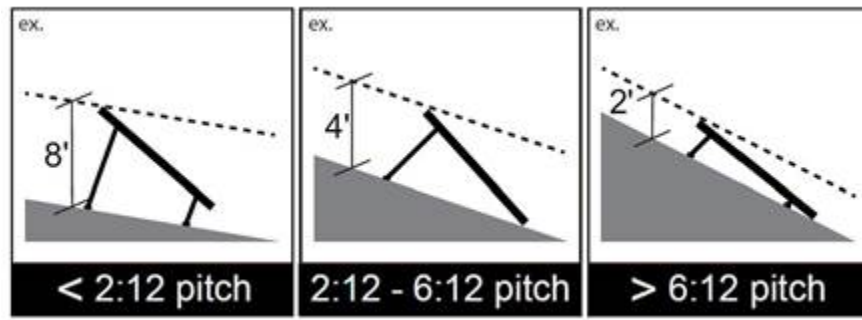
L. Accessory Structures.

1. Solar collection devices:

- a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
- b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
- c) Roof mounted systems:
  - a. Single family and duplex dwellings:
    - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.





Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

**50.16 SLC, Senior Living Community****A. Purpose and Intent.**

The SLC district is intended to provide opportunities for development of residential facilities, to include assisted and independent, for residents aged 55 years and older. These areas are established to provide senior housing designed in a compatible and complementary manner so as to function as a singular and integrated land use. This zoning district may serve as a transitional zone between commercial/office uses and residential districts of a lesser intensity.

**B. Effect and Procedure.**

The site plan for development within the Senior Living Community District shall be in conjunction with a master development plan approved by the Board of Planning and Zoning and the Mayor and Board of Aldermen. The owner and/or developer of the tract of land proposed to be included in the development shall file a general site plan with the Zoning Administrator for recommendation to the Boards of Planning and Zoning and Aldermen. The plan shall contain information and representations required or deemed necessary by the Zoning Administrator, Public Works Director, Board of Planning and Zoning, and Board of Aldermen for proper review. The site plan will be reviewed and a determination will be made as to whether the plan is consistent with the intent and standards of the Senior Living Community District and whether the development of the property serves the public welfare.

**C. Permitted Uses.**

The following uses are permitted in the Senior Living Community District:

1. Senior Independent Living Facilities
2. Assisted Living Facilities

**D. Temporary/Conditional Uses Allowed by the Zoning Administrator.**

Not applicable in this district.

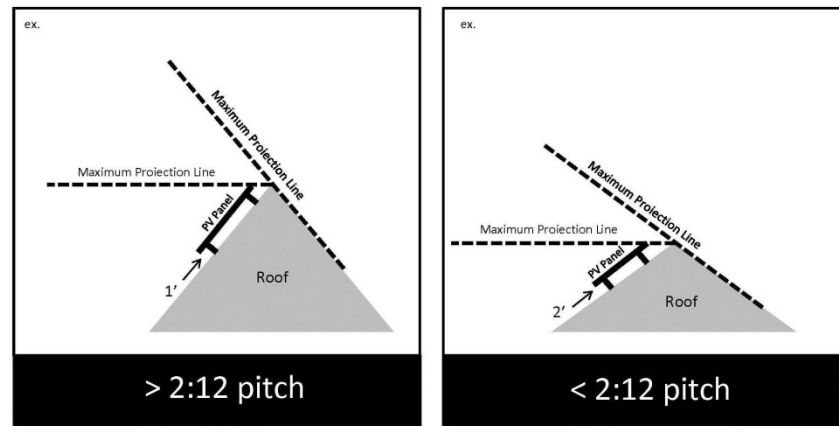
**E. Special Uses Permitted by Board of Aldermen.**

Not applicable in this district.

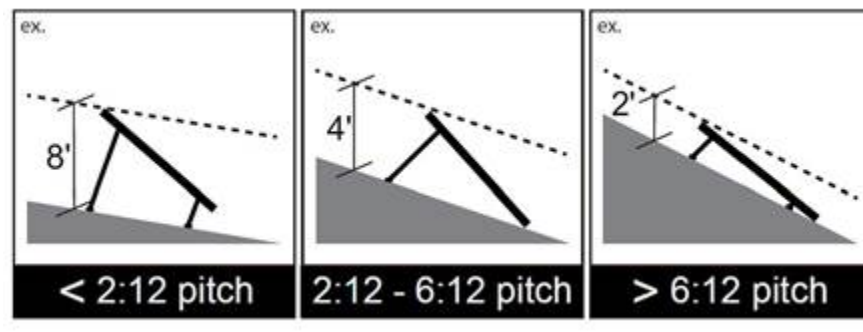
**F. Accessory Structures.**

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory building shall be constructed upon a lot before the principal building.
4. No accessory structure may exceed the mean height of the principal building.
5. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self closing, self-latching gate and must comply with all applicable safety and health ordinances.
6. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:
    - a. Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet

is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
- i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

**G. Use Limitations.**

1. There shall not be a similar age restricted residential facility located on property within a 500 hundred radial foot perimeter of the subject property.
2. Requires all State of Georgia licenses and permits prior to certificate of occupancy.
3. All units must be accessed through a central lobby.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

4. Each facility shall include a central gathering area for dining, residents’ activities and socializing, including but not limited to a media room, community center, fitness room, and a guest reception area for residents to meet visitors.
5. Each individual independent living residential unit within the facility shall have a kitchen.
6. A binding legal instrument of deed restriction that prevents the facility from future conversion into non-age restricted apartments, condominiums or other type of development shall be placed on the property concurrent with the issuance of a land disturbance permit.

H. Bulk and Area Regulations.

Minimum Tract Size:	5 acres (if located within the City’s designated Redevelopment Area, the minimum tract size shall be no less than 3 acres)
Minimum Tract Width:	100 ft.
Maximum Density:	As approved by Mayor and Aldermen
Maximum Building Height:	3 to 10 acre site – 3 stories (if located within the City’s designated Redevelopment Area, the maximum height may increase to 4 stories)
	Greater than 10 acres – 4 stories
Maximum Building Coverage:	60%
Maximum Impervious Surface:	75%
Minimum Parking Required (Independent Living)	Studio or 1-bedroom units, 1.0 spaces/unit 2-bedroom units, 1.2 spaces/unit In addition – one guest space provided for each 5 dwelling units In addition – one space provided for each employee
Minimum Parking Required (Assisted Living)	0.4 parking spaces per dwelling unit In addition – one guest space provided for each 5 dwelling units In addition – one space provided for each employee
Front Setback (arterial):	45 ft.
Front Setback (other):	35 ft.
Side Setback (major):	35 ft.
Side Setback (minor):	25 ft.
Rear Setback:	40 ft.

I. Landscape and Buffer Requirements.

When a SLC District abuts a single family residential district or use, a 30 foot greenbelt buffer shall be established. When abutting all other zoning districts, a 25 foot greenbelt buffer shall be established. Such buffer shall be undisturbed where practical or enhanced where devoid of significant vegetation and must include a solid fence no less than six feet in height (finished side to the exterior). If located within the City’s designated Redevelopment Area, the buffer may be reduced to incorporate solid fencing and enhanced plantings. This shall be determined by staff on a case by case basis.

J. Bulk and Area Regulations – Exceptions.

1. Relationship to Redevelopment Strategies

When the proposed SLC District is located within an area designated by the City of Acworth as a redevelopment area, City staff may recommend reductions in selected bulk and area requirements, increases in the ratio of lot coverage, building height, increases in the number of units and adjustments to the requirement for fences.

2. Parking

- a. For assisted living and nursing home SLC developments, City staff may recommend reductions in the number of required parking spaces.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- b. For independent living SLC developments that provide permanent shuttle, van or bus for residents' use, City staff may recommend reductions in the number of required parking spaces.
- c. Mixed-use developments may be given consideration for shared parking.

#### K. Open Space Requirement:

- a. A minimum of 100 square feet of common useable space area per residential unit shall be provided and may be combined with indoor and outdoor use. Indoor common areas and amenities to facilitate program activities may be counted towards this requirement up to a maximum of 75% of the total open space area required.
- b. Interior areas provided shall include a central gathering area for dining, residents' activities and socializing, including but not limited to a media room, community center, fitness room, and a guest reception area for residents to meet visitors.
- c. Outdoor areas provided shall be designed to provide amenities and recreational areas compatible with the needs of the residents, such as pathways and sitting areas, flower or vegetable gardens, or similar active or passive recreation areas.
- d. Where additional building stories prohibit easy access to open space areas on the ground floor, open roof decks, balconies, or lanais shall be provided.
- e. The proposed improvement of all required open space shall be clearly designated on the plans submitted with the conceptual plan, and upon the approval of said plans, shall be considered a required part of the land use, site and structural improvements.

#### L. Site Plan

A site analysis map shall be required concurrent with the submission of a site concept plan. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed green space will meet the requirements of this article. The required conceptual site plan shall be drawn to scale and shall include, at a minimum, the following features:

1. Property boundaries;
2. All streams, rivers, lakes, wetlands and other hydrologic features;
3. Topographic contours of no less than (2)-foot intervals;
4. Complete chart of calculations illustrating full compliance with regulations;
5. General vegetation characteristics;
6. General soil types;
7. Existing roads and structures;
8. Potential connections with existing green space and trails.
9. Proposed roads, alleys, sidewalks, trails
10. Lot configuration/layout, including setback lines
11. Proposed detention areas
12. Proposed amenity areas
13. Example building footprint layout
14. Surrounding property owners
15. Zoning information (current and proposed) for the subject property and current zoning information for the surrounding parcels
16. Estimated impervious surface calculation for the development
17. Unit count
18. Parking spaces with typical dimensions
19. Building elevations
20. Curbing and traffic flow directional arrows
21. Notation of any "green" improvements (ie: LEED)
22. Location of proposed signage, including identifying monument signage
23. Notation of water quality measures (ie: oil/water separator) for storm water management

**50.17 RRX, Railroads and Railroad Crossings****A. Purpose and Intent**

The RRX, Railroads and railroad crossings, district is intended to identify and provide suitable areas for railroad-related transportation purposes; as well as to protect the health, safety and welfare of the public from distracting signs and advertising.

**B. Permitted Uses**

1. Railroads and railroad-related transportation purposes.
2. Accessory uses and structures incidental to any legal permitted use.

**C. Temporary/Conditional Uses Allowed by the Zoning Administrator**

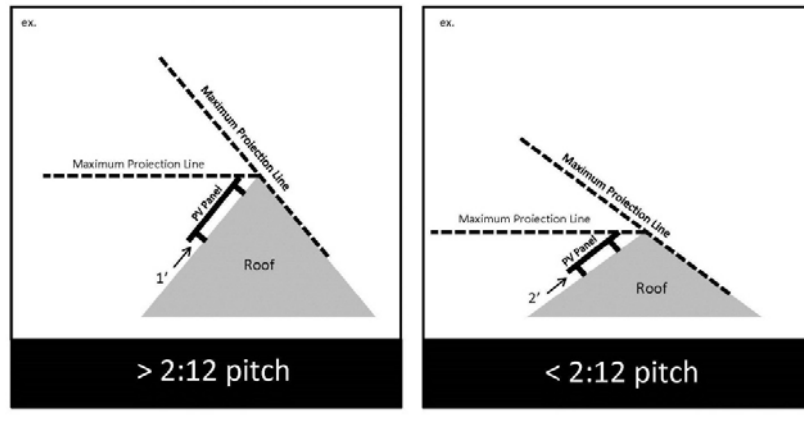
1. Not applicable in this district.

**D. Special Uses Permitted by Board of Aldermen.**

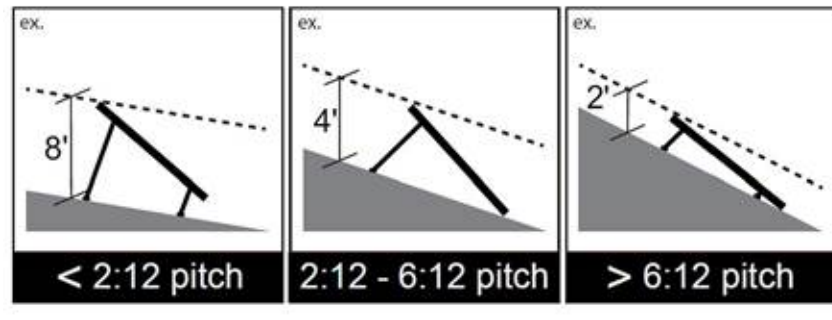
1. Not applicable in this district.

**E. Accessory Structures.**

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 5 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal structure.
2. When an accessory structure is attached to the principal structure in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory structure shall be constructed upon a lot before the principal structure, nor shall it contain a greater floor area than the principal structure.
4. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal structure.
5. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:
    - a. Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

**F. Use Limitations.**

- 1. Limitation on signs:
  - a) No general advertising sign or off premises sign, or any digital general advertising sign or digital off premises sign, is allowed.

**G. Bulk and Area Regulations.**

Bulk and area standards are not applicable in this district.

**H. Landscape and Buffer Requirements.**

Not applicable in this district.

**50.18 PPF, Public Parks and Facilities****A. Purpose and Intent**

The PPF, Public Parks and Facilities, district is intended to identify and provide suitable areas for public parks and public facility purposes including, but not limited to open space, parks, playgrounds, trails and structures designed for public use or recreation.

**B. Permitted Uses.**

1. Public Lakes and beaches.
2. Public Natural open space.
3. Public Developed parks and/or playground facilities.
4. Public use buildings including, but not limited to, administrative or recreation.
5. Public Golf Courses.
6. Public campgrounds.
7. Trail head facilities open to the public.
8. Trails for pedestrian or non-motorized open to the public vehicles.
9. Boat mooring facilities open to the public.
10. Parking lot open to the public.
11. Cemetery open to the public.
12. Accessory uses and structures incidental to any legal permitted use.
13. Other uses which are substantially similar in character and impact to those uses enumerated above.

**D. Temporary/Conditional Uses Allowed by the Director.**

1. Not applicable in this district.

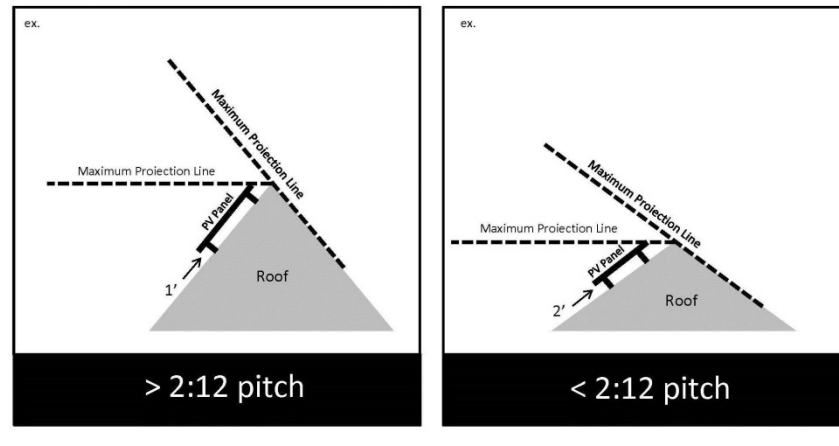
**I. Special Uses Permitted by the Board of Aldermen.**

1. Not applicable in this district.

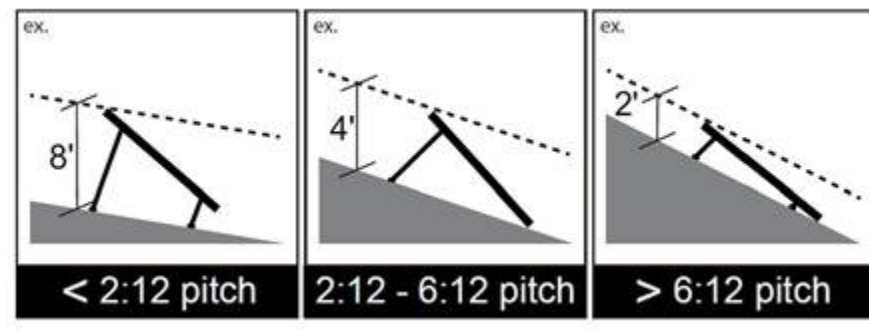
**J. Accessory Structures.**

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 5 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal structure.
2. When an accessory structure is attached to the principal structure in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. Solar collection devices:
  - a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
  - b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
  - c) Roof mounted systems:
    - a. Single family and duplex dwellings:
      - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.





- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

G. Use Limitations.

Not applicable in this district.

H. Bulk and Area Regulations.

Bulk and area standards are not applicable in this district.

I. Landscape and Buffer Requirements.

Not applicable in this district.

**50.18 A/R-20, Single Family Residential****A. Purpose and Intent.**

The A/R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the A/R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. This district is reserved for properties located in the northern Cobb Parkway Corridor as identified in City of Acworth Resolution No. RS2015-06.

**B. Permitted Uses.**

1. Clubs or lodges (noncommercial).
2. Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:
  - a) There shall be no signage or other exterior evidence of the cottage food operator.
  - b) Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
  - c) No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
  - d) There shall be no employees parking on the site unless approved by the Mayor and Board of Aldermen.
3. Golf courses, public and private.
4. Livestock, nondomestic and wild animals, and poultry.
5. Nonprofit (seasonal use) fishing lakes.
6. Parking for vehicles.
7. Private parks.
8. Radio, television and other communication towers and antennas, subject to section 134-273.
9. Recreation grounds other than tennis courts and golf courses.
10. Residential, agricultural, farm and wood products and livestock and poultry sales.
11. Riding stables (minimum 2 acres).
12. Single-family dwelling units (detached).
13. Temporary uses.

**C. Temporary/Conditional Uses Allowed by the Director.**

1. Guest homes, garage apartments and servant quarters, provided:
  - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
  - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
  - c) No paying guests or tenants are housed.
  - d) No other similar use or structure is located on the lot.
  - e) The building's height and/or area do not exceed that of the principal building.
2. Home Occupations (see standards set forth in Section 74).
3. Garage Sales, provided:
  - e) Limited to 3 consecutive days and one event every 3 months.
  - f) No consignment goods may be offered for sale.
  - g) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- h) One sign per property frontage is allowed, maximum 6 square feet in size.

D. Special Uses Permitted by Board of Aldermen

1. Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:
  - a) Minimum lot size is 5 acres.
  - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
  - c) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.
2. Cemeteries and mausoleums, provided:
  - a) Minimum lot size is 5 acres.
  - b) A 25 foot undisturbed buffer be established around the perimeter of the use with a solid fence or wall no less than six feet in height.
  - c) All buildings must be set back at least 25 feet from the buffer.
  - d) All graves be set back 10 feet from the buffer.
  - e) No graves may be placed within any required setback.
  - f) Funeral homes and mausoleums must have 20,000 square feet dedicated solely to their use.
3. Special Event Home, provided:
  - a) Establishment must be on a minimum of a two (2) acre site.
  - b) A maximum of 3,000 square feet may be dedicated to the reception floor area.
  - c) Trash receptacles must be located in a rear or side yard and shall be screened on all sides. Garbage shall be collected only during the daytime hours of 9 am. And 5 pm.
  - d) All applicants shall comply with the City of Acworth noise Ordinance.
  - e) Such use is required to supply one (1) parking space for every three persons of capacity or per every (10) ten square feet of gross reception floor area of the facility. The parking area is not required to be paved but must be an improved surface approved by the Mayor and Board of Aldermen. Only 20 percent of the parking may be off-site.
  - f) Capacity of the Special Events Home will be limited to three hundred (300) persons.
  - g) There shall be no retail sale of food or alcohol.
  - h) The commercial operations of the facility shall not operate between 12 am. And 9 am.
  - i) The facility must be a single family home and can be mixed-use.
  - j) Facility should only be located in appropriate areas of the City and not have a negative impact on surrounding properties.
  - k) If the facility ceases to operate as a Special Events Home for a period of six (6) consecutive months, the property shall lose its approval as a Special Events Home.
4. Bed and Breakfast, provided:
  - a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
  - b) Such use must be located within a historical structure at least 50 years old which is included on the local City register. The structure shall also contain 2,000 square feet or more of gross heated floor area
  - c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
  - d) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
  - e) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
  - f) No catering, parties, weddings or special events shall be permitted.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- g) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by City staff. The architectural integrity of the existing interior spaces must be maintained.
- h) All bed and breakfast houses must meet all applicable health and safety codes.
- i) Maximum length of stay shall not exceed 14 days.
- j) A minimum of 1 parking space per rental room is provided in addition to those required for the resident. Parking shall be landscaped as set forth in the Acworth Tree Preservation and Replacement Standards.

E. Accessory Structures

- 1) Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15-foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square feet must be at least 100 feet from any property line and is subject to the development conditions below.
  - a) Accessory buildings, structures, uses and decks shall be subject to the following development conditions:
    - b) Maximum height is two stories or 35 feet.
    - c) Buildings or structures shall have the meaning as defined in section 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.
    - d) All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.
    - e) The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
    - f) Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
    - g) Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.
    - h) No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.
    - i) On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
    - j) If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.
    - k) When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.
  - l) All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- receive approval from the director of the community development department or zoning division manager, or their designees.
- m) The primary structure in a residential district shall be the principle house on the lot.
- 2) In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
  - 3) When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
  - 4) No accessory building shall be constructed upon a lot before the principal building.
  - 5) No accessory structure may exceed twenty (20) feet in height.
  - 6) The area of the accessory building's footprint may not exceed 50% that of the principal structure.
  - 7) Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
  - 8) Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
  - 9) Neighborhood recreation centers, amenities and swimming pools are subject to the following:
    - a) Site plans must be approved by the zoning staff to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.
    - b) Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.
    - c) Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the planning and zoning staff.
    - d) The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line. Such landscaped buffer shall be shown on the landscaping plan and must be approved by the planning and zoning staff.
    - e) When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from both the community development department and the planning division and zoning division.
    - f) Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and building inspections department.
    - g) Outdoor activity shall cease by 11:00 p.m.
    - h) Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed county public road, a lighting plan must be submitted and approved by the county department of transportation to ensure that no light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.
    - i) No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.

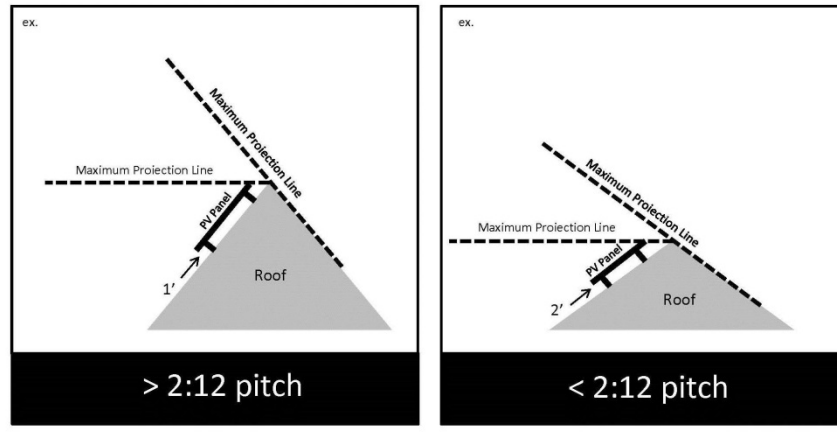
Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

j) Parking requirements are as follows:

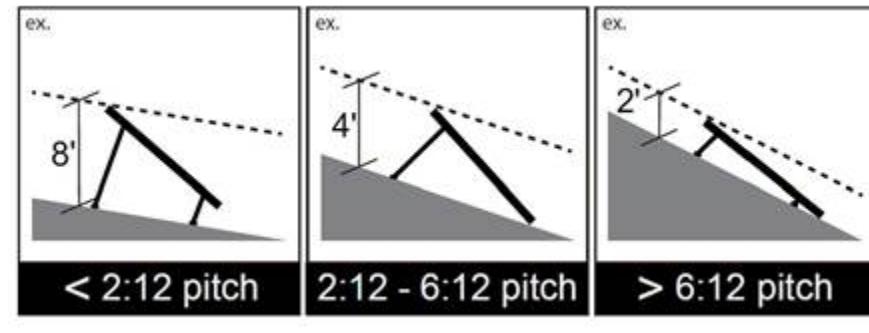
- i. A minimum of one space per five residences.
- ii. Parking spaces shall be paved and striped according to county standard 114, Parking Specifications, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

10. Solar collection devices:

- a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
- b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
- c) Roof mounted systems:
  - a. Single family and duplex dwellings:
    - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

#### F. Use Limitations

1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Director may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
2. A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way.
3. All front, side and rear yards must be planted with sod grass.
4. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
5. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
6. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.
7. No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
8. Maximum impervious surface shall not exceed 35 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 40 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the zoning division manager or his/her designee, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer (after

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

certificates of occupancy are issued): public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences. These uses shall not be allowed if an undisturbed buffer is stipulated by the board of commissioners. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

G. Bulk and Area Regulations

Minimum Lot Size:	20,000 sq. ft.
Minimum Lot Width:	75 ft./50 ft. for a cul-de-sac
Maximum Building Height:	35 ft.
Front Setback (arterial):	40 ft.
Front Setback (other):	35 ft.
Side Setback (major):	25 ft.
Side Setback (minor):	10 ft.
Rear Setback:	35 ft.

H. Landscape and Buffer Requirements

Not applicable in this district.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

## **50.20 A/R-30, North Single Family Residential**

### **A. Purpose and Intent.**

The A/R-30 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-30 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. This district is reserved for properties located in the northern Cobb Parkway Corridor as identified in City of Acworth Resolution No. RS2015-06.

### **B. Permitted Uses.**

1. Clubs or lodges (noncommercial).
2. Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:
  - a) There shall be no signage or other exterior evidence of the cottage food operator.
  - b) Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
  - c) No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
  - d) There shall be no employees parking on the site unless approved by the Mayor and Board of Aldermen.
3. Golf courses, public and private.
4. Livestock, nondomestic and wild animals, and poultry.
5. Nonprofit (seasonal use) fishing lakes.
6. Parking for vehicles.
7. Private parks.
8. Radio, television and other communication towers and antennas, subject to section 134-273.
9. Recreation grounds other than tennis courts and golf courses.
10. Residential, agricultural, farm and wood products and livestock and poultry sales.
11. Riding stables (minimum 2 acres).
12. Single-family dwelling units (detached).
13. Temporary uses.

### **C. Temporary/Conditional Uses Allowed by the Director.**

1. Guest homes, garage apartments and servant quarters, provided:
  - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
  - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
  - c) No paying guests or tenants are housed.
  - d) No other similar use or structure is located on the lot.
  - e) The building's height and/or area do not exceed that of the principal building.
2. Home Occupations (see standards set forth in Section 74).
3. Garage Sales, provided:
  - a) Limited to 3 consecutive days and one event every 3 months.
  - b) No consignment goods may be offered for sale.
  - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
  - d) One sign per property frontage is allowed, maximum 6 square feet in size.

D. Special Uses Permitted by Board of Aldermen

1. Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:
  - a) Minimum lot size is 5 acres.
  - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
  - c) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.
2. Cemeteries and mausoleums, provided:
  - a) Minimum lot size is 5 acres.
  - b) A 25 foot undisturbed buffer be established around the perimeter of the use with a solid fence or wall no less than six feet in height.
  - c) All buildings must be set back at least 25 feet from the buffer.
  - d) All graves be set back 10 feet from the buffer.
  - e) No graves may be placed within any required setback.
  - f) Funeral homes and mausoleums must have 20,000 square feet dedicated solely to their use.
3. Special Event Home, provided:
  - a) Establishment must be on a minimum of a two (2) acre site.
  - b) A maximum of 3,000 square feet may be dedicated to the reception floor area.
  - c) Trash receptacles must be located in a rear or side yard and shall be screened on all sides. Garbage shall be collected only during the daytime hours of 9 am. And 5 pm.
  - d) All applicants shall comply with the City of Acworth noise Ordinance.
  - e) Such use is required to supply one (1) parking space for every three persons of capacity or per every (10) ten square feet of gross reception floor area of the facility. The parking area is not required to be paved but must be an improved surface approved by the Mayor and Board of Aldermen. Only 20 percent of the parking may be off-site.
  - f) Capacity of the Special Events Home will be limited to three hundred (300) persons.
  - g) There shall be no retail sale of food or alcohol.
  - h) The commercial operations of the facility shall not operate between 12 am. And 9 am.
  - i) The facility must be a single family home and can be mixed-use.
  - j) Facility should only be located in appropriate areas of the City and not have a negative impact on surrounding properties.
  - k) If the facility ceases to operate as a Special Events Home for a period of six (6) consecutive months, the property shall lose its approval as a Special Events Home.
4. Bed and Breakfast, provided:
  - a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
  - b) Such use must be located within a historical structure at least 50 years old which is included on the local City register. The structure shall also contain 2,000 square feet or more of gross heated floor area
  - c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
  - d) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
  - e) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
  - f) No catering, parties, weddings or special events shall be permitted.
  - g) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by City staff. The architectural integrity of the existing interior spaces must be maintained.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- h) All bed and breakfast houses must meet all applicable health and safety codes.
- i) Maximum length of stay shall not exceed 14 days.
- j) A minimum of 1 parking space per rental room is provided in addition to those required for the resident. Parking shall be landscaped as set forth in the Acworth Tree Preservation and Replacement Standards.

E. Accessory Structures

1. Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15-foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square feet must be at least 100 feet from any property line and is subject to the development conditions below.
  - a) Accessory buildings, structures, uses and decks shall be subject to the following development conditions:
    - b) Maximum height is two stories or 35 feet.
    - c) Buildings or structures shall have the meaning as defined in section 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.
    - d) All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.
    - e) The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
    - f) Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
    - g) Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.
    - h) No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.
    - i) On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
    - j) If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.
    - k) When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.
    - l) All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.
    - m) The primary structure in a residential district shall be the principle house on the lot.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

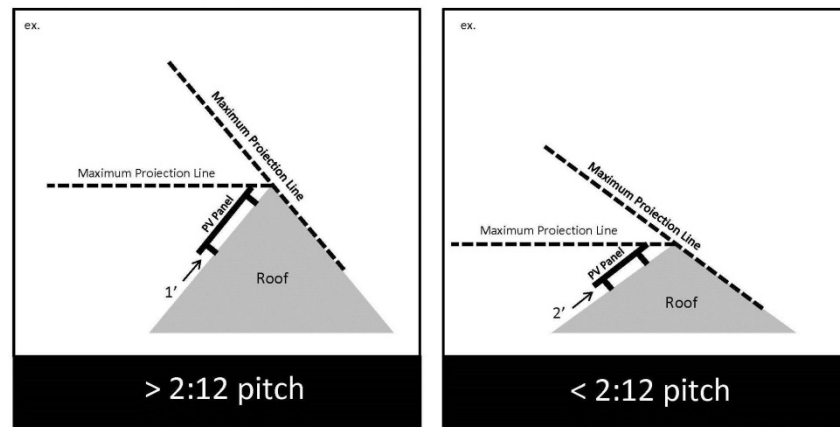
2. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
4. No accessory building shall be constructed upon a lot before the principal building.
5. No accessory structure may exceed twenty (20) feet in height.
6. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
7. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
8. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
9. Neighborhood recreation centers, amenities and swimming pools are subject to the following:
  - a) Site plans must be approved by the zoning staff to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.
  - b) Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.
  - c) Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the planning and zoning staff.
  - d) The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line. Such landscaped buffer shall be shown on the landscaping plan and must be approved by the planning and zoning staff.
  - e) When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from both the community development department and the planning division and zoning division.
  - f) Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and building inspections department.
  - g) Outdoor activity shall cease by 11:00 p.m.
  - h) Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed county public road, a lighting plan must be submitted and approved by the county department of transportation to ensure that no light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.
  - i) No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.
  - j) Parking requirements are as follows:
    - i. A minimum of one space per five residences.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

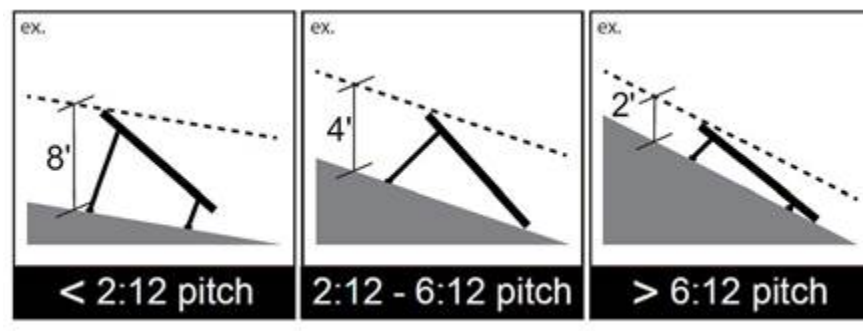
- ii. Parking spaces shall be paved and striped according to county standard 114, Parking Specifications, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

10. Solar collection devices:

- a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
- b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
- c) Roof mounted systems:
  - a. Single family and duplex dwellings:
    - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations

1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Director may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
2. A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way.
3. All front, side and rear yards must be planted with sod grass.
4. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
5. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
6. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.
7. No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
8. Maximum impervious surface shall not exceed 35 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 40 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the zoning division manager or his/her designee, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer (after certificates of occupancy are issued): public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences. These uses shall not be allowed if an undisturbed buffer is stipulated by the board of commissioners. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

G. Bulk and Area Regulations

Minimum Lot Size:	30,000 sq. ft.
Minimum Lot Width:	75 ft./50 ft. for a cul-de-sac
Maximum Building Height:	35 ft.
Front Setback (arterial):	50 ft.
Front Setback (other):	45 ft.
Side Setback (major):	25 ft.
Side Setback (minor):	12 ft.
Rear Setback:	40 ft.

H. Landscape and Buffer Requirements

Not applicable in this district.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

## **50.21 A/R-40, Single Family Residential**

### **A. Purpose and Intent.**

The A/R-40 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-40 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. This district is reserved for properties located in the northern Cobb Parkway Corridor as identified in City of Acworth Resolution No. RS2015-06

### **B. Permitted Uses.**

1. Clubs or lodges (noncommercial).
2. Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:
  - a) There shall be no signage or other exterior evidence of the cottage food operator.
  - b) Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
  - c) No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
  - d) There shall be no employees parking on the site unless approved by the Mayor and Board of Aldermen.
3. Golf courses, public and private.
4. Livestock, nondomestic and wild animals, and poultry.
5. Nonprofit (seasonal use) fishing lakes.
6. Parking for vehicles.
7. Private parks.
8. Radio, television and other communication towers and antennas, subject to section 134-273.
9. Recreation grounds other than tennis courts and golf courses.
10. Residential, agricultural, farm and wood products and livestock and poultry sales.
11. Riding stables (minimum 2 acres).
12. Single-family dwelling units (detached).
13. Temporary uses.

### **C. Temporary/Conditional Uses Allowed by the Director.**

1. Guest homes, garage apartments and servant quarters, provided:
  - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
  - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
  - c) No paying guests or tenants are housed.
  - d) No other similar use or structure is located on the lot.
  - e) The building's height and/or area do not exceed that of the principal building.
2. Home Occupations (see standards set forth in Section 74).
3. Garage Sales, provided:
  - a) Limited to 3 consecutive days and one event every 3 months.
  - b) No consignment goods may be offered for sale.
  - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
  - d) One sign per property frontage is allowed, maximum 6 square feet in size.



D. Special Uses Permitted by Board of Aldermen

1. Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:
  - a) Minimum lot size is 5 acres.
  - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
  - c) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.
2. Cemeteries and mausoleums, provided:
  - a) Minimum lot size is 5 acres.
  - b) A 25 foot undisturbed buffer be established around the perimeter of the use with a solid fence or wall no less than six feet in height.
  - c) All buildings must be set back at least 25 feet from the buffer.
  - d) All graves be set back 10 feet from the buffer.
  - e) No graves may be placed within any required setback.
  - f) Funeral homes and mausoleums must have 20,000 square feet dedicated solely to their use.
3. Special Event Home, provided:
  - a) Establishment must be on a minimum of a two (2) acre site.
  - b) A maximum of 3,000 square feet may be dedicated to the reception floor area.
  - c) Trash receptacles must be located in a rear or side yard and shall be screened on all sides. Garbage shall be collected only during the daytime hours of 9 am. And 5 pm.
  - d) All applicants shall comply with the City of Acworth noise Ordinance.
  - e) Such use is required to supply one (1) parking space for every three persons of capacity or per every (10) ten square feet of gross reception floor area of the facility. The parking area is not required to be paved but must be an improved surface approved by the Mayor and Board of Aldermen. Only 20 percent of the parking may be off-site.
  - f) Capacity of the Special Events Home will be limited to three hundred (300) persons.
  - g) There shall be no retail sale of food or alcohol.
  - h) The commercial operations of the facility shall not operate between 12 am. And 9 am.
  - i) The facility must be a single family home and can be mixed-use.
  - j) Facility should only be located in appropriate areas of the City and not have a negative impact on surrounding properties.
  - k) If the facility ceases to operate as a Special Events Home for a period of six (6) consecutive months, the property shall lose its approval as a Special Events Home.
4. Bed and Breakfast, provided:
  - a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
  - b) Such use must be located within a historical structure at least 50 years old which is included on the local City register. The structure shall also contain 2,000 square feet or more of gross heated floor area
  - c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
  - d) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
  - e) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
  - f) No catering, parties, weddings or special events shall be permitted.
  - g) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by City staff. The architectural integrity of the existing interior spaces must be maintained.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- h) All bed and breakfast houses must meet all applicable health and safety codes.
- i) Maximum length of stay shall not exceed 14 days.
- j) A minimum of 1 parking space per rental room is provided in addition to those required for the resident. Parking shall be landscaped as set forth in the Acworth Tree Preservation and Replacement Standards.

E. Accessory Structures

1. Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15-foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square feet must be at least 100 feet from any property line and is subject to the development conditions below.

Accessory buildings, structures, uses and decks shall be subject to the following development conditions:

- a) Maximum height is two stories or 35 feet.
- b) Buildings or structures shall have the meaning as defined in section 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.
- c) All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.
- d) The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
- e) Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
- f) Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.
- g) No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.
- h) On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
- i) If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.
- j) When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.
- k) All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.
- l) The primary structure in a residential district shall be the principle house on the lot.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

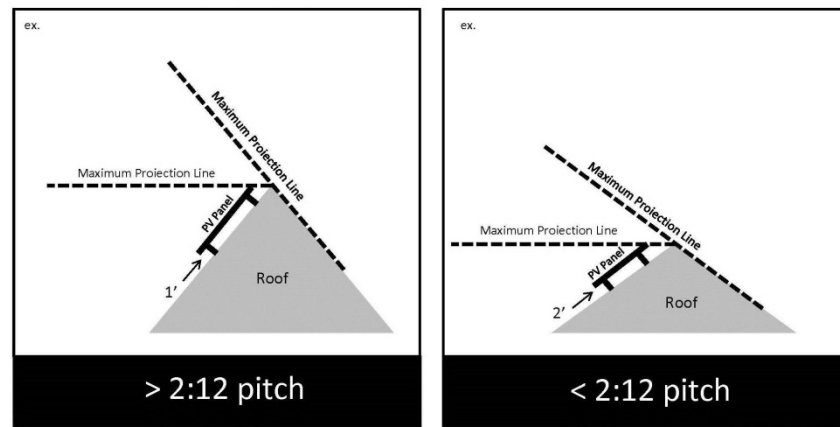
2. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
4. No accessory building shall be constructed upon a lot before the principal building.
5. No accessory structure may exceed twenty (20) feet in height.
6. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
7. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
8. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
9. Neighborhood recreation centers, amenities and swimming pools are subject to the following:
  - a) Site plans must be approved by the zoning staff to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.
  - b) Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.
  - c) Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the planning and zoning staff.
  - d) The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line. Such landscaped buffer shall be shown on the landscaping plan and must be approved by the planning and zoning staff.
  - e) When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from both the community development department and the planning division and zoning division.
  - f) Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and building inspections department.
  - g) Outdoor activity shall cease by 11:00 p.m.
  - h) Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed county public road, a lighting plan must be submitted and approved by the county department of transportation to ensure that no light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.
  - i) No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.
  - j) Parking requirements are as follows:
    - i. A minimum of one space per five residences.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

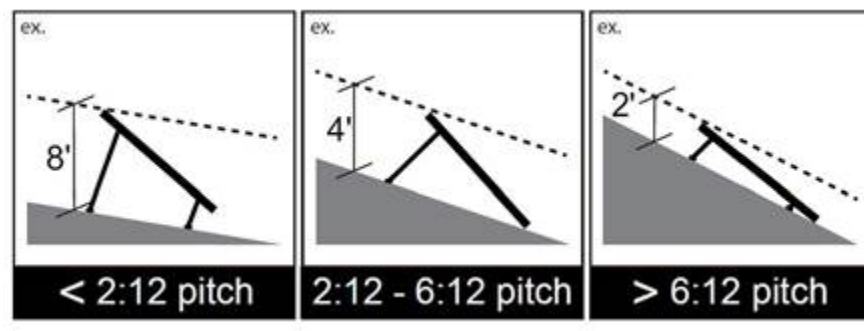
- ii. Parking spaces shall be paved and striped according to county standard 114, Parking Specifications, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

10. Solar collection devices:

- a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
- b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
- c) Roof mounted systems:
  - a. Single family and duplex dwellings:
    - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations

1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Director may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
2. A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way.
3. All front, side and rear yards must be planted with sod grass.
4. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
5. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
6. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.
7. No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
8. Maximum impervious surface shall not exceed 35 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 40 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the zoning division manager or his/her designee, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer (after certificates of occupancy are issued): public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences. These uses shall not be allowed if an undisturbed buffer is stipulated by the board of commissioners. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

G. Bulk and Area Regulations

Minimum Lot Size: 40,000 sq. ft.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Minimum Lot Width:	75 ft./50 ft. for a cul-de-sac
Maximum Building Height:	35 ft.
Front Setback (arterial):	50 ft.
Front Setback (other):	45 ft.
Side Setback (major):	35 ft.
Side Setback (minor):	15 ft.
Rear Setback:	40 ft.

H. Landscape and Buffer Requirements

Not applicable in this district.

**50.22 A/RR, Rural Residential****A. Purpose and Intent.**

The A/RR district is established to provide locations for large useable areas for limited residential, agricultural, park and open space needs. This district also serves to correlate growth with utility, service and transportation needs until urbanization is warranted. A/RR uses or residentially compatible institutional and recreational uses should be located within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RR district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. This district is reserved for properties located in the northern Cobb Parkway Corridor as identified in City of Acworth Resolution No. RS2015-06.

**B. Permitted Uses.**

1. Agricultural produce stands with a minimum of four (4) off street parking spaces.
2. Clubs or lodges (noncommercial).
3. Commercial greenhouses and plant nurseries, so long as set back at least 100 feet from any residential property line.
4. Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:
  - a) There shall be no signage or other exterior evidence of the cottage food operator.
  - b) Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
  - c) No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
  - d) There shall be no employees parking on the site unless approved by the Mayor and Board of Aldermen.
5. Dairies, so long as buildings used for livestock shall be set back not less than 200 feet from any property line and all animals are maintained at least 100 feet from any property line.
6. Designated recycling collection locations.
7. Farm and garden supply stores.
8. Field crops.
9. Golf courses, public and private.
10. Livestock, nondomestic and wild animals, and poultry.
11. Nonprofit (seasonal use) fishing lakes.
12. Parking for vehicles.
13. Private parks.
14. Radio, television and other communication towers and antennas, subject to section 134-273.
15. Recreation grounds other than tennis courts and golf courses.
16. Residential, agricultural, farm and wood products and livestock and poultry sales.
17. Riding stables (minimum 2 acres).
18. Single-family dwelling units (detached).
19. Temporary uses.

**C. Temporary/Conditional Uses Allowed by the Director.**

1. Guest homes, garage apartments and servant quarters, provided:
  - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
  - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- c) No paying guests or tenants are housed.
  - d) No other similar use or structure is located on the lot.
  - e) The building's height and/or area do not exceed that of the principal building.
2. Home Occupations (see standards set forth in Section 74).
  3. Garage Sales, provided:
    - a) Limited to 3 consecutive days and one event every 3 months.
    - b) No consignment goods may be offered for sale.
    - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
    - d) One sign per property frontage is allowed, maximum 6 square feet in size.
- D. Special Uses Permitted by Board of Aldermen
1. Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:
    - a) Minimum lot size is 5 acres.
    - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
    - c) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.
  2. Cemeteries and mausoleums, provided:
    - a) Minimum lot size is 5 acres.
    - b) A 25 foot undisturbed buffer be established around the perimeter of the use with a solid fence or wall no less than six feet in height.
    - c) All buildings must be set back at least 25 feet from the buffer.
    - d) All graves be set back 10 feet from the buffer.
    - e) No graves may be placed within any required setback.
    - f) Funeral homes and mausoleums must have 20,000 square feet dedicated solely to their use.
  3. Special Event Home, provided:
    - a) Establishment must be on a minimum of a two (2) acre site.
    - b) A maximum of 3,000 square feet may be dedicated to the reception floor area.
    - c) Trash receptacles must be located in a rear or side yard and shall be screened on all sides. Garbage shall be collected only during the daytime hours of 9 am. And 5 pm.
    - d) All applicants shall comply with the City of Acworth noise Ordinance.
    - e) Such use is required to supply one (1) parking space for every three persons of capacity or per every (10) ten square feet of gross reception floor area of the facility. The parking area is not required to be paved but must be an improved surface approved by the Mayor and Board of Aldermen. Only 20 percent of the parking may be off-site.
    - f) Capacity of the Special Events Home will be limited to three hundred (300) persons.
    - g) There shall be no retail sale of food or alcohol.
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    - i) The facility must be a single family home and can be mixed-use.
    - j) Facility should only be located in appropriate areas of the City and not have a negative impact on surrounding properties.
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    - a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
    - b) Such use must be located within a historical structure at least 50 years old which is included on the local City register. The structure shall also contain 2,000 square feet or more of gross heated floor area



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
- d) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
- e) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
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- h) All bed and breakfast houses must meet all applicable health and safety codes.
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  - a) Accessory buildings, structures, uses and decks shall be subject to the following development conditions:
    - b) Maximum height is two stories or 35 feet.
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    - e) The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
    - f) Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
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- k) When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.
  - l) All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.
  - m) The primary structure in a residential district shall be the principle house on the lot.
2. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
  3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
  4. No accessory building shall be constructed upon a lot before the principal building.
  5. No accessory structure may exceed twenty (20) feet in height.
  6. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
  7. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
  8. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
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    - a) Site plans must be approved by the zoning staff to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.
    - b) Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.
    - c) Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the planning and zoning staff.
    - d) The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line. Such landscaped buffer shall be shown on the landscaping plan and must be approved by the planning and zoning staff.
    - e) When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from both the community development department and the planning division and zoning division.
    - f) Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and building inspections department.
    - g) Outdoor activity shall cease by 11:00 p.m.
    - h) Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is

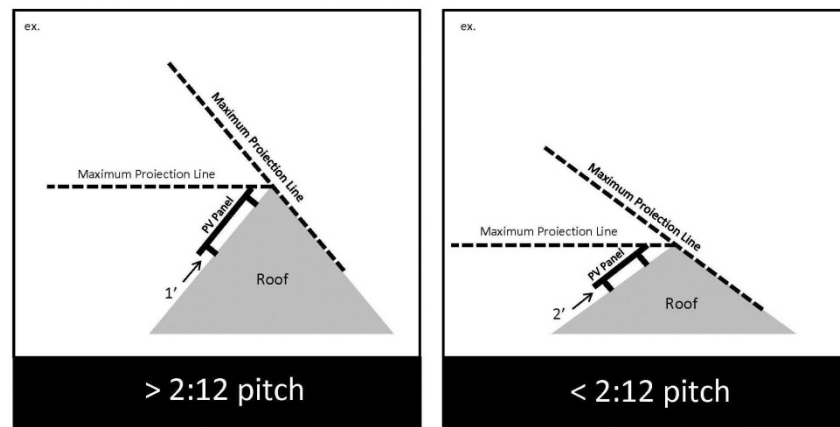
Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

to be established in a recreation area adjacent to an existing or proposed county public road, a lighting plan must be submitted and approved by the county department of transportation to ensure that no light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.

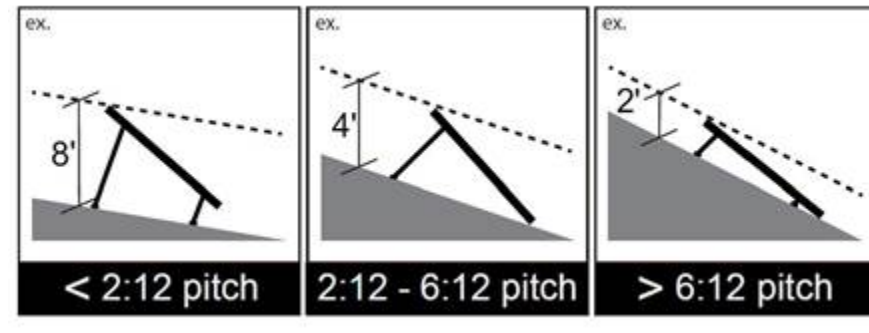
- i) No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.
- j) Parking requirements are as follows:
  - i. A minimum of one space per five residences.
  - ii. Parking spaces shall be paved and striped according to county standard 114, Parking Specifications, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

10. Solar collection devices:

- a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
- b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
- c) Roof mounted systems:
  - a. Single family and duplex dwellings:
    - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

#### F. Use Limitations

1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Director may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
2. A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way.
3. All front, side and rear yards must be planted with sod grass.
4. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
5. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
6. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.
7. No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
8. Maximum impervious surface shall not exceed 35 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 40 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the zoning division manager or his/her designee, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer (after

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

certificates of occupancy are issued): public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences. These uses shall not be allowed if an undisturbed buffer is stipulated by the board of commissioners. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

G. Bulk and Area Regulations

Minimum Lot Size:	40,000 sq. ft.
Minimum Lot Width:	100 ft.
Maximum Building Height:	35 ft.
Front Setback (arterial):	50 ft.
Front Setback (other):	50 ft.
Side Setback (major):	25 ft.
Side Setback (minor):	25 ft.
Rear Setback:	35 ft.

H. Landscape and Buffer Requirements

Not applicable in this district.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

## **50.23 A/R-80, Single Family Residential**

### **A. Purpose and Intent.**

The A/R-80 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the A/R-80 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. This district is reserved for properties located in the northern Cobb Parkway Corridor as identified in City of Acworth Resolution No. RS2015-06.

### **B. Permitted Uses.**

1. Clubs or lodges (noncommercial).
2. Cottage food operators as regulated by the Georgia Department of Agriculture in accordance with its Rules, Chapter 40-7-19, as may be amended from time to time subject to the following requirements:
  - a) There shall be no signage or other exterior evidence of the cottage food operator.
  - b) Deliveries of specialty ingredients such as herbs and spices, etc., limited to those made by the United States Postal Service or other carrier (FedEx, United Parcel Service, etc.) that routinely delivers mail/internet order products to residents.
  - c) No cottage food products prepared by the cottage food operator may be picked up by a commercial carrier.
  - d) There shall be no employees parking on the site unless approved by the Mayor and Board of Aldermen.
3. Golf courses, public and private.
4. Livestock, nondomestic and wild animals, and poultry.
5. Nonprofit (seasonal use) fishing lakes.
6. Parking for vehicles.
7. Private parks.
8. Radio, television and other communication towers and antennas, subject to section 134-273.
9. Recreation grounds other than tennis courts and golf courses.
10. Residential, agricultural, farm and wood products and livestock and poultry sales.
11. Riding stables (minimum 2 acres).
12. Single-family dwelling units (detached).
13. Temporary uses.

### **C. Temporary/Conditional Uses Allowed by the Director.**

1. Guest homes, garage apartments and servant quarters, provided:
  - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
  - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
  - c) No paying guests or tenants are housed.
  - d) No other similar use or structure is located on the lot.
  - e) The building's height and/or area do not exceed that of the principal building.
2. Home Occupations (see standards set forth in Section 74).
3. Garage Sales, provided:
  - a) Limited to 3 consecutive days and one event every 3 months.
  - b) No consignment goods may be offered for sale.
  - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
  - d) One sign per property frontage is allowed, maximum 6 square feet in size.

D. Special Uses Permitted by Board of Aldermen

1. Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:
  - a) Minimum lot size is 5 acres.
  - b) Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
  - c) All parking areas shall include a 30 foot landscaped buffer when abutting any property used for single family residential purposes.
2. Cemeteries and mausoleums, provided:
  - a) Minimum lot size is 5 acres.
  - b) A 25 foot undisturbed buffer be established around the perimeter of the use with a solid fence or wall no less than six feet in height.
  - c) All buildings must be set back at least 25 feet from the buffer.
  - d) All graves be set back 10 feet from the buffer.
  - e) No graves may be placed within any required setback.
  - f) Funeral homes and mausoleums must have 20,000 square feet dedicated solely to their use.
3. Special Event Home, provided:
  - a) Establishment must be on a minimum of a two (2) acre site.
  - b) A maximum of 3,000 square feet may be dedicated to the reception floor area.
  - c) Trash receptacles must be located in a rear or side yard and shall be screened on all sides. Garbage shall be collected only during the daytime hours of 9 am. And 5 pm.
  - d) All applicants shall comply with the City of Acworth noise Ordinance.
  - e) Such use is required to supply one (1) parking space for every three persons of capacity or per every (10) ten square feet of gross reception floor area of the facility. The parking area is not required to be paved but must be an improved surface approved by the Mayor and Board of Aldermen. Only 20 percent of the parking may be off-site.
  - f) Capacity of the Special Events Home will be limited to three hundred (300) persons.
  - g) There shall be no retail sale of food or alcohol.
  - h) The commercial operations of the facility shall not operate between 12 am. And 9 am.
  - i) The facility must be a single family home and can be mixed-use.
  - j) Facility should only be located in appropriate areas of the City and not have a negative impact on surrounding properties.
  - k) If the facility ceases to operate as a Special Events Home for a period of six (6) consecutive months, the property shall lose its approval as a Special Events Home.
4. Bed and Breakfast, provided:
  - a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
  - b) Such use must be located within a historical structure at least 50 years old which is included on the local City register. The structure shall also contain 2,000 square feet or more of gross heated floor area
  - c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
  - d) Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
  - e) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
  - f) No catering, parties, weddings or special events shall be permitted.
  - g) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by City staff. The architectural integrity of the existing interior spaces must be maintained.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- h) All bed and breakfast houses must meet all applicable health and safety codes.
- i) Maximum length of stay shall not exceed 14 days.
- j) A minimum of 1 parking space per rental room is provided in addition to those required for the resident. Parking shall be landscaped as set forth in the Acworth Tree Preservation and Replacement Standards.

E. Accessory Structures

1. Any accessory building, structure, use and deck up to 144 total gross square feet must be located at least five feet off the property line and limited to 15 feet in height subject to the development conditions list below (except for 15-foot height restriction). Any accessory building, structure, use and deck over 144 total gross square feet and up to 650 total gross square feet shall be limited to the building setbacks of the lot it is located on and is subject to the development conditions below. Any accessory building, structure, use and deck over 650 total gross square feet must be at least 100 feet from any property line and is subject to the development conditions below.
  - a) Accessory buildings, structures, uses and decks shall be subject to the following development conditions:
  - b) Maximum height is two stories or 35 feet.
  - c) Buildings or structures shall have the meaning as defined in section 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.
  - d) All accessory buildings, structures, uses and decks shall be located to the rear of the principal building, except for heating and air conditioning units or garbage pads, which may be located on the side of the primary structure and located within two feet of the primary structure.
  - e) The rear of the primary structure shall be where the main portion of the building ends without consideration of wings.
  - f) Architectural style and design are to be approved by the division manager of zoning or his designee, and are to be complimentary to the primary structure.
  - g) Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.
  - h) No accessory building, structure, use or deck shall be constructed upon a lot until construction of the principal building has commenced.
  - i) On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
  - j) If the garage, accessory building, structure, use or deck is attached to the primary structure by a breezeway it shall be located up to a maximum of 25 feet from the primary structure to which it is attached. The breezeway may be enclosed or open.
  - k) When an accessory building is intended to be habitable it shall be attached to the principal structure by a fully enclosed heated/cooled hallway and it shall comply with the yard requirements of the principal building to which it is accessory. The accessory building, structure or use shall be located up to a maximum of 25 feet from the primary structure to which it is attached.
  - l) All accessory buildings, structures and uses in excess of 650 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or zoning division manager, or their designees.
  - m) The primary structure in a residential district shall be the principle house on the lot.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

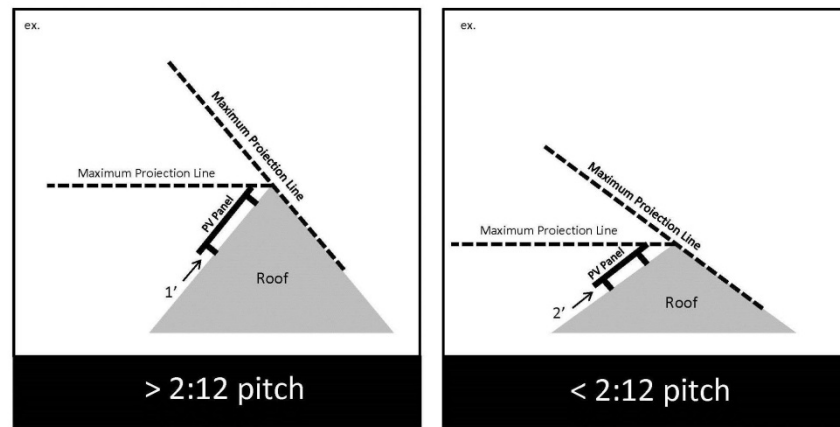
2. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
4. No accessory building shall be constructed upon a lot before the principal building.
5. No accessory structure may exceed twenty (20) feet in height.
6. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
7. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
8. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
9. Neighborhood recreation centers, amenities and swimming pools are subject to the following:
  - a) Site plans must be approved by the zoning staff to ensure compliance with all applicable laws and provisions of this chapter. The facility should be designed to include a detailed landscape plan that provides adequate screening of the facility which creates a visual and sound buffer for adjacent properties. The landscape plan shall be drawn to scale and shall include plant identification by common name. The facility shall be designed to accommodate no more than those residing within two adjoining residential developments except in those cases where a variance is obtained as in other cases.
  - b) Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.
  - c) Upon written consent of all owners of property within 100 feet of the building or structure, the setback may be reduced to 50 feet from any exterior property line of the subdivision within which the use is located. Additionally, a detailed landscape plan must be submitted to and approved by the planning and zoning staff.
  - d) The setback may be reduced to 20 feet from an interior property line of the property on which the use is located if a ten-foot landscaped buffer is provided along the property line and a six-foot solid wood or masonry fence is erected and maintained along the line so as to provide a visual and noise screen for adjacent property; provided, however, the setback after reduction shall not be less than 100 feet from an exterior property line. Such landscaped buffer shall be shown on the landscaping plan and must be approved by the planning and zoning staff.
  - e) When a property line is on a natural waterway, a property line setback may be waived provided a written waiver is obtained from both the community development department and the planning division and zoning division.
  - f) Swimming pools must comply with all applicable ordinances and must have necessary approvals from the health department and building inspections department.
  - g) Outdoor activity shall cease by 11:00 p.m.
  - h) Lighting shall be established in such a way that values or quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, the use of environmental or cutoff type fixtures only is permissible. If lighting is to be established in a recreation area adjacent to an existing or proposed county public road, a lighting plan must be submitted and approved by the county department of transportation to ensure that no light is cast upon the roadway and that no adverse impact will be created as a result of the lighting.
  - i) No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.
  - j) Parking requirements are as follows:
    - i. A minimum of one space per five residences.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

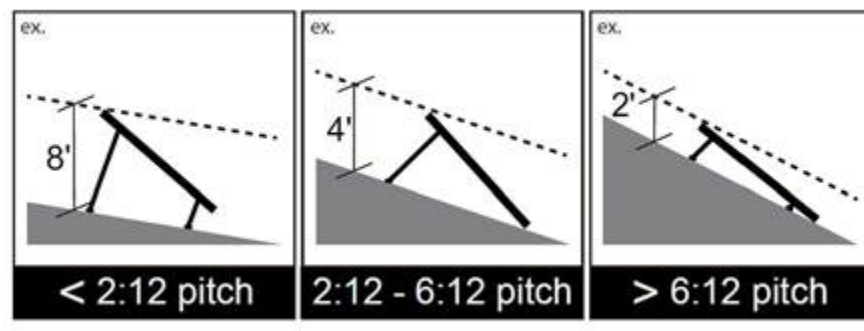
- ii. Parking spaces shall be paved and striped according to county standard 114, Parking Specifications, as it now exists or may hereafter be amended. No parking shall be allowed within a front yard setback.

10. Solar collection devices:

- a) Solar collection devices, for the purpose of this section, shall pertain to equipment utilized for providing an electric power source to a structure either in part or entirely. This section does not pertain to accent, landscape or exterior lighting devices.
- b) Solar collection devices may not be mounted to the sides or any other portion of a primary structure other than its roof.
- c) Roof mounted systems:
  - a. Single family and duplex dwellings:
    - i. No taller than one (1) foot, as measured on a vertical axis to the roof below, to which it is installed, unless the roof pitch is 2:12 or less, in such case two (2) feet is permitted. No portion of a solar collection device shall project above the maximum projection line depicted within figures below.



- b. Non-residential and residential multi-family (excluding single-family or duplex dwellings):
  - i. If < 2:12 pitch roof, no taller than eight (8) feet as measured on a vertical axis to the roof below, to which it is installed (see figure below).
  - ii. If 2:12 to 6:12 pitch, no taller than four (4) feet as measured on a vertical axis to the roofline below, to which it is installed.
  - iii. If > 6:12 pitch, no taller than two (2) feet, as measured on a vertical axis to the roofline below to which it is installed.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- c. All buildings regardless of use – roof mounted solar collection device shall not extend beyond any roof overhang nor shall it extend beyond a horizontal plane as drawn from the highest point of a roof pitch.
- d) May not be attached to a street facing roof face.
- e) If ground mounted, solar collection devices shall not exceed five (5) feet in height, must be placed to the side or rear of the primary structure and must be screened from view.

F. Use Limitations

1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Director may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
2. A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way.
3. All front, side and rear yards must be planted with sod grass.
4. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
5. No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
6. Recreational vehicles may be occupied as temporary dwellings as a temporary accessory use for no more than fourteen (14) days within any two-month period, and only if there is a permanent dwelling unit as a principal use on the lot and only if the recreational vehicle is parked in conformance with this Ordinance. No more than one (1) recreational vehicle may be so occupied on the same lot.
7. No sale of goods or products shall be permitted except if accessory to a customary home occupation, land use permit, special land use permit or special exception use.
8. Maximum impervious surface shall not exceed 35 percent. Pervious pavement system and/or green roofs are considered 60 percent effective impervious and will be calculated as such when determining maximum impervious surface. In no case shall total pavement and roof areas (pervious and impervious) exceed 40 percent. An undisturbed buffer equal to the required rear yard setback for this zoning district shall be established along the perimeter boundaries during construction until certificates of occupancy for affected lots are obtained. In the event that this undisturbed perimeter buffer conflicts with any required building setbacks, the required building setbacks may be altered by the zoning division manager or his/her designee, so to accommodate the 40-foot undisturbed perimeter buffer. The following uses shall be allowed within the undisturbed perimeter buffer (after certificates of occupancy are issued): public and private utilities, detention facilities, access drives, pools, decks, gazebos and fences. These uses shall not be allowed if an undisturbed buffer is stipulated by the board of commissioners. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

H. Bulk and Area Regulations

Minimum Lot Size: 80,000 sq. ft.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Minimum Lot Width:	75 ft./50 ft. for a cul-de-sac
Maximum Building Height:	35 ft.
Front Setback (arterial):	60 ft.
Front Setback (other):	60 ft.
Side Setback (major):	25 ft.
Side Setback (minor):	25 ft.
Rear Setback:	50 ft.

I. Landscape and Buffer Requirements

Not applicable in this district.

**ARTICLE VI SUPPLEMENTARY DISTRICT REGULATIONS****SECTION 60 Sidewalk Requirements**

**60.1** . All owners, developers, or occupiers of parcels of land where a development permit or building permit is issued shall be required to provide a sidewalk adjacent to any public street along the entire lot frontage. Pedestrian pathways and sidewalks shall provide safe, all-weather, efficient, and aesthetically pleasing means of inter- and intra-site movement and shall be an integral part of the overall site design concept. Pedestrian pathway connections to parking areas, buildings, other amenities and between on-site and perimeter pedestrian systems shall be planned and installed unless otherwise excepted.

**60.2.** All paths and sidewalks shall be a minimum of five (5) feet wide and paved. A minimum six (6) foot wide landscape strip should separate paths and sidewalks from the edge of pavement or curbs along public roadways. The landscape strip should be planted with canopy trees spaced a minimum of twenty five (25) feet on center at a rate of one (1) tree for every twenty (25) linear feet of lot frontage. Where a practical difficulty has been identified, the sidewalk shall be installed no closer to the edge of the road or the back of the curb than two (2) feet unless authorized by the Mayor and Board of Aldermen. This requirement is waived for one- or two-family dwellings to be constructed on lots in existing subdivisions planned and developed without sidewalks. The requirement for sidewalk installation may be satisfied if the city holds a valid financial guarantee for the future installation of the sidewalks. Sidewalks or other pedestrian ways approved by the Board of Aldermen in conjunction with a subdivision shall be installed in accordance with the provisions of this Ordinance.

**60.3.** No certificate of occupancy shall be issued for any new building construction, new parking lot, or other permanent open-air use unless sidewalks meeting the requirements of this section are included on the site plan. Sidewalk installation may be delayed for a period not to exceed six months, provided that a financial guarantee is posted with the City. Acceptable guarantees include an irrevocable letter of credit, certified check, performance bond, or other guarantee acceptable to the City Attorney. Such guarantees shall be equal to one hundred twenty-five (125%) percent of the cost of the materials and installation and shall be accompanied by a written assurance that sidewalk installation will be completed to the satisfaction of the City within a specified period not to exceed six (6) months from the date the certificate of occupancy is issued.

**60.4.** In such instances that sidewalks can not be installed along public rights of way that are owned by governmental entities other than the City, or when the installation is impracticable due to severe topography changes, the developer may request donation of new sidewalks with the equivalent lineal length on either another section of the development site or on other acceptable public property. The Zoning Administrator shall make the determination of the location.

**60.5.** For any land or building development where sidewalks are required as outlined above and there is an existing sidewalk along the road or street frontage, an inspection of the sidewalk shall be made by the Zoning Administrator or designated agent. If the inspection shows the sidewalk is deficient or does not exist along the entire frontage, the owner must construct or repair the sidewalk as required by the Zoning Administrator.

**SECTION 61 Buildings****61.1 Temporary buildings**

Temporary buildings and trailers shall not be allowed in any district except when utilized for construction site contracting work. Requests to utilize a temporary building pending completion of a permanent building may be granted by the Board of Aldermen for a period not to exceed one year. Utility hookups to

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

temporary buildings must be screened from view through fencing or landscaping subject to the discretion of the Administrator. Temporary structures associated with seasonal sales at an individual lot may be approved by the Administrator once per calendar year for a period no longer than 45 consecutive days, subject to concurrence by the Fire Marshall and Public Works Director.

### **61.2 Requirements for moving a building**

No dwelling unit or other permanent structure shall be moved within or into the City unless it is first approved by the Administrator who shall verify that it meets all the zoning standards of the district in which the structure will be located. The Public Works Director shall represent the City in all manners pertaining to the actual relocation of the structure.

## **SECTION 62 Fences and Walls**

**62.1** In all cases a finished side shall be to the exterior.

**62.2** No fence or free standing wall in a required yard other than a retaining wall shall be more than 8 feet in height, or be constructed within 2 feet of a public right-of-way. Fences located within the established front setback of residential property shall not exceed 4 feet in height. When this article requires a fence to be constructed, such fence shall be completed prior to occupancy of the primary use structure.

**62.3** A fence equipped with or having barbed wire, spikes, or similar device, or electric charge shall not contain said devices within 6 feet of the ground level.

**62.4** All swimming pools shall be enclosed by a fence having a height of not less than 5 feet with a self-closing, self-latching gate unless otherwise approved by the Administrator.

**62.5** All fences shall be maintained and corrected of any defects including damage, missing portions, or other defects deemed a nuisance.

**62.6** Any retaining wall constructed on a property that is four (4) feet in height or higher shall incorporate at the top of said wall, a fence no less than thirty-six (36) inches in height topped with a safety rail.

## **SECTION 63 Buffers**

Buffer areas required by this article shall be established and maintained by the property owner and must:

**63.1** Be landscaped and maintained as a planted area with trees, shrubs, flowers, grass, stone, rocks, and other landscaping materials.

**63.2** Not be used for parking or contain any structure other than a fence or drainage improvement required by the City. Access through a buffer is allowed provided it is perpendicular to the buffer only and is designed so as to cause the least amount of intrusion possible. Bicycle and/or pedestrian paths and greenways are excluded from these restrictions.

**63.3** Utilize and preserve the natural topography and growth of the land except that which is necessary to prevent a nuisance, or to thin such natural growth where too dense for normal growth, or to remove diseased or dangerous vegetation. Up to 40% of the required buffer may be cleared for utilization as a slope easement where required to prevent soil erosion subject to the approval of the Administrator who shall determine the minimum area necessary for said easement and the replanting schedule to be followed upon completion of the improvements.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

**63.4** Include a solid fence or wall no less than six feet in height if vegetative materials do not provide continuous visual screening. All required fencing shall be installed prior to issuance of the certificate of occupancy. See City of Acworth Tree Preservation and Replacement Ordinance (Tree protection and Landscaping) for a listing of additional requirements pertaining to species and location requirements.

**63.5** Any grading, improvements or construction adjacent thereto shall be conducted far enough from the buffer area so as not to disturb or encroach upon the buffer area.

**63.6** Buffer area shall not be counted in addition to the setback requirement.

**63.7** Buffers need not be established in those instances in which a street separates zoning districts. However, landscaping requirements shall apply (Acworth Tree Preservation and Replacement Ordinance)

#### **SECTION 64 Fire Safety Requirements**

Accessibility for fire equipment on hard surfaced sub-base (subgrade plus an asphalt first layer or bound crushed stone) shall be maintained through all stages of construction from the time framing begins. Minimum width of private access driveways within a development, excluding parking, shall be 20 feet and the minimum turning radius shall be 35 feet. Fire hydrants and water service shall be installed to within 300 feet of units under construction before proceeding with framing.

#### **SECTION 65 Outside Storage**

Exterior storage yards (excluding vehicles for sale or lease) shall not be permitted in any districts except the C-1, C-2, LI and HI districts. Exterior storage yards shall be enclosed by an opaque fence not less than six feet in height (except where otherwise stated and approved by the administrator) to provide visual screening. Such use shall not be located along an arterial roadway and is subject to the following:

**65.1** The regulations of the applicable zoning district.

**65.2** No open storage of wrecked or non-operative automobiles and trucks.

**65.3** No parts or waste materials shall be stored outside any building.

#### **SECTION 66 Bulk Sanitation Containers, Portable Storage Units, Temporary Bulk Waste Containers, Donation Bins and Recycling Containers**

**66.1** Bulk sanitation containers shall not be located within a detached single family district. They are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right of way. The containers shall be fully enclosed, with the exception of the gates or opening. The enclosure shall be constructed with the same materials of the primary building. The enclosures shall have a roof structure.

**66.2** Said enclosures shall be located no closer than three (3) feet to any property line and shall not encroach into a protected buffer area. No bulk container shall be located within 50 feet of a structure utilized for detached single family residential purposes. The Administrator may provide for an exemption from this requirement when conditions cannot be met. In such cases, the property owner or tenant may submit a plan for the Director's approval. Such plan may include provision for an alternative container utilizing appropriate screening such as a nontransparent fence not less than 6 feet in height with a gate which will open in full to allow service. The bulk container shall be stored within the enclosure at all times unless in the process of disposal.

**66.3** Condition and Maintenance All portable storage containers and roll-off trash containers shall be delivered and maintained in good condition, free from rodents, insects, graffiti, vulgar and/or

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

pornographic words or pictures. It shall be the responsibility of the property owner or occupant and the supplying company to maintain the portable storage containers or roll-off trash containers in accordance with the provisions of this section.

#### **66.4** Placement and Duration of Use

- a) TEMPORARY On all property zoned or used for residential, commercial, or industrial purposes, storage containers or roll-off trash containers may remain in use only so long as a valid building or trade permit is in place for the property on which the container is placed. No separate permit is required so long as the use is indicated on the approved site plan or building permit for the project. When no building permit is in effect, a roll-off container may not be placed on a lot for more than thirty (30) days unless authorized in writing by the Director of Planning or his designee. In residentially zoned areas, the container must be placed on the driveway or other approved pavement, and may not extend into the public right-of-way. Should existing site conditions not allow for the placement of a portable storage container in full compliance with these provisions, exceptions may be considered and written approval granted on a case by case basis by the Director of Planning or his designee, after consultation with the Public Works Director and the Fire Marshall.
- b) SEASONAL Metal storage containers may be temporarily located on property that is zoned for commercial or industrial use for no more than three (3) months within the same calendar year, provided that a building permit is issued for each such container. Containers cannot be vertically stacked, and shall not be placed in front of the principle structure, but must be located at the side or rear of the structure to minimize any visual impact from abutting streets. As a temporary use, they may occupy no more than ten percent of the required parking for the on-site principal use.
- c) PERMANENT Storage containers may be permanently located on property zoned or used for industrial purposes provided that a building permit is issued for the container, which must be properly anchored or tied down to resist lateral movement or overturning. If over 400 square feet, containers must be placed on a permanent foundation. Containers may not be permanently located in areas that are zoned commercial. Containers may not be placed in front of the principle structure, must observe all required setbacks, and may not be placed within any right-of-way, utility easement, or required landscape area. In industrial areas, such containers are exempt from being required to be clad in masonry material, but must be located at the side or rear of the lot, and painted in a muted color that complements the principle structure on the lot. If the lot is not already screened from abutting residential uses, opaque screening must be installed to at least screen the container from abutting residential use. Signs relating to the on-site business may not be permanently or temporarily attached to any container that will be permanently located on a site.
- d) RESIDENTIAL In areas which are residentially zoned, when no building or trade permit is in effect for the property, a portable storage container may be placed on the driveway or other approved pavement for a period not to exceed 30 days, provided that the container is not located within any public right-of-way and does not block any public sidewalk. The Director, or his designee, may grant one 30 day extension, for good cause, when requested in writing. A container may not be placed on the same property more than three non-consecutive times in a one-year



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

period. Failure to remove a container after the initial 30 day period, unless extended, may result in citations issued by the City for failure to comply with this section. Such containers may not be permanently located in areas that are residentially zoned.

- e) NON-CONFORMING USES Any container addressed in this ordinance in existence as of the effective date of this ordinance which is in violation hereof shall be deemed a nonconforming use. Such non-conforming uses shall not in any manner be enlarged, extended, or altered except that such uses may be changed so as to comply with the provisions of this ordinance.

#### **66.5** Donation bins:

a) Must be owned and operated by a registered not-for-profit charity. Upon making application with the City of Acworth, the applicant shall provide documentation as such.

b) Shall be permitted only as an accessory use to the principal use on an established lot of record. Bins shall be located to the side or rear of the primary structure only. No bin may be placed on a property where there is not a primary structure.

c) Shall not be located in any residential district. When located in commercial business districts, there shall not be more than two (2) bins on properties less than one (1) and no more than four (4) bins on properties greater than one (1) acre. Designated recycling collection centers, as determined by the Administrator, shall be exempt from this regulation.

d) The individual placing the bin shall disclose to the City the intended recipient of collected items and the percentage of funds collected or goods collected which will be paid or given to a charitable organization.

e) The individual placing the bin shall submit to the City written permission of the property owner or authorized representative consenting to the placement and maintenance of the donation bin.

f) The individual placing the bin shall keep the area around the bin free of litter, remove any graffiti from the bin within 48 hours of discovery and shall maintain the bin painted or otherwise unrusted and undented and in good repair.

g) The location of the bin(s) shall not reduce the minimum parking requirements or be placed within the landscaped areas of the hosting lot.

h) The bin(s) shall not exceed a capacity of 512 cubic feet.

i) The bin(s) must be cleared of contents at least once per week.

j) All bins must be safely designed in a manner that prevents the tipping over and prevents children from entering the bin.

k) Each bin must bear the name and contact telephone number of the owner as well as all charitable organizations which benefit from the collected materials.

k) If a bin is placed on property without first obtaining proper permits from the City, the owner

of the bin(s) shall be notified to bring the bin into compliance. If the bin(s) are not brought within compliance, the City may have the bin(s) removed at the bin owner's expense. The bin(s) shall be held for a period of no more than 30 days at which, if not claimed, shall be disposed of. The bin owner shall be responsible for any and all fees associated with the removal, storage and disposal of the violating bin(s) and/or materials surrounding the bin(s) left on-site.

## **SECTION 67            Lots**

### **67.1    Erection of more than one principal structure on a lot**

In all districts, other than properties located in Central Business District, no more than one structure housing a permitted principal use may be erected on a single lot unless the Zoning Administrator has certified that all lot standards of the zoning district are met for each structure as though it were on an individual lot.

### **67.2    Projections into yards**

- A. An open unenclosed porch or hard surfaced terrace, steps, stoops, and similar fixtures of a building may project into a required setback no more than 50% of that established by the zoning district.
- B. Fences, walls and hedges over 3 feet in height may not be established within 15 feet of a right of way intersection unless approved by the Public Works Director. In residential districts fences in front yards are restricted to 4 feet in height.

### **67.3    Substandard lots of record**

No substandard lot of record may be developed without approval by the Board of Aldermen or, if applicable, permission of the Administrator.

### **67.4    Corner lots**

Corner lots which adjoin two or more public streets shall provide the required front setback along that street upon which the structure faces provided said frontage's length is at least 75% that of the longest frontage. The required major side setback shall be provided on all other street frontages not deemed the front setback. All corner visibility regulations shall be met.

### **67.5    Double frontage lots**

Lots which adjoin a public street in the front and rear shall provide the minimum required front yard on each street, except where such lot adjoins a limited access facility which provides no access to the lot.

## **SECTION 68            Disabled Vehicle Lots**

### **68.1    PURPOSE**

The City deems it necessary and desirable in the interest of public health, safety, and welfare to enact an ordinance for the purpose of screening disabled vehicles parked or stored at a business which is permitted under the zoning ordinance to have stored disabled vehicles.

### **68.2    INTENT:**

The intent of this ordinance is to:

- A. Prevent disabled vehicles from being visible from all public roads and surrounding properties.
- B. Provide standards for the screening of disabled vehicles.

**68.3 DEFINITION**

For purposes of this section, vehicles in a disabled or *junk* condition shall include but not be limited to any automobile, vehicle, trailer of any kind or type, or contrivance or part thereof, the condition of which is one or more of the following:

- A. Wrecked
- B. Dismantled
- C. Partially dismantled
- D. Inoperative
- E. Abandoned
- F. Discarded
- G. One which does not have a valid license plate attached thereto.

**68.4 STANDARDS**

All owners of disabled vehicle lots, shall abide by the following screening standards:

- A. Owner or operator shall erect a six (6) to eight (8) foot high privacy fence. Fencing shall be flush to the ground;
- B. Fence shall be composed of a type of opaque material. Examples of opaque fencing shall include, but not be limited to a masonry-type product such as brick, vinyl, and pressure treated wood.
- C. Chain link fencing shall be allowed only when there is an opaque covering and additional trees are planted along the frontage of the fence. Trees shall consist of a hardwood species, shall have a minimum two (2) inch caliper and shall be spaced in two staggered rows with ten feet separation between the trees in each row. Additional vegetative cover on the fence such as planted ivy and shrubbery is encouraged.
- D. Fence shall be constructed so that it shall be entirely opaque.
- E. The fence shall be constructed so that no opening shall interfere with or obstruct traffic on a public road.
- F. Opaque fencing shall be maintained at all times, at the owner's expense.
- G. Under no circumstances shall barbwire be visible from a public road or from surrounding properties, if it is coiled.
- H. Vehicles shall not be stacked so as to be seen over the fencing.
- I. No individual vehicle shall be parked in the storage areas for a period of more than 4 weeks. Any individual vehicle parked longer than 4 weeks shall be considered in violation of the Zoning Ordinance, unless the business is approved to specifically be a storage or junk yard.

**68.5 EXCEPTIONS**

In cases where the Disabled Vehicle Lot is directly adjacent to undeveloped US. Army Corps of Engineers owned property, there shall be no fencing requirement on the contiguous property line(s).

**68.6. REVIEW BY STAFF**

The installed fence shall be reviewed and approved by the City's Code Compliance Officer. Once approved, the Code Compliance Officer shall send a letter of compliance to the owner of the disabled vehicle or disabled vehicle lot.

**68.7. TIMEFRAME**

Owners of existing disabled vehicle lots shall have twelve months from the adoption this ordinance to comply with these regulations.

**68.8. VIOLATION**

Owners who do not comply with this ordinance shall be considered to be operating in violation of the Zoning Ordinance, and shall be subject to any and all penalties listed in Section 97 of the Zoning Ordinance.

**SECTION 69 Site Plan Approval and General Standards****69.1 Site Plans**

Commercial developments and some residential developments such as apartment complexes require Site Plan approval by the Mayor and Board of Aldermen. Accompanying the site plan shall be conceptual architectural building façade elevations showing proposed materials, height, and colors. The approval here is of the site plan, not the particular use. All decisions should be based on site information only. In order to meet the standards of this ordinance, an application may be approved, denied, or approved with conditions. Note: these standards do not supersede any other development requirements including, but not limited to, soil erosion approval, engineering review and detention requirements, subdivision platting review, and building plan review.

The following information is required for site plan review. (A site plan should be provided at a scale not smaller than one hundred (100) feet to the inch for Board review). Site plans must be submitted in a digital form using either an AutoCAD designation (.dwg), Portable Documents Format (PDF), or similarly accepted standard. Site plans are necessary for any change of use, new construction, or exterior alteration requiring a building permit of any building whether or not Board review is required. The information required below for site plan review should also be the information required for a request for Special Land Use Permit (Section 70 and 110) of the Board of Aldermen, in addition to any information required by this ordinance.

1. The legal description of the parcel(s) for which the approval is sought.
2. A map(s) of the subject property should provide the following data and information:
  - a. All certifications and dedications appropriately indicated;
  - b. Boundaries of site;
  - c. Municipal boundary lines, section lines, parks, public green spaces or permanent easements which are related to this property and are able to indicate the location of this property;
  - d. The location, width and names of existing or previously platted streets, railroads and utilities rights-of-way, and easements;
  - e. Total acreage or square footage;
  - f. The location, grades and sizes of utilities (water, manholes, sanitary sewer, storm drainage, and power), and the dimension and location of easements;
  - g. Previous topography and proposed profiles of site;
  - h. 100 yr. Floodplain, Wetlands and State Waters information. Including all necessary buffers.
  - i. Zoning information, including district the property is in, setbacks, lot size, density, greenspace/openspace, etc.
3. Regarding the proposed use of each parcel:
  - a. The size, arrangement and orientation of all buildings proposed to be used for dwelling purposes or any other purpose as indicated.
  - b. The location, height, configuration, and material of all walls, fences, or other structures proposed, including dumpsters.
  - c. The location, size and dimensions of all existing or proposed driveways entrances, exits, traffic-circulation patterns, acceleration and deceleration lanes; and the relationship to the site on which the property is located.
  - d. Landscape plan showing all existing and proposed plantings.
4. Any applicable covenants or restrictions.
5. Site plan decisions should be based on the following standards:

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- e. The effect of the proposed activity on traffic flow along adjoining streets. Will it adversely impact flow on adjoining streets?
  - f. The location of off-street parking facilities. Are parking facilities adequate and properly located to serve the use and not impact surrounding properties?
  - g. The number, size and type of signs proposed for the site (as per the requirements of the City of Acworth Sign Ordinance).
  - h. The amount and location of green space. Is green space adequate to preserve the character of the area and to reduce environment impacts?
  - i. Protective screening. Is screening adequate to protect the adjacent uses from any negative impacts of this use?
  - j. Outdoor lighting.
  - k. Ingress and egress to the property. Does it reduce negative impacts and/or does it enhance safety?
6. Once all City standards have been found to be in compliance, the development may be issued a Land Disturbance permit by the Public Works Department. If a permit has not been obtained within 12 months of an approved plan, said approval shall be deemed void and the project shall be resubmitted and reviewed by City staff under the most current regulations. If a permit has been issued and a development remains for more than six months with no activity, the permit shall be revoked and will require to be resubmitted for review by City staff under the most current regulations.

### **69.2 Density calculations**

Residential density standards determining the number of families, individuals, dwelling units or housing structures per unit of land shall be calculated from all the land within the boundaries of the area including floodplain areas and standing bodies of water unless otherwise stated in this ordinance.

### **69.3 Height requirements exceptions**

In all but single family residential districts, height limitations stated in this article shall not apply to:

1. Farm structures, belfries, cupolas and domes, monuments, chimneys and smokestacks;
2. Bulkheads, elevator penthouses, water tanks and heating and air conditioning units, provided that such structures shall not cover more than 25 percent of the total roof area of the building on which such structures are located.

### **69.4 General Development Standards**

All new developments shall adhere to the common development conditions and stipulations as listed below, unless expressly waived by the Mayor and Board of Aldermen.

#### **A. Commercial and Industrial Development Standards (including : C-1, C-2, OIT, LRO, OP, LI, HI, MU):**

1. Prior to approval, all site developments that qualify under the State Developments of Regional Impact (DRI) thresholds shall be reviewed by the Atlanta Regional Commission and Georgia Regional Transportation Authority.
2. All developments must be reviewed in accordance to the site plan requirements listed in Section 69.1. For rezonings, unless otherwise approved, the submitted plan shall be considered the conceptual plan and shall allow the applicant to proceed with the development plans once approved.
3. All developments requiring a subdivision or combination of land must be reviewed in accordance to the City of Acworth Subdivision regulations. For rezonings, unless otherwise approved, the submitted subdivision plan shall be considered the conceptual plan (Preliminary Plat) and shall allow the applicant to proceed with the development plans once

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- approved. The Planning Commission shall review all Preliminary Plats for subdivisions of 5 units or greater and shall make a recommendation to the Mayor and Board of Aldermen.
4. Any final plat shall list all stipulations and shall be approved by the Mayor and Board.
  5. All developments shall be required to submit full construction plans (a/k/a development plans) and a hydrology report to the City's engineering consultant. For sites that contain multiple users, a master development plan shall be required for all clearing and grading, soil erosion control, development infrastructure, and storm water control. Full details shall be shown for master storm water detention/retention, if applicable. The applicant shall investigate alternative means of storm water detention that shall meet the State's Best Management Practices.
  6. Any retention or detention ponds where staff finds there to be a potential threat to the health, safety, and welfare shall be fenced. An example of a potential threat shall be a slope in excess of 2 to 1 or greater or where pond depth is six (6) feet or greater.
  7. Landscaping shall be planted around the fence perimeter (with a minimum of a row of six (6) foot tall evergreen trees such as Leyland Cypress), with exception of the entryway for maintenance of the pond. Fencing shall be, at a minimum, chain link with black vinyl coating (or similar approved by staff). Applicant shall have the option to install a pressure treated wood or cedar screen fence in place of the black coated fence. Should the applicant decide to make the retention pond as a water quality amenity, staff shall have the flexibility to alter the fencing requirements.
  8. Complete Grading Plans showing the extent of retaining walls, buffers, screen walls, etc. along the side and rear shall be made available for review and approved by staff prior to land disturbing activities.
  9. Should any State waters be identified on the property, the development shall not encroach within the 75-ft stream buffer except where approved to be piped or where roads are necessary and approved for access.
  10. Any stream crossings shall require review and approval from the Mayor and Board of Aldermen.
  11. All developments shall submit a landscape plan during the Development Plan Review process, including the following:
    - a. The plan shall comply with requirements of the City of Acworth's Tree Preservation & Replacement Ordinance.
    - b. The applicant shall take extraordinary measures in identifying and saving specimen trees (trees larger than 16 inches in caliper) on the site (where practical). The specimen trees shall be marked on the landscape plan. Trees that are proposed to be saved, shall be appropriately cordoned off with orange (or similar) tree save fencing, prior to any land disturbing activity.
    - c. All vegetation that is planted at the site shall be of a species native to this area of Georgia, unless approved otherwise by staff.
    - d. All disturbed common areas will be landscaped and sodded (with Bermuda sod or similar approved by staff) and will be maintained by the owner(s). Certain areas where there are grades of 2/1 shall be allowed to be hydroseeded with the approval of the city staff.
  12. Signage shall be consistent with provisions of the City of Acworth's Sign Ordinance. A separate sign application approved by staff is required.
  13. Where physically possible and where the adjacent owners have the ability to make a connection, there shall be a vehicular and pedestrian connection to any adjacent commercial parcels.
  14. Planned shopping centers, as defined, are considered single developments and shall be permitted under one development plan (individual buildings, however, may require separate building permits). Internal roadways shall be shared between the users. Shopping center developers shall be required to grant access easements to users who do not have road

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- frontage. Out parcels shall meet the minimum lot requirements for that district and shall be brought before the Board of Aldermen for site plan approval as separate applications.
15. Public water and sewer shall serve the site, unless approved otherwise by staff and the Cobb County Water and Sewer Department and/or Cobb Environmental Health.
  16. Outdoor displays for seasonal promotions will be allowed only as permitted by ordinance (see individual districts).
  17. Developments shall meet Georgia/Cobb/Acworth Department of Transportation (DOT) requirements (in whichever jurisdiction it is in). In all cases, these plans shall be reviewed by City staff. City staff and DOT shall review and approve the final location of curb cuts and installation of acceleration/deceleration lanes.
  18. During the site plan review process, the Mayor and Board of Aldermen shall approve the architectural design of any proposed project. This review shall require color elevations of all building sides. Building façade (front, sides, and rear) materials shall be composed primarily (60% or greater) of masonry (brick, stone, or architectural split faced block only) with accents of hard-coat stucco (EIFS), glass, fabric (for awnings only), and metal (only for awnings, window frames and accent molding details) and wood (window frames and accent molding details only). Any alternative designs, including but not limited to metal, wood, basic cinder block materials, shall be reviewed and approved by the Mayor and Board of Aldermen, with a recommendation by the Planning Commission.
  19. A lighting plan shall be submitted for approval by staff. The lighting plan shall allow for:
    - a. The parking lot lights shall be directed downward on the parking lot.
    - b. The parking lot light poles shall not exceed 40 feet in height.
    - c. No lighting shall project into the buffer areas or spillover to adjacent property.
    - d. There shall be no flashing sign components.
  20. Per Section 60, the applicant shall provide a handicap accessible sidewalk along the frontage. The exact location shall be determined at the site plan review process. Where applicable, the final site plan shall show the sidewalk connections to any outparcels, from the main shopping center (and/or office/industrial center).
  21. The property shall at all times, regardless of occupancy, be maintained to City standards including:
    - a. The parking lot and sidewalks shall be kept in proper working order without significant cracking. Potholes and indentions shall be corrected within sixty (60) days. All traffic markings shall clearly marked and repainted, if necessary.
    - b. All traffic control devices such as stop signs shall be in proper working order. Any defacing shall be corrected within thirty (30) days.
    - c. The lawn and landscaping shall be maintained and overgrowth shall be controlled and/or removed.
    - d. The exterior of the building shall be weatherproofed and maintained in such a fashion as to keep its original appearance. Any defacing of the building shall be corrected within thirty (30) days.
    - e. The stormwater facilities shall be kept in proper working order. It shall be regularly cleaned and vegetation around the facilities shall be pruned and maintained
    - f. Signage shall be kept in proper working order without significant cracking. Any defacing shall be corrected within thirty (30) working days.
    - g. The owner(s) of existing buildings and/or parking areas shall maintain lighting at all commercial, office and industrial sites. For security purposes, the existing parking lot light poles and exterior building lights shall remain in operable condition. Any lights not in operable condition shall be corrected within fifteen (15) working days.
  22. The owner/applicant shall submit a performance bond (or security bond, cash, irrevocable letter of credit) to the City of Acworth in order to insure completion of development of the

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- soil and erosion infrastructure of the proposed development. A maintenance bond shall be submitted for the City for the dedication of roadways or other infrastructure.
23. All rooftop units shall be screened, where they can be seen from anywhere on the site. As part of the building plan review, applicants shall submit plans indicating the height of the parapet walls in relation to the height of the rooftop units. The rooftop units shall be as tall or shorter the height of the parapet wall.
  24. Per Section 66, all dumpsters shall be located in the rear and shall have a roof or the dumpsters shall meet other acceptable means of storm water distribution, as approved by staff and allowed by the City Zoning Ordinance.
  25. Dumpster enclosures shall be gated (with a solid wood or metal gate- Chain link is not permissible) and shall be composed of similar materials of the main buildings.
  26. It shall be the property owner's responsibility to maintain the landscape area located within the right-of-way of their lot, including but not limited to cutting of grass.
  27. The development shall meet all City of Acworth Codes and the provisions of the Zoning Ordinance and Subdivision Regulations unless specifically approved otherwise by the Mayor and Board of Aldermen.

**B. Residential Development Standards (including R-1, R-2, R-3, R-5, RM-6, RM-8, RC, SLC, MU):**

1. Prior to approval, all site developments that qualify under the State Developments of Regional Impact (DRI) thresholds shall be reviewed by the Atlanta Regional Commission and Georgia Regional Transportation Authority.
2. All developments (with exception of individual single family lots) must be reviewed in accordance to the site plan requirements listed in Section 69.1. For rezonings, unless otherwise approved, the submitted plan shall be considered the conceptual plan and shall allow the applicant to proceed with the development plans once approved.
3. All developments requiring a subdivision or combination of land must be reviewed in accordance to the City of Acworth Subdivision Regulations. For rezonings, unless otherwise approved, the submitted subdivision plan shall be considered the conceptual plan (preliminary plat) and shall allow the applicant to proceed with the development plans once approved. The Planning Commission shall review all Preliminary Plats for subdivisions of 5 units or greater and shall make a recommendation to the Mayor and Board of Aldermen.
4. All developments shall be required to submit full construction plans and a hydrology report to the City's engineering consultant. For sites that contain multiple phases, a master development plan shall be required for all clearing and grading, soil erosion control, development infrastructure, and storm water control. Full details shall be shown for master storm water detention/retention, if applicable. The applicant shall investigate alternative means of storm water detention that shall meet the State's Best Management Practices.
5. Any retention or detention ponds where staff finds there to be a potential threat to the health, safety, and welfare shall be fenced. An example of a potential threat shall be a slope in excess of 2 to 1 or greater or where pond depth is six (6) feet or greater.
6. Landscaping shall be planted around the fence perimeter (with a minimum of a row of six (6) foot tall evergreen trees such as Leyland Cypress), with exception of the entryway for maintenance of the pond. Fencing shall be, at a minimum, chain link with black vinyl coating (or similar approved by staff). Applicant shall have the option to install a pressure treated wood or cedar screen fence in place of the black coated fence. Should the applicant decide to make the retention pond as a water quality amenity, staff shall have the flexibility to alter the fencing requirements.
7. Complete Grading Plans showing the extent of retaining walls, buffers, screen walls, etc. along the side and rear shall be made available for review and approved by staff prior to land disturbing activities.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

8. Where physically possible and where the adjacent owners have the ability to make a connection, there shall be a vehicular and pedestrian connection to any adjacent parcels.
9. Developments shall meet Georgia/Cobb/Acworth Department of Transportation (DOT) requirements (in whichever jurisdiction it is in). In all cases, these plans shall be reviewed by City staff. City staff and DOT shall review and approve the final location of curb cuts and installation of acceleration/deceleration lanes.
10. House plans, elevations and house materials shall be in character to those shown to the Mayor and Board of Aldermen at the respective meetings. All clubhouses (or similar commonly owned meeting areas) shall be reviewed in accordance to the commercial standards above (where applicable).
11. Garages shall be provided (attached or detached). Single car garages shall be a minimum of 11' x 25' and double car garages shall be a minimum of 21' x 23'. All measurements shall be clear internal measurements (exclusive of water heater or other mechanical equipment). Homes located in a designated historic district shall be exempt from the requirement to have a garage.
12. The site shall meet the minimum sidewalk standards listed in Section 60.
13. All new subdivisions (or condominium/townhome/cottage developments) over five units shall establish a mandatory homeowners association, which shall include architectural control oversight provisions. The Declaration of Covenants, Conditions and Restrictions, which shall include an architectural control committee and design standards, shall be submitted to the City for its review and approval. The homeowners association shall be responsible for the maintenance of any stormwater detention/retention, fencing, playground areas, private roads, or general green space areas. There shall be a 10 foot access easement for the maintenance of fencing and 20 foot access for stormwater detention/retention.
14. Antennas for amateur radio stations licensed by the Federal Communications Commission will not be prohibited by Declaration of Covenants, Conditions and Restrictions or homeowner's association and the installation of such antennas must be reasonably accommodated.
15. All developments shall submit a landscape plan during the Preliminary Plan Review process, including the following:
  - a. The plan shall comply with requirements of the City of Acworth's Tree Preservation & Replacement Ordinance.
  - b. The applicant shall take extraordinary measures in identifying and saving specimen trees (trees larger than 16 inches in caliper) on the site (where practical). The specimen trees shall be marked on the landscape plan. Trees that are proposed to be saved, shall be appropriately cordoned off with orange (or similar) tree save fencing, prior to any land disturbing activity.
  - c. All vegetation that is planted at the site shall be of a species native to this area of Georgia, unless approved by staff.
  - d. All disturbed common areas will be landscaped and sodded (with Bermuda sod or similar approved by staff) and will be maintained by the mandatory homeowners association. Certain areas where there are grades of 2/1 shall be allowed to be hydroseeded with the approval of the city staff.
  - e. Signage shall be ground based, monument style and consistent with provisions of the City of Acworth's Sign Ordinance and incorporated into the landscape plan.
  - f. Decorative lantern-style street lighting will be installed throughout the subdivision along the major streets and incorporated into the landscape plan.
  - g. All lots shall be sodded (with Bermuda sod or similar approved by staff) front, rear and side yards.
  - h. For single family detached subdivisions (and for individually permitted residential lots), a minimum of three hardwood shade trees planted on each lot with at least a 2-inch caliper diameter as measured 6 inches above ground level. A minimum of two trees shall be placed in the front yard of each lot.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- i. For multifamily developments and subdivisions (including condominiums, apartments, duplexes, triplexes, townhomes, cottages, etc), a minimum of three hardwood shade trees planted on each lot with at least a 2-inch caliper diameter as measured 6 inches above ground level.
  - j. For single family and mixed residential developments with five units or more, applicants shall provide some type of amenity or park area including the installation of a playground (with a minimum of a swingset, slide, and benches) and other amenities such as a picnic shelter, gazebo, amphitheater or walking trails.
  - k. For multifamily developments and subdivisions, applicants must submit greenspace plans as required in the RC, RM-6, RM-8, MU and SLC districts.
  - l. Incorporating into the landscape plan landscaping details concerning any amenity or park areas and green space areas. These details shall include decorative fencing for a playground area, detention facilities, green space and creek bank buffers (75 feet from the top of either side of the creek which traverses the subject property).
16. Should any State waters be identified on the property, the development shall not encroach within the 75-ft stream buffer except where approved to be piped or where roads are necessary and approved for access.
  17. Any stream crossings shall require review and approval from the Mayor and Board of Aldermen.
  18. No lots or structures shall be located in any stream bank buffers, wetlands or within the 100-year flood plain. Further, elevation certificates shall be provided for all lots, if any, abutting the 100-year flood plan prior to issuance of building permits for those lots.
  19. The owner/applicant shall submit a performance bond (or security bond, cash, irrevocable letter of credit) to the City of Acworth in order to insure completion of development of the soil and erosion infrastructure of the proposed development. A maintenance bond shall be submitted for the City for the dedication of roadways or other infrastructure.
  20. The preliminary and final plat shall list all stipulations. The approved conceptual plan shall be considered the preliminary plat and shall allow the applicant to proceed with the construction plans. The final plat shall list all stipulations and shall be approved by the Mayor and Board and reviewed by the Planning Commission.
  21. Developments shall install underground utilities only (except street lighting).
  22. Public water and sewer shall serve the development, unless approved otherwise by staff and the Cobb County Water and Sewer Department and/or Cobb Environmental Health.
  23. All multifamily developments and subdivisions shall abide by the dumpster requirements for commercial and industrial uses.
  24. It shall be the property owner's responsibility to maintain the landscape area located within the right-of-way on their lot, including but not limited to cutting of grass.
  25. The development shall meet all City of Acworth Codes and the provisions of the Zoning Ordinance and Subdivision Regulations unless specifically approved otherwise by the Mayor and Board of Aldermen.

### **C. Mixed Use Development Standards:**

1. All mixed-use developments must meet the development standards listed above for commercial, office and residential uses (where applicable).
2. The first phase of the mixed-use development shall include the preparatory grading for the entire site (for all the components) and the installation of all utilities, roads, detention and similar infrastructure for the entire development. The roads (including the parking areas for any office and/or commercial components) for the entire project and the fencing and landscaping which are to be installed along major roadways will be installed simultaneously for any of the components.
3. Construction of each component of the development will commence within one (1) year after issuance of the first building permit for the other components and shall be diligently pursued

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- thereafter in good faith. Further, if construction of one component has not commenced within one (1) year of issuance of the first building permit for another component, at that time the undeveloped lot (or lots) shall be sodded with Bermuda Sod until such time as construction begins on those sites.
4. The Planning Commission shall review the final site development plan to insure consistency with the preliminary site development plan submitted in support of this rezoning request. Recognizing that there may be minor amendments based on specific tenants, any substantial deviation from the preliminary site development plan will require a new and amended M-U (Mixed Use) zoning application.
  5. Substantial changes are classified as changes in residential density, wholesale changes in the layout moving land uses around, changes to the approved architectural plan materials and overall aesthetic design, moving the detention facility in a way that affects the neighboring subdivision, and any specific changes to any proscribed stipulations in this ordinance. Minor adjustments to the exact location of the commercial and office buildings and or parking configuration shall not require a rezoning.
  6. Within the development, there are no buffers or setbacks between the uses other than as shown on an approved plan.
  7. There shall be a coordinated architectural design of the mixed-use components. Plans shall be approved as those presented to the Mayor and Board (and reviewed by the Planning Commission) at the Public Hearings. Staff shall review and approve any minor variations to the elevation plans.
  8. This development may be placed in one or more separate sign districts depending on the land uses. This shall be determined during the zoning review. All mixed use developments shall be required to submit a unified sign plan stipulating signage to have a similar architectural design.
  9. Residential density has been determined on a total-site basis only if the development adheres to the stipulations for this development as a mixed use community.
  10. There shall be a minimum of twenty percent (20%) green space for the entire property.
  11. Sidewalks shall connect the entire development. Sidewalks shall meet all ADA/Georgia Accessibility standards. Enhancements to the sidewalks such as brick pavers are encouraged. Sidewalks shall be shown on the master plan and all subsequent plans.
  12. The development shall incorporate special designed gateway entrances for each main entrance off public roads. The gateway entrance shall have landscaping and be composed of materials to match the buildings and may be pillars or arches or similar as approved by staff. Signage may be incorporated into the gateway entrances, in accordance with the sign ordinance.
  13. All utilities, with exception to decorative lantern-style streetlights shall be underground.
  14. The site shall contain 5 ft. sidewalks and shall follow the requirements specified in the Sidewalk Requirement section of the City of Acworth Zoning Ordinance. There shall also be extensive pedestrian (sidewalks and greenspace trails) and vehicular connectivity.
  15. The applicant shall submit a unified landscape plan during the final Plan Review process, in accordance to the requirements listed in the commercial and residential standards above. The plan shall have a coordination of plant and tree material and species to create a unified appearance.
  16. The approved conceptual plan shall be considered the preliminary plat and shall allow the applicant to proceed with the construction plans. The final plat shall list all stipulations and shall be approved by the Mayor and Board and reviewed by the Planning Commission.
  17. It shall be the property owner's responsibility to maintain the landscape area located within the right-of-way on their lot, including but not limited to cutting of grass.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

18. The development shall meet all City of Acworth, State and Federal codes and the provisions of the Zoning Ordinance and Subdivision Regulations unless specifically approved by the Mayor and Board of Aldermen.

**ARTICLE VII SUPPLEMENTARY USE REGULATIONS****SECTION 70 Special Land Use Permits**

**70.1** Within each zoning district's standards, certain property uses may be allowed provided they obtain a Special Land Use Permit (SLUP) from the Board of Aldermen. This additional review is necessary due to the increased possibility that such uses may have a negative impact on surrounding properties and their value. The City retains its right to subject certain uses to greater scrutiny to determine if they are appropriate or if additional safeguards may mitigate potentially harmful effects on neighboring properties. Table B below denotes those uses which are permitted only after issuance of a Special Land Use Permit and their permitted zoning districts.

**TABLE B. SPECIAL LAND USE PERMITS**

<b>USE</b>	<b>ZONING DISTRICT</b>
Telecommunications Infrastructure	LI and HI
Adult Entertainment	LI and HI
Extended Stay Facility	C-2 and LI
Special Events Home	R-1 and R-2
Churches and religious institutions	R-1, R-2, R-3, R-5, RC, RM-6, RM-8
Cemeteries and mausoleums	R-1, R-2, R-3, RM-6
Shelters for the Homeless	C-2, OP
Halfway House	RM-6, RM-8 and OP

**70.2** All applications for Special Land Use Permits heard by the Board of Aldermen shall be advertised in the same manner as applications for variances and public hearings will be held thereon in the same manner.

**70.3** The Board of Aldermen may grant Special Land Use Permits for any given period of time at their own discretion.

**70.4** The Board of Aldermen shall consider, at a minimum, the following in its determination of whether or not to grant a Special Land Use Permit:

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.
5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or non-conforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.
12. Whether it is consistent with the Comprehensive Plan.

**SECTION 71 Community Residences****71.1 Intent and Purpose.**

The Fair Housing Amendment Act (1988) states that local zoning regulations may not prohibit community residences and requires that municipalities provide “reasonable accommodation” of such uses. The City of Acworth regulates community residences using criteria based upon the actual use of the facility and the number of individuals utilizing its services. This provides individuals with opportunities for normalization instead of institutionalization thereby reducing social costs and fostering personal growth and responsibility while also allowing the City to maintain viable neighborhoods based primarily upon similar single family or planned multi-family dwellings.

**71.2 Group Homes.**

Group homes are defined throughout the entirety of this ordinance as dwellings shared by non-related individuals who live together as a single housekeeping unit and in a long-term family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall also apply to homes for the handicapped; however, the term “handicapped” shall not include current illegal use of or addiction to a controlled substance or alcohol, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term “group home for the handicapped” shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.

1. Group homes with six or fewer residents, inclusive of resident staff, are permitted uses within the R-1, R-2, and R-3 zoning districts, provided:
  - a) The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.
  - b) The operator of the group home obtains certification from the appropriate state licensing body.
  - c) No other such facility or halfway house is located within 1,000 feet as measured from property line to property line.
2. Group homes with more than six residents, may be permitted within OIT and LRO zoning districts (regardless of the number of occupants) if granted a SLUP from the Board of Aldermen. Such uses are limited to one bed per 250 gross square feet of heated building space.
3. Group homes are considered permitted uses by right in OP and RM zoning districts, subject to those standards set forth therein.

**71.3 Halfway Houses.**

Halfway houses are temporary residential living arrangements for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. These are persons who are receiving therapy and counseling from support staff who are present when residents are present, for the following purposes:

- to help them recuperate from the effects of drug or alcohol addiction;
  - to help them reenter society while housed under supervision or while under the constraints of alternatives to imprisonment including, but not limited to, prerelease, work release, or probationary programs; or
  - to help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence.
1. Halfway houses may be permitted within RM zoning districts only if granted a Special Land Use Permit (SLUP) from the Board of Aldermen and are limited to one bed per 250 gross square feet of heated building space.
    - a) The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- b) The operator obtains certification from the appropriate state licensing body.
- c) No other such facility is located within 1,000 feet as measured from property line to property line.

### **SECTION 73                      Extended Stay Facilities**

- A. Extended Stay Hotels or Motels shall be defined as any hotel or motel in which thirty percent or greater of all guest rooms have facilities for both the storage and preparation of food and which are designed or utilized for weekly or monthly occupancy.
- B. Extended Stay Hotels and Motels are permitted as a special approved use within the C-2 and LI zoning districts and shall comply with the following restrictions:
  - 1. All guest rooms which have facilities for both the storage and preparation of food and have less than 300 square feet of floor area are limited to a maximum of 2 persons per such room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowable per each additional 75 square feet of floor area up to and including a maximum of 4 persons.
  - 2. No more than 10 percent of individual guests shall register, reside in, or occupy any room or rooms within the same licensed facility for more than a 180 day period.
  - 3. An indoor or fenced outdoor active recreation area shall be provided. The size of each recreation area shall be calculated at a ratio of 5 square feet per room with a minimum provision of 750 square feet. All recreation areas must be approved by the Administrator prior to development to ensure that all applicable safety specifications and standards are met.
  - 4. No permanent business license shall be issued for the conduct of any business from any guest room of the facility.
  - 5. No hotel or motel under this section is to be converted to or used as an apartment or condominium without prior approval of the Board of Aldermen. Any hotel or motel converted to such use must meet all applicable state and local codes including zoning standards.
  - 6. Each guest room must be protected with a sprinkler system approved by the fire marshal or their designee.
  - 7. Each guest room having a stove-top unit or other type burner unit shall be required to also include a maximum 60 minute automatic power off timer for each such unit.
  - 8. A hard-wired smoke detector shall be provided and installed in each guest room.
  - 9. No outside storage or permanent parking of equipment or vehicles shall be allowed.
  - 10. All such facilities shall provide a 50 foot undisturbed buffer from any property zoned for multi family residential purposes and/or a 100 foot undisturbed buffer from any property zoned for single family residential purposes.
  - 11. No building may be placed within 300 feet of any residentially zoned property, inclusive of the required buffer.
  - 12. These restrictions shall apply to all facilities permitted. Owners of properly licensed and zoned extended stay facilities shall have twenty four (24) months from the adoption this ordinance to comply with these regulations.
  - 13. All extended stay facilities shall have a maximum density of 75 guest units per gross acre of development.
- C. Extended Stay Hotels and Motels shall also be defined as any hotel or motel which has less than thirty percent facilities for both the storage and preparation of food, which also do not have daily maid services, and/or which are advertised, designed or utilized for weekly or monthly occupancy. These uses are permitted as a special approved uses within the C-2 and LI zoning districts and shall comply with the items B. 1-13 above.

**SECTION 74 Home Occupations****A. Intent and Purpose.**

Certain occupational uses termed “home occupations” are allowed in dwelling units on the basis that such uses are incidental to the use of the premises as a residence. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use and the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effect on the surrounding neighborhood and, as such, may be permitted provided such uses:

1. Are incidental to the use of the premises as a residence;
2. Are conducted within the bona fide residence of the principal practitioner;
3. Are compatible with residential uses;
4. Are limited in extent and do not detract from the residential character of the neighborhood.

Examples of permissible home occupations include residents use their home as a place of work, home office or business mailing address, artists, crafts people, writers, consultants, tutoring and family daycare.

**B. Special Land Use Permit Required:**

Home occupations must obtain a Special Land Use Permit from the City Manager or his designee due to their greater possible impact on the surrounding neighborhood as a result of individuals and visitors from outside the neighborhood coming to the property. Factors to be considered include the nature of the proposed business, the availability of parking, traffic generation and any other issue that may detract from the residential character of the area and property values.

**C. General Provisions and Prohibited Uses.**

All home occupations shall meet the following:

1. A home occupation shall be incidental and accessory to the use of a dwelling as a residence. No more than 25% of the floor space of the dwelling unit (including attached and/or detached garages) may be used for the occupation.
2. There shall be no exterior evidence of the home occupation or alteration of the residence and/or accessory buildings to accommodate the home occupation. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots (either paved or through use of other material – gravel, etc.), paving of required setbacks, or adding commercial-like exterior lighting. Any alteration or addition which expands the floor area of the principal structure dedicated to the home occupation use shall void the existing business license and require a new business license be obtained, subject to property compliance verification by the Zoning Administrator. There shall be no outside operations or exterior storage of inventory or materials to be used in conjunction with a home occupation.
3. Off-site employees shall not be permitted to work at the residence.
4. No article, product or service used or sold in connection with such activity shall be other than those normally found on the premises.
5. No more than one vehicle associated with the home occupation may be parked at the site. Such vehicle is limited to 1½ ton carrying capacity and must be used exclusively by the resident and parked on a valid improved surface (garage, driveway, dedicated parking pad, etc.) out of the public right-of-way. There shall be no parking allowed in the public street in association with or caused by the business.
6. No use or activity may create noise, dust, glare, vibration, smoke, smell, electrical interference or any fire hazard.
7. All home occupations shall be subject to periodic inspections by the Zoning Administrator.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

8. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, marine engines, lawn mowers, chain saws and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.
9. Group instruction, assembly or activity shall not be permitted (day care excluded).
10. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
11. The Zoning Administrator must approve all business licenses which shall be recertified annually.
12. The initial at-home application shall require the posting of a Public Notice sign, in a conspicuous place in the front yard no farther than fifteen (15) feet from the adjacent public roadway of the applicant's dwelling, with the sign provided by the Business License office within twenty-four (24) hours of submittal of the application. The sign shall allow the public opportunity to notify the Zoning Administrator of any concerns regarding the application. The Zoning Administrator shall not approve the application until ten (10) consecutive days have passed from the first day posting the sign. The Zoning Administrator shall approve or deny the application within twenty (20) days of the posting of the sign. Signs not posted in the manner stated above shall require the applicant to repost the sign as required and the ten day approval calendar to be restarted.
13. Pickups from and deliveries to the site in regard to the business shall be restricted to vehicles which have no more than two axles and shall be restricted to no more than two pickups or deliveries per day between the hours of 8 a.m. and 6 p.m.
14. Family day care facilities must be certified by Georgia Department of Human Resources prior to the issuance of a business license and must accompany all applications for a Special Land Use Permit. The number of children allowed by this ordinance shall be calculated at one child per 250 gross square feet of the residence with a maximum of eight (excluding those of the proprietor). The annual renewed certification from the Georgia Department of Human Resources shall be provided to the City upon renewal of the Home Occupational license.
15. No advertisement shall be placed in any media (including flyers soliciting business) containing the address of the property for any reason other than billing or correspondence purposes.
16. No signage advertising the home occupation shall be permitted at the residence or directing to the residence. This includes, but is not limited to, wall signs, window signs, and free standing signs.

## **SECTION 75            Adult Entertainment**

Adult Entertainment shall be permitted as a Special Use Permitted by the Board of Aldermen within the Light Industrial and Heavy Industrial zoning districts only. For other applicable restrictions, see Chapter 10, Article II, Acworth City Code.

## **SECTION 76            Telecommunication Towers and Infrastructure**

Towers may be permitted in HI and LI zoning districts pursuant to the granting of a Special Land Use Permit from the Board of Aldermen. This additional review is necessary due to the increased possibility that such uses may have a negative impact on surrounding properties and their value. The City retains its right to subject certain uses to greater scrutiny to determine if they are appropriate or if additional safeguards may mitigate potentially harmful effects on neighboring properties.

### **A. Definitions**

1. Antenna: Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephone, radio, television, or personal wireless services.
2. Tower: A structure constructed as a free-standing structure or in association with a building on which is located one or more antenna intended for transmitting and/or receiving analog, digital, microwave, cellular, telephone, personal wireless service, or similar forms of electronic communication. This term includes microwave towers, common carrier towers and cellular telephone towers.

**B. General Requirements**

1. A Special Land Use Permit granted by Board of Aldermen shall be required for the construction of all new communications towers within the City limits after the following factors are considered:
  - a) The proposed height of the tower;
  - b) Proximity to residential structures and residential district boundaries;
  - c) Nature of uses on adjacent and nearby properties;
  - d) Surrounding topography, tree coverage and foliage;
  - e) Design of the tower, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness.
2. All permit applications must include a complete inventory of the applicant's existing towers and receivers/transmitters located within the City and/or five (5) miles from Acworth's municipal boundaries irrespective of jurisdiction. The required inventory shall include, at a minimum, each asset's address, latitude and longitude, height, design, operator and lessee, and co-location usage or capabilities. The City shall utilize such information to promote co-location alternatives for other applicants.
3. All applicants must demonstrate that no existing tower or structure can accommodate the proposed antenna(s). Such evidence must be certified by a qualified RF engineer and specifically address the following:
  - a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - b) No existing structure is of sufficient height to meet the applicant's engineering requirements.
  - c) No existing tower or structure has sufficient structural strength to support applicant's proposed antenna(s) and related equipment.
  - d) Applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing tower or structure.
  - e) The fees or costs required to share the existing tower or structure or to adapt the existing tower or structure for shared use are unreasonable. Costs exceeding new tower development are presumed unreasonable.
  - f) Such other limiting factor(s) as may be demonstrated by the applicant.
4. At the time of filing the application for a tower, the applicant shall provide a site plan and information regarding tower location, accessory structures, neighboring zoning/uses and proposed landscaping. Documentation must be submitted and certified by a qualified engineer delineating coverage and propagation zones, tower design and co-location capabilities.
5. In granting a Special Land Use Permit, the Board of Aldermen may impose additional conditions to the extent determined necessary to minimize adverse effects on adjoining properties.

**C. Standards**

1. All towers must be set back a distance of twice (x2) the full height of the tower from any residentially zoned property or structure used for residential purposes.
2. All towers shall be separated from each other by a distance of at least 2,500 feet.
3. All new self-supporting towers which do not incorporate approved alternative design features must be of a monopole design and built in a manner that allows at least two other entities to co-locate on the structure.
4. All towers and their related structures shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment. Towers shall be painted so as to reduce their visual obtrusiveness, subject to any applicable standards of the Federal Aviation Administration (FAA).
5. Any tower which directly abuts a residentially zoned property shall have a minimum 50' landscaped buffer with a solid fence or wall no less than six feet in height.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

6. All landscaping plans shall be prepared by a registered landscape architect. For each 30 linear feet of perimeter fencing, no less than 2 trees and 2 shrubs shall be installed. The remainder of the property shall be landscaped in accordance with City standards.
7. Towers shall be enclosed by security fencing not less than 6 feet in height and shall be equipped with an appropriate anti-climbing device; provided, however, that such requirements may be waived for alternative design mounting structures.
8. All towers must meet or exceed current standards and regulations of the Federal Communications Commission (FCC) and FAA.
9. Prior to Council approval, compliance with Section 106 of the Natural Historic Preservation Act shall be demonstrated.
10. Tower heights shall be measured from the existing ground base level to the highest point on the tower or other structure, even if said highest point is an antenna, in accordance with Table C:

**TABLE C. MAXIMUM TELECOMMUNICATION TOWER HEIGHTS**

Zoning District	Three Users*	Four or more Users*
HI	150'	200'
LI	125'	150'

\* Refers to the number of separate entities co-locating on the same structure.

**D. Administrative Approval.**

1. The addition of transmitting and/or receiving whip antennas and panels may be approved administratively by the City Manager or his designee, so long as any such addition does not add more than 10 feet in height to an existing structure greater than 50 feet in height or more than 5 feet in height to an existing structure less than 50 feet in height but greater than 20 feet in height and all necessary building permits are obtained. Such acceptable structures include buildings, signs, light poles, water towers, and other free standing nonresidential structures. Antennas attached to existing structures, along with supporting electrical and mechanical equipment, shall be of a color identical to, or closely compatible with, that of the supporting structure. Notification shall be given to Board of Aldermen at least 10 days prior to the granting of said request, and if no objection is lodged, considered valid.
2. The City Manager or his designee may administratively approve alternative mounting structures such as fake trees, clock towers, bell steeples, light standards, and similar alternative mounting structures, provided such alternative structure is determined by the Director to satisfy such factors set forth in subsection A. These structures shall also be exempt from the additional separation and setback requirements pertaining to towers. Notification shall be given to Board of Aldermen at least 10 days prior to the granting of said request, and if no objection is lodged, considered valid.
3. The City Manager or his designee may administratively approve the shared use of an existing tower or structure by another provider, including the placement of additional accessory buildings or other supporting equipment. The City Manager or his designee may administratively waive district setback requirements by up to 50% to accommodate the placement of such additional buildings or other supporting equipment in order to encourage the shared use of existing infrastructure.
4. The addition of antennas to an existing tower are exempted from all setback requirements which pertain to residentially zoned or used properties.

**E. Removal of Antennas and/or Towers.**

All towers shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If upon inspection a tower is

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

determined not to comply with the code standards and to constitute a danger to persons or property, then upon written notice by certified mail, return receipt requested, or by personal service being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance. The owner of the tower may appeal by filing a written appeal to the City Manager within 10 days of the receipt of the notice of non-compliance by the owner. The City Manager shall hold a hearing within 15 days of receiving said written appeal. In the event such tower is not brought into compliance within 30 days, the City may petition the municipal court for an order removing such antenna and/or tower and may petition the court for a lien upon the property for the costs of removal.

F. Exceptions.

1. Antennas or towers located on publicly owned property or owned by governmental bodies shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the appropriate governing body.
2. A tower seventy (70) feet or less in height owned and operated by a federally-licensed amateur radio station operator shall be exempted from these requirements. However, the owner or operator of such tower shall be required to comply with all applicable local, state and federal codes. Any existing or previously approved tower or antenna shall be considered “grandfathered” and will not be required to meet any additional requirements of this ordinance other than those in place prior.

**ARTICLE VIII TRAFFIC AND PARKING STANDARDS****SECTION 80 Purpose**

These standards are intended to provide the reasonable provision of future off-street parking within the City of Acworth; to restrict temporary storage of vehicles and recreational vehicles in residential districts; to alleviate any unnecessary traffic congestion which could result from on-street parking; and to encourage development and usage of off-street parking facilities.

**SECTION 81 Street Access and Curb Cuts**

- A. Each building shall be located on a lot or parcel which abuts a public street for at least 40 feet or has access to a public street by means of a recorded access easement if approved by the Administrator and Public Works Director.
- B. Street access and curb cuts for service drives, entrances, exits and other similar facilities on public streets in other than residential districts shall be approved by the Public Works Director. Curb cuts constructed for new driveways to developments on arterial and collector streets shall be aligned directly across from existing curb cuts. The Public Works Director may approve other locations when it is determined that alignment with an existing curb cut is not appropriate. No curb cuts shall be located within 40 feet of any intersection or within 30 feet of another curb cut measured along the curb line. A curb cut shall be no greater than 30 feet in width, and no closer than 20 feet to any property line unless approved by the Public Works Director.
- C. All entrances or exits of any street or drive, public or private, from or to any state highway shall be approved by the state highway department prior to the construction of such street or drive, or the issuance of any development permit for any improvement to be served by such street or drive.
- D. No curb cuts for commercial developments may be placed along residential streets.
- E. All entrances or exits of any non-residential development or place of business shall be kept free and clear of any obstructions, including but not limited to parked vehicles or storage of materials, so as not to impede the flow of traffic onto or off a property.

**SECTION 82 Street Improvements**

- A. The Public Works Director may require improvements such as the widening of streets, deceleration lanes and/or rights-of-way or the addition of curbs and gutters, in order to accommodate the increased traffic due to proposed developments.
- B. Existing streets shall be connected and extended throughout the limits of proposed developments. If such street is already used primarily for residential access, requested street improvements to provide access to a proposed non-residential use must be approved by the Board of Aldermen before being connected, extended or in any way provided access to the non-residential use.

**SECTION 83 Corner Visibility Clearance**

In all districts no fence, structure, sign, planting or other obstruction (above a height of 3 feet) shall be maintained within 15 feet of the intersection of the right-of-way unless approved by the Public Works Director. This requirement may be waived in the C-1 district, with the approval of the Public Works Director.

**SECTION 84 Private Streets**

Private streets within any district shall not be used to satisfy the off-street parking requirements of this article. Private streets within any district shall be assigned names and locations and names of such streets

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

shall be shown on plans required for the issuance of building and development permits. All private street names shall be approved by the City to avoid conflicting street names.

## **SECTION 85                    Parking Spaces Required**

The required number of parking spaces shall be provided on the same lot with the use it serves, except:

- A. If vehicular parking or storage space required cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Aldermen may permit such space to be provided on other off-street property, provided such space lies within 400 feet of the main entrance of such principal use and meets the storage requirements set forth in Section 65. Such vehicular parking space shall be associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.
- B. If a user within a planned shopping center is unable to meet the required parking spaces, no more than 10 percent of the required parking spaces may be shared on an adjacent parcel of the same planned development and shall be located no more than 250 feet of the main entrance of the subject parcel. Such vehicular parking space shall be associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.
- C. The required parking spaces of any number of separated uses may be combined in one (1) lot, but the required spaces assigned to one use may not be assigned to another use at the same time, except that churches, theaters, or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at night or on Sunday.
- D. No street parking spaces may be allowed as meeting the parking requirement except in the Central Business District.
- E. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick up services. Stacking shall begin at the window or communication/mechanical device (e.g. order board) first encountered by the vehicle user. All stacking spaces shall not impede upon on and off site traffic movements or create a potentially unsafe condition for either pedestrian or vehicular traffic. No more than 10 percent of the total parking spaces required for a user may be counted as stacking spaces.
- F. Vehicles parked within a non-residential parking area shall be parked within the designated parking spaces unless the vehicle is within a designated loading/unloading zone. Said parking spaces shall be clearly designated through paint lines, curb stones or other similar designations as approved by staff.
- G. No parking area may be used for the sale, repair, dismantling, servicing or long term storage of any vehicle or equipment.
- H. Required spaces. Table J enumerates the minimum off-street parking provision standards for all properties within the City. If a building or development contains multiple uses, the number of spaces required shall be calculated by summing the amount required by each individual use. Parking areas are encouraged to be set to the side or rear of the primary building in such a manner as to reduce visibility from the street (see individual zoning districts for density bonuses relating to parking location and/or structures).
- I. At least 30% of required parking spaces shall be in the side or rear yard of all lots in commercial (C-1, C-2, OIT, LRO, OP), industrial (LI, HI), residential-medium density cluster-type housing such as duplexes, townhomes, condominiums ( R-5, RC) and multi-family (RM-6, RM-8) zoned districts.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- J. Where parking spaces are provided in on-site underground or deck parking, a bonus floor area of 350 square feet for each provided parking space shall be allowed and an overall reduction of 15% in the minimum number of parking spaces required
  
- K. Any entity that retrofits an existing site without vehicular or pedestrian interconnection to provide permanent access to adjacent sites' parking and sidewalks shall be allowed a 20% reduction in required parking.
  
- L. All developments wherein the front door is located within 250 feet of a public transit stop shall be allowed a 25% reduction in required parking.
  
- M. In order to accommodate seasonal peak parking demand, a number of overflow spaces per square foot of gross floor area shall be allowed above and beyond the maximum number of paved spaces stipulated in Table J. Overflow parking spaces shall be relegated to the rear or side yards in all zoning categories. Parking areas shall be constructed entirely of pervious paving materials. These may include pervious asphalt, permeable pavement blocks, or grass (sod). Table (J) shows maximum allowable overflow parking.

**TABLE J. OFF-STREET PARKING REQUIREMENTS**

<b>USE</b>	<b>MINIMUM SPACES</b>	
Automobile repair	1 space per 400 sq. ft.	
Automobile service station	2 spaces per service bay	
Self-service gasoline station	1 space per each 2 pumps	
Business/professional offices	1 space per 300 sq. ft.	
Boarding and rooming houses	1 space per sleeping room	
Places of Mass Assembly (Churches, theaters, auditoriums, funeral homes, gymnasiums, stadiums)	1 space per 3 seats (fixed seating) or	<b>MAXIMUM SPACES</b> 2 spaces per 3 seats or 2 spaces per 50 sq. ft. in largest assembly room
	1 space per 50 sq. ft. in largest assembly room (w/o fixed seating)	
Day care centers	1 space per 300 sq. ft. plus 1 space per each employee on largest shift	
Clinics	1 space per 200 sq. ft.	
Convenience stores	1 space per 200 sq. ft.	
Dwellings	2 spaces per dwelling unit	
Restaurants - high turnover/fast food	1 space per 75 sq. ft. plus 1 space per each employee on largest shift	
Restaurants – other than fast food	1 space per 150 sq. ft. plus 1 space per each employee on largest shift	
General retail	1 space per 200 sq. ft.	
Personal service	2 spaces per each employee	
Shopping centers 50,000 sq. ft. or less	4 spaces per 1,000 sq. ft.	
Shopping centers greater than 50,000 sq. ft.	4 spaces per 1,000 sq. ft.	<b>MAXIMUM SPACES</b>
		4.5 spaces per 1,000 sq. ft.
Rest homes and personal care homes	1 space per bedroom	

Hospitals, sanitariums, nursing homes, and assisted living centers	1 space per bedroom plus 1 space per each employee on largest shift	
Motels and hotels	1 space per guest room plus 1 space per each employee on largest shift plus 1 space per 50 sq. ft. in largest assembly room	
Public and private colleges, universities, and trade schools	1 space per each employee on largest shift plus 1 space for each 2 students plus 1 space per 50 sq. ft. in largest assembly room (w/o fixed seating)	
Public and private elementary schools	1 space per each employee on largest shift plus 1 space per 3 seats (fixed seating) or 1 space per 50 sq. ft. in largest assembly room (w/o fixed seating)	
Public and private secondary schools	1 space per each employee on largest shift plus 1 space for each 6 students plus 1 space per 50 sq. ft. in largest assembly room (w/o fixed seating)	
Manufacturing	1 space per 2,500 sq. ft. plus 1 space per each employee on the largest shift	
Warehouses and distribution centers	4 spaces for first 5,000 sq. ft. plus 1 space per each additional 1,000 sq. ft.	
Recreational centers, including swimming pools and golf courses	8 spaces per acre	<b>MAXIMUM SPACES</b>
		100 spaces

**Notes:**

1. Unless otherwise provided, square feet measurements are based on gross floor area of the building.
2. Overflow parking spaces greater than the number in the maximum spaces column above, shall be constructed entirely of pervious paving materials.

**SECTION 86 Required Surface Parking Standards**

- A. The parking of any vehicle (including, but not limited to trailers and boats) on any lot in any district on other than a surface treated and hardened to accommodate vehicles up to 8,000 pounds gross axle weight is prohibited.
  1. Property developed after June 5, 2003 shall be limited to concrete, asphalt, or brick surfaces.
  2. Property developed prior to June 5, 2003 may use stone surfaces or tar-treated stone surfaces provided that if such property is improved in any manner that construction costs exceed 50% of the assessed property value, the current standard shall apply.



- B. Minimum standards for surfaces treated and hardened to accommodate vehicles up to 8,000 pounds are as follows:
1. Concrete: 4 inches of 3,000 psi concrete with control joints at least every 20 feet, control joints utilized, wire reinforcement throughout.
  2. Asphalt: Binder and topping course mixes at least 3” thick.
  3. Brick: Bricks laid in a 4” inch concrete base, sand/granite leveling base
  4. Tar-treated stone: Hot liquefied asphaltic application overlaid with #57 stone.
  5. Pervious paving materials as approved by City Staff.
- C. A parking plan for all but individual single family residential uses shall be submitted with the building plans. Staff shall review the proposed parking plan to insure its conformance with all applicable provisions of this article. Occupancy or use of a building shall not be allowed until the parking facilities are completed in accordance with the approved plan. The provisions of the required spaces on a temporary basis on a hard surfaced sub-base (subgrade plus an asphalt first layer or bound crushed stone aggregate) shall satisfy this requirement. All parking facilities including entrances, exits and maneuvering areas shall comply with the following:
1. Design of parking areas, including space and driveway arrangement, shall conform to the geometric design standards of the Institute of Traffic Engineers, which is hereby incorporated by reference as though fully set forth herein. The City Clerk shall maintain a copy of said standards of the Institute of Traffic Engineers on file for inspection by the public.
  2. Have access to a public street and be graded and paved. Curbing may be required when needed for effective drainage control to prevent damage to abutting property or public streets, subject to approval by the Public Works Director.
  3. Have all spaces marked with paint lines, curb stones or other similar designations (single family residential uses are exempt if fewer than 3 spaces are provided).
  4. Provide individual parking spaces with dimensions not less than 9 feet wide and 20 feet deep, exclusive of passageways. In the cases of 25 or more required parking spaces 25% of the required spaces may be of an area not less than 8 feet x 16 feet.
  5. For 90° parking, provide interior drive aisles with a minimum width of 24 feet which connect each space with a public street. For 60° parking, provide interior drive aisles with a minimum width of 20 feet.
  6. Parking areas established within a residential district for a permitted non-residential use shall provide visual screening between vehicle use areas, including all accessways, and the abutting residential property. Such screening may consist of a wall or solid fence no less than five feet in height and/or a vegetative row of hedges and trees sufficient in nature to provide continuous visual screening. Such screening improvements shall be located upon a non-paved surface at least 5 feet in width and are subject to approval by the Zoning Administrator. See standards set forth in City of Acworth Tree Preservation and Replacement Ordinance (Tree Protection and Landscaping) for landscaping requirements.
  7. Adequate lighting shall be provided if the facilities are to be used at night. Such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties.
  8. No parking or loading area shall be established in the required front yard of any residential district except for a single family residential use; no more than 35 percent of the required front yard may be paved or used for parking in such case.
  9. The parking areas shall be permanently maintained by the owners or the occupants for their invites or licensees so long as the use(s) exists.

**SECTION 87 Overflow Parking Standards**

- A. Overflow parking spaces shall be relegated to the rear and side yards in all zoning categories. Overflow parking areas must be designed to accommodate vehicles up to 8,000 pounds and shall be constructed entirely of pervious paving materials. These may include pervious asphalt, permeable pavement blocks, or grass (sod). Suitable permeable paving surfaces include:
  1. Grasspave®, a system with coverage by a plastic network and grass infilling.
  2. Gravelpave®, a system with coverage by a plastic network and gravel infilling.
  3. Turfstone®, a system of hollow core impervious blocks and grass infilling.
  4. UNI Eco-Stone®, a system of hollow core impervious blocks and gravel infilling.
  5. Any other surfaces approved by the Administrator and City Engineer.

**SECTION 88 Parking in Residential Districts**

- A. Business vehicles under 8,000 pounds axle weight shall be allowed to park in the side or rear yard of the residentially zoned property. Business vehicles weighing or exceeding 8,000 pounds axle weight shall be allowed to park in residentially zoned property during daylight hours, but not overnight or on Saturdays or Sundays. Daylight hours shall mean 30 minutes after dawn to 30 minutes before sunset.
- B. No recreational vehicle shall be allowed to park in the front of the principal structure in a district zoned for residential purposes. If the property is located on a corner lot, no parking of the vehicle may occur within 20 feet of the rear side that abuts a public street.
- C. Vehicle repair may not be conducted on vehicles located on any public street. This prohibition shall not apply to emergency repairs taking less than 24 hours to complete.

**SECTION 89 Off-Street Loading Requirements**

Where required, off-street loading spaces shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building. A loading berth shall have a minimum dimension of 12 feet by 35 feet by 14 feet overhead clearance. Such facilities must be designed so that no truck/vehicle maneuvering occurs on the public right of way nor in areas designated for the parking of vehicles except in the Central Business District in which case designated loading zones may also be utilized. Loading areas must be adequately screened from residentially zoned properties, subject to approval from the Administrator.

**TABLE K. OFF-STREET LOADING REQUIREMENTS**

USE	REQUIRED LOADING SPACES
Retail operations, including accessory uses within hotels or office buildings	One per 20,000 square feet of gross floor area (or fraction thereof)
Office buildings and hotels	One per 75,000 square feet of gross floor area (or fraction thereof)
Industrial, manufacturing, warehouse and distribution uses	One per 40,000 square feet of gross floor area (or fraction thereof)

**ARTICLE IX ADMINISTRATION AND ENFORCEMENT****SECTION 90 Administration Authority**

The Zoning Administrator shall administer and enforce this article including departmental approval of all development permits. If the Administrator or his designated representative shall find that any of the provisions of this article are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Director shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures including illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this article to ensure compliance with or to prevent violation of its provisions.

**SECTION 91 Administrative Variances**

The Administrator is hereby authorized to grant variances at their discretion (except for density and use) from the development standards of this article, where, in their opinion, the intent of the article can be achieved and equal performance obtained by granting the variance (refer to City of Acworth schedule of fees). The authority to grant such variances shall be limited to 10% of any development standard except as noted below and may only be applied to one parcel:

- Front or major side setbacks - up to 10 feet.
- Side setback - up to 4 feet per side.
- Rear setback - up to 10 feet.
- Buffer area - up to 10 feet.
- Required parking - 20% of the total required

**SECTION 92 Review of Development permit Applications**

- A. A review shall be required for any proposed use of land before any building permit is issued or any improvement, grading or alteration of land or building commences to determine compliance with all provisions of this article. Site plans and other development plans required to be submitted under the provisions of this article shall be prepared only by those currently registered for such work in accordance with applicable state laws; plans for structures whose value exceeds \$10,000 shall be prepared by a registered engineer or architect. Development permit applications shall be reviewed by the Administrator and shall be accompanied by complete plans signed by the author. Such plans shall provide:
1. A 24 hour contact,
  2. A scale drawing showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing, and the lines within which the proposed building or structure shall be erected or altered,
  3. The existing or intended use of each building or part of a building,
  4. The number of families or housekeeping units the building is designed to accommodate,
  5. The location of all bulk sanitation containers, and
  6. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for enforcement of this article.
  7. All such information listed in Section 69.
- B. Approval of preliminary plat in accordance with all applicable provisions of the subdivision or planned development regulations shall constitute approval of the development permit for such subdivision or development.
- C. All building permits approved by the City shall in no case grant any building permit for the use, construction or alteration of any land or building if the land or building as proposed to be used,

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

constructed or altered would be in violation of the provisions of this article or any other codes and laws of the city or the state, except as provided herein.

### **SECTION 93                    Schedule of Fees, Charges and Expenses**

The Board of Aldermen shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, rezoning and variance applications, special land use permits and other matters pertaining to this article. The schedule of fees shall be posted in the office of the Administrator, and may be altered or amended only by the Board of Aldermen. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

### **SECTION 94                    Building Inspector**

The duties of the building inspector with respect to this article shall include, but not be limited to:

- A. The issuance of building permits in accordance with all provisions of this article.
- B. Making field inspections to determine that the building or structure being constructed, reconstructed, moved or structurally altered or used is being pursued in accordance with the site plan for which a building permit has been issued. The building inspector shall issue citations when a violation is found to exist so that appropriate legal action may be taken to insure compliance.
- C. Determining, to the best of their ability, that all construction has been completed in accordance with all applicable City code requirements prior to allowing occupancy.

### **SECTION 95                    Appeals from Decisions of the Administrator**

It is the intention of this article that all questions arising in conjunction with the administration, interpretation and enforcement of this article by the Administrator may be appealed to the Board of Aldermen. All appeals of the decision of the Administrator must be submitted in writing to the Zoning Administrator within 30 days of the written decision. The building inspector shall transmit to the Board of Aldermen all the papers constituting the record upon which the action appealed was taken.

- A. The Board of Aldermen shall give at least fifteen (15) days notice before hearing the appeal. Such notice shall be given to the general public and parties of interest. Upon hearing of appeal any party in interest may appear in person or by attorney.
- B. Fees for advertising and review shall be paid by the applicant.
- C. No appeal requesting the same relief in regard to the same property shall be received or heard for a period of twelve (12) months following the date of said resolution, except that this limitation shall not affect the right of the Board of Aldermen to grant rehearing.
- D. An appeal stays all legal proceedings in furtherance of action appealed from, unless the Building Inspector certifies to the Board of Aldermen, after the notice of appeal shall have been filed with him, that by reasons of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property.
- E. The full procedure is listed in Article X.

### **SECTION 96                    Remedies**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be in violation of any provision of this article, the Administrator or any other appropriate authority of the city may, in addition to other remedies, and after due notice of the violation to the owner and/or any other person in violation of this article, issue a citation for violation of city code requiring the presence of the violator in the municipal court, institute an injunction or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation or to prevent the occupancy of such building, structure or land. The Administrator may, in addition to other remedies, notify that utility service be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

**SECTION 97 Penalties for Violation**

Any person who violates this article or fails to comply with any of its requirements may, upon conviction thereof, be fined up to \$500 for each violation and/or imprisoned for not more than six months, or both, and in addition, shall pay all costs and expenses involved in each separate offense. Except for a different violation, each day such violation continues shall be considered a separate offense but only after the passage of 30 days from the date of conviction. Nothing herein contained shall prevent the City of Acworth from taking such other lawful action as is necessary to prevent or remedy any violation. The Municipal Court Judge shall set all fines and punishments.

**SECTION 98 Certificate of Occupancy**

A certificate of occupancy, issued by the building inspector, is required in advance of the uses of occupancy of:

- A. Any lot or change in use thereof.
- B. A building hereinafter erected or a change in the use of an existing building.
- C. Any non-conforming use that is existing at the time of the enactment of this ordinance or an amendment hereto, or any non-conforming use that is changed, extended, altered or rebuilt thereafter. The certificates of occupancy shall be kept on file in the office of the building inspector and a copy shall be furnished on request to any person have a proprietary or tenancy interest in the building or land involved.

**ARTICLE X APPEALS****SECTION 100 General Requirements**

- A. The Board of Aldermen shall have the powers to Hear and decide appeals from the decision of the Administrator where it is alleged there is error in any order, requirement, decision or determination. Every such judgment of the Board of Aldermen granting an appeal shall be accompanied by a finding of fact specifying the reasons thereof.
- B. Every such judgment of the Board of Aldermen granting an appeal shall be accompanied by a finding of fact specifying the reasons thereof.
- C. In granting any appeal under the provisions of this section, the Board may designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master or through traffic plan, the future development of the City.
- D. Approved appeals must be implemented within a period of 12 months. After 12 months, Board approval must be obtained again. A building permit must be obtained and the development underway within the 12-month time period.
- E. The Board may in conformity with this article reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the duty of the Administrator to carry out the decisions of the Board.
- F. Appeals may not be granted conditioned upon the approval of an application to amend this article or to amend the Official Zoning Map.
- G. Appeals granted by the Board shall only remain in effect as long as the property to which it applies remains in the same zoning classification such property was in at the time the variance was granted.

**SECTION 101 Procedures**

- A. An appeal to the Board of Aldermen may be taken by any person, firm, or corporation aggrieved or by any governmental officer, department, Board or agency affected by any decision of the Administrator with respect to this article. Such appeal shall be made within 10 days following notification of the decision appealed from, by filing with the Administrator a notice of appeal and specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action was taken.
- B. A copy of the paid in full tax bill or a letter from the City of Acworth Tax Department stating that all taxes have been paid must accompany the application for a variance before it will be processed.

**SECTION 102 Public Hearings**

The Board shall hold a public hearing on all requests for appeals on which it acts.

- A. Applications for a hearing and decision on requests for appeals shall be filed with the Administrator on forms he shall provide at least 30 days prior to the meeting at which they may be heard. Each application shall contain such information as the Administrator may require to enable the Board to make its decision including, but not limited to, a plat drawn to scale showing the following:
  - 1. All property lines, with dimensions on an appropriate scale to allow staff review;

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

2. A legal description of the tract involved,
  3. Location of buildings and other structures, creeks, and easements referenced to the property,
  4. North arrow, land district and land lot number; and
  5. Location of setback lines or other requirements from which the relief is sought.
- B. Notice of the time and place of the hearing shall be sent to the appellant and the owners of all the properties abutting or across the street from the property with which the hearing is concerned; provided, however, that where any such abutting property is a condominium development, only the owners of units (exclusive of common areas) lying within 200 feet of the property with which the hearing is concerned shall be entitled to receive notice hereunder; provided, further, that where any such abutting property is owned by a limited partnership, partnership or joint venture, only the person or entity in whose name said property is returned for taxes, as shown by the city tax records shall be entitled to notice hereunder. The names and addresses of all such abutting property owners who are entitled to notice under this section shall be determined from the city tax records as of the date on which the application is filed. As used in this section, the term "street" shall not include an interstate highway. In addition to the above notice requirements, the Zoning Administrator shall post in a conspicuous place on the property a sign or signs which shall contain information as to the date, the time and purpose of the hearing. Public notice shall also be given in the local newspaper at least 15 days before the hearing.

### **SECTION 103 Assistance by Staff**

The Administrator shall provide such technical and clerical assistance as the Board may require and shall maintain permanent and complete records of the activities of the Board.

**ARTICLE XI VARIANCES AND SPECIAL LAND USE PERMITS****SECTION 110 General Requirements**

A. The Planning and Zoning Board shall have the powers to:

1. Hear and make recommendations to APPROVE, APPROVE WITH CONDITIONS, DENY Special Land Use Permits and Variances to the Mayor and Board of Aldermen.
2. In recommending variances the P&Z Board shall consider the evidence submitted before the P&Z Board and upon its findings, supported by the testimony or by documentary testimony that such variance shall be required by one of the following causes:
  - a) Because of the existence in good faith of a non-conforming use at a time prior to the adoption of the Zoning Ordinance of the City of Acworth, or amendments thereto, requires the continuance of such non-conforming use,
  - b) There are extraordinary and exceptional conditions creating a substantial hardship to the applicant which pertain to the particular piece of property or building in question because of its size, shape or topography,
  - c) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the ordinance.
3. In recommending Special Land Use Permits, the P&Z Board shall consider the standards enumerated in Section 70 for the applicable special use.

B. The Board of Aldermen shall have the powers to:

1. Hear and decide special land use permit requests as delineated in this article.
2. Grant variances from zoning regulations of this article in cases where strict application of such regulations would result in unnecessary hardship; but only in harmony with the spirit and intent of these regulations and is the minimum necessary to grant relief without injury to the public interest.
3. Every such judgment of the Board of Aldermen granting a variance, appeal or special land use permit shall be accompanied by a finding of fact specifying the reasons thereof. In approving variances the Board of Aldermen shall consider the all evidence, including the recommendation made by the P&Z Board, and upon its findings, supported by the testimony or by documentary testimony that such variance shall be required by one of the following causes:
  - a) Because of the existence in good faith of a non-conforming use at a time prior to the adoption of the Zoning Ordinance of the City of Acworth, or amendments thereto, requires the continuance of such non-conforming use,
  - b) There are extraordinary and exceptional conditions creating a substantial hardship to the applicant which pertain to the particular piece of property or building in question because of its size, shape or topography,
  - c) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the ordinance.
4. In granting any variance or special land use permits under the provisions of this section, the Board may designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master or through traffic plan, the future development of the City.
5. Approved variances and special land use permits must be implemented within a period of 12 months. After 12 months, Board approval must be obtained again. A building permit must be obtained and the development underway within the 12-month time period.
6. Variances and/or Special land use permits may not be granted conditioned upon the approval of an application to amend this article or to amend the Official Zoning Map.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

7. Variances and/or special land use permits granted by the Board shall only remain in effect as long as the property to which it applies remains in the same zoning classification such property was in at the time the variance was granted.

### **SECTION 111            Procedures**

- A. A copy of the paid in full tax bill or a letter from the City of Acworth Tax Department stating that all taxes have been paid must accompany the application for a variance before it will be processed.
- B. Any applicant to whom a variance is granted shall be given written notice specifying any variances granted.
- C. Time limit on resubmission. An application for a variance and/or special land use permit affecting the same property shall not be submitted more than once every 12 months; however, an applicant may petition the Board of zoning to waive the 12 month waiting period by demonstrating that the situations or amount of variance requested which led to denial have materially changed or if the request is materially different.

### **SECTION 112            Public Hearings**

The Board shall hold a public hearing on all requests for special exceptions, variances and appeals on which it acts.

- A. Applications for a hearing and decision on requests for variances and special land use permits shall be filed with the Administrator on forms he shall provide at least 30 days prior to the meeting at which they may be heard. Each application shall contain such information as the Administrator may require to enable the Board to make its decision including, but not limited to, a plat drawn to scale showing the following:
  1. All property lines, with dimensions on an appropriate scale to allow staff review;
  2. A legal description of the tract involved,
  3. Location of buildings and other structures, creeks, and easements referenced to the property,
  4. North arrow, land district and land lot number; and
  5. Location of setback lines or other requirements from which the variance is sought.
- B. Notice of the time and place of the hearing shall be sent to the applicant and the owners of all the properties abutting or across the street from the property with which the hearing is concerned; provided, however, that where any such abutting property is a condominium development, only the owners of units (exclusive of common areas) lying within 200 feet of the property with which the hearing is concerned shall be entitled to receive notice hereunder; provided, further, that where any such abutting property is owned by a limited partnership, partnership or joint venture, only the person or entity in whose name said property is returned for taxes, as shown by the city tax records shall be entitled to notice hereunder. The names and addresses of all such abutting property owners who are entitled to notice under this section shall be determined from the city tax records as of the date on which the application is filed. As used in this section, the term "street" shall not include an interstate highway. In addition to the above notice requirements, the Zoning Administrator shall post in a conspicuous place on the property a sign or signs which shall contain information as to the date, the time and purpose of the hearing. Public notice shall also be given in the local newspaper at least 15 days before the hearing.
- C. No submitted application may be amended after public notice of the request has been given provided, however, the Board may allow such application to be amended during the public hearing.

### **SECTION 113            Assistance by Staff**

The Administrator shall provide such technical and clerical assistance as the Board may require and shall maintain permanent and complete records of the activities of the Board.

**ARTICLE XII AMENDMENTS****SECTION 120 Generally**

- A. This article, including the Official Zoning Map, may be amended by the Board of Aldermen on its own motion, or on recommendation of the Planning Commission, but no amendment shall become effective unless it shall have been proposed by or been submitted to the Planning Commission for review and recommendation; provided, however, that after any such amendment has been submitted to and reviewed by the Planning Commission and its recommendation made thereon, the Board of Aldermen shall have the right to modify such amendment or place conditions thereon, and it shall not be necessary to resubmit such amendment, as modified or conditioned, to the Planning Commission. Before enacting an amendment to this article, the Board of Aldermen shall give public notice and hold a public hearing thereon.
- B. Application to amend this article may be in the form of proposals to amend the text or Official Zoning Map. Unless initiated by the Board of Aldermen or Planning Commission, all applications for map amendments must be submitted by the owner (as determined by controlling at least a 51% interest in the property) or the authorized agent of such property. An application for an amendment affecting the same property shall not be submitted more than once every twelve (12) months; however, this provision shall not apply to those properties affected by an amendment filed by the Board of Aldermen or Planning Commission.

**SECTION 121 Application for Map Amendments**

- A. Each application to amend the Official Zoning Map shall be filed with the Zoning Administrator at least 20 days prior to the Planning Commission hearing at which they may be heard. Each application shall include such information as the Administrator may require including, but not limited to:
1. A legal description of the tract(s) proposed to be rezoned;
  2. A plat showing the dimensions, acreage and location of the tract(s) prepared by a state registered architect, engineer, landscape architect or land surveyor; such plat shall also contain the present zoning classifications of all surrounding properties;
  3. The present and proposed zoning classification for the tract(s);
  4. The name(s) and address(es) of the owners of the land and their agents, if any;
  5. A copy of the recorded warranty deed (or other instrument of title) which vested title to the property in the applicant,
  6. A copy of the paid in full tax bill or a letter from the Cobb County Tax Department stating that all taxes have been paid, and
  7. A site plan showing any and all proposed improvements to be constructed if the application is approved. Multi-family developments must include number of units per total acre and the number of units per developable acre. Commercial projects shall state what type of development is proposed and the number of square feet such use is to contain. Building permits shall be issued only in accordance with the requested uses. Any change from the statements included in the application shall be brought before the Planning Commission and Board of Aldermen as though it were a new rezoning request (including any fees).
  8. Community Impact Statement for all applications for rezoning comprising five (5) or more acres. At a minimum the following shall be discussed:
    - a) Adequacy of existing public facilities and services needed to serve the development. Analysis shall be made of sewer, water, police, schools, fire stations, drainage and other major locally financed facilities.
    - b) Additional on-site and off-site public facilities or services which would be required as a result of the development.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- c) Traffic to be generated by the development (using accepted traffic generating factors published by the Institute of Traffic Engineers), capacity of surrounding roads, existing traffic counts at the nearest counting station(s) and specific road improvements necessary.
  - d) Fiscal impact of the proposed development, such as estimated tax revenue to be generated.
  - e) Impact of construction and permanent change in land use upon surrounding property, such as vegetation, noise, storm water drainage and air and water pollution.
- B. This application shall be accompanied by a fee to partially defray the public expense of processing the application. A fee shall not be charged if an official governmental agency files the application or if the rezoning is a result of O.C.G.A. § 36-66-1 et seq., which requires all annexed properties to have a zoning hearing, provided said hearing designates a zoning classification which is the most equivalent to the existing county zoning. No advertising, annexation or rezoning fees shall be required for owners of existing residential properties that are seeking to have property annexed with no new development at the property.
- C. Applicants may request a meeting with the Zoning Administrator and other City staff to review a specific development proposal prior to the deadline for submitting an application to amend the Official Zoning Map. This meeting will provide staff an opportunity to informally review the development proposal and offer suggestions for changes and improvement. Applicants will be entitled to make changes to development plans before the application for rezoning becomes official.
- D. No submitted application may be amended after public notice of the request has been given unless changes are made in response to issues discussed at the Planning Commission Public Hearing and/or Board of Aldermen Public Hearing.
- E. The applicant or agent shall be present at the hearings before the Planning Commission and Board of Aldermen with regard to said application. In the event that an agent is present, rather than the applicant, such agent must have full authority to act on behalf of the applicant with regard to all matters pertaining to said application.
- F. The applicant must submit renderings, site plans and other exhibits purporting to depict what is to be constructed should a map amendment be approved; however, the applicant shall be required to develop according to such plans if approved by the Board of Aldermen. Any major deviation from such approved plans, such as adding new lots, layout change, change of building façade elevations, etc. would require another rezoning application be filed. The Board of Aldermen may also require or attach to any rezoning such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so as to improve the quality of life through the protection against air, water and noise pollution and promotion of aesthetic considerations.
- G. An application may not be withdrawn by the applicant within 48 hours prior to a hearing on the matter, however, the Board of Aldermen may, by a majority of the members present, allow an application to be withdrawn without prejudice with respect to the 12-month limitation, or allow an application to be amended. Failure of the applicant or their representative to appear at the scheduled hearing may result in automatic dismissal with prejudice, rejection of the application or continuance of the hearing at the sole discretion of the Planning Commission or Board of Aldermen.

## **SECTION 122 Assistance by Staff**

The Administrator upon receiving an application for amendment to the Official Zoning Map shall prepare and transmit a report to the Planning Commission and Board of Aldermen determining:

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- Whether the zoning proposal is in conformity with the policies and intent of the land use plan; and
- Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproved zoning proposal.

### **SECTION 123 Planning Commission Action**

- A. The Planning Commission shall conduct a public hearing on each rezoning application in accordance with their adopted schedule and procedures. The staff report on each application shall be considered and testimony solicited from the applicant and those interested citizens. The Planning Commission shall review the following factors in making a determination on the application:
1. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive land use plan;
  2. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
  3. Existing uses and zoning classifications of nearby property;
  4. The extent to which property values are diminished by the particular zoning restrictions;
  5. The cost to the City and other governmental entities in providing, improving, increasing, or maintaining utilities, schools, streets, and other public infrastructure.
  6. The possible impact on the environment, including but not limited to drainage, soil erosion, sedimentation, flooding, air quality, and water quality.
  7. The suitability of the subject property for the zoned purposes;
  8. The aesthetic effect on existing and future use of the property as it relates to the surrounding area.
  9. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property;
  10. Whether the subject property has a reasonable economic use as currently zoned;
  11. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
  12. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
  13. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- B. It shall be the duty of the applicant to carry the burden of proof that the proposed amendment promotes the public health, morality and general welfare of the City
- C. If any person desires a stenographic record of the proceedings, such person shall make arrangements by informing the City Clerk, who shall arrange for a stenographer to record the proceedings, at least five days prior to the meeting. The costs of such shall be borne by the person or persons requesting stenographic recording. A stenographer not arranged for in accordance with this section shall not be allowed to set up in the hearing room.
- D. As to each application, the Planning Commission shall make a recommendation for APPROVAL, APPROVAL WITH MODIFICATIONS, DENIAL, OR APPROVAL TO ANOTHER ZONING

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

DISTRICT OR TABLING of the request. The Planning Commission may only table a request upon consent of the applicant. If the applicant does not wish for the application to be tabled the Planning Commission shall forward the request to Board of Aldermen with or without a recommendation. A copy of the Planning Commission's recommendations shall be prepared and submitted to the Board of Aldermen.

- E. The Planning Commission shall adopt such rules and regulations for the conduct of hearings and meetings as are consistent with state law and the City code and are appropriate to its responsibilities which shall be published and available to the public, as well as conflict of interest rules, to insure that no member is entitled to rule on a matter in which he has an direct or indirect interest.

#### **SECTION 124 Board of Aldermen Action**

- A. The Board of Aldermen shall hold a public hearing on all requests to amend this article and the Official Zoning Map contained therein. Prior to such hearing the Board of Aldermen shall review the staff report and recommendation from the Planning Commission. At the public hearing the applicant shall present their request for a map amendment and any information they deem to support said request.
- B. If any person desires a stenographic record of the proceedings, such person shall make arrangements for such by informing the City Clerk at least five days prior to the meeting who shall arrange for a stenographer to record the proceedings. The costs of such shall be borne by the person or persons requesting stenographic recording. No stenographer not arranged for in accordance with this section shall be allowed to set up in the hearing room.
- C. So that the purpose of this article will be served and the health, public safety and general welfare secured, the Board of Aldermen may APPROVE, APPROVE WITH STIPULATIONS (which may be site-specific), DENY, REDUCE THE LAND AREA FOR WHICH THE APPLICATION IS MADE, CHANGE THE ZONING CLASSIFICATION REQUESTED, TABLE UNTIL THE NEXT MEETING OR ALLOW AN APPLICATION TO BE WITHDRAWN (with or without prejudice at the discretion of the Board of Aldermen).
- D. The decision by Board of Aldermen to approve in whole or part, reject, condition or delete an application for rezoning shall be based on, but not limited to, a consideration of the following:
1. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive land use plan;
  2. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
  3. Existing uses and zoning classifications of nearby property;
  4. The extent to which property values are diminished by the particular zoning restrictions;
  5. The cost to the City and other governmental entities in providing, improving, increasing, or maintaining utilities, schools, streets, and other public infrastructure.
  6. The possible impact on the environment, including but not limited to drainage, soil erosion, sedimentation, flooding, air quality, and water quality.
  7. The suitability of the subject property for the zoned purposes;
  8. The aesthetic effect on existing and future use of the property as it relates to the surrounding area.
  9. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property;
  10. Whether the subject property has a reasonable economic use as currently zoned;
  11. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

12. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
13. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

- E. In acting on such application, the Board of Aldermen shall have the authority to grant the applicant variances from the regulations and provisions of this article.

#### **SECTION 125 Public Notification**

- A. Due notice of all public hearings on an application for text or map amendment shall be published at least 15 (but no more than 45) days prior to the public hearing in the newspaper denoted as the legal organ of the City and shall include the date, time and place of said public hearings.
- B. At least 15 days prior to the Planning Commission public hearing, the applicant shall erect a sign on a conspicuous place on the property for which an application has been submitted. The sign shall show the application number, the present zoning classification, the scheduled date, time and place of public hearings and the telephone number to call for further information. If the property for which rezoning is sought is contained on more than one road then a sign shall be posted on each road on which the parcel(s) front(s). All signs shall be removed by the applicant within two weeks of final adjudication. The Zoning Administrator shall inspect each site to verify that the public notification signage is in compliance.
- C. For amendments not initiated by the City, the applicant shall notify by certified mail, all property owners directly adjacent to the property being considered (excluding owners of common areas or common elements of a condominium development) and across the accessing roadway, public or private as shown by the most recent tax records at the addresses shown on said records. Such notification shall be mailed no less than 15 days prior to the public hearings and must include the proposed zoning change, as well as the date, time and place of the scheduled public hearings. The return receipt addressee for all notifications mailed will be the City of Acworth Community Development Department.
- D. If an application for map amendment is postponed at the request of the applicant, due notice of the new public hearings on the application may be republished and reposted as per the requirements of Section (B) above. The costs of said advertisements shall be the responsibility of the applicant.
- E. If an application for map amendment is postponed that requires a return to the Planning Commission, due notice of the new public hearings on the application may be republished and reposted as per the requirements of Sections (A) and (B) above. The costs of said advertisements shall be the responsibility of the applicant.

#### **SECTION 126 Home Rule Annexation**

- A. The Zoning Administrator, upon receiving a request for annexation, shall determine whether such application complies with legal and procedural requirements. If it does not comply with requirements, the City shall notify in writing the persons presenting the application, stating wherein the application is deficient. If it is determined that the application does comply with this article, the City shall proceed to act on the application in accordance with O.C.G.A. § 36-36-36.
- B. Within five business days of accepting an application for annexation, the Zoning Administrator shall give written notice to Cobb County-or other County- (by certified mail- return receipt requested) and include a map or other description of the site proposed to be annexed sufficient to identify the area, per Service Delivery Agreement.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- C. The City of Acworth shall make plans for the extension of services to the area proposed to be annexed and shall prepare a report to be made available to the public at least 14 days prior to the public hearing.
- D. The Planning Commission shall review each application after a public hearing is held. The Planning Commission will determine whether the annexation would have adverse affects upon public facilities and services, and may recommend a Future Land Use designation and zoning category. A report of the Planning Commission's recommendation shall be submitted to the Board of Aldermen.
- E. The City shall hold separate public hearings on the proposed annexation and zoning of the property, not less than 15 days nor more than 45 days from the time a determination is made that the petition is valid. Notice of the time and place of the hearing shall be given in writing to the persons presenting the application and shall be advertised in the local newspaper once a week for two consecutive weeks immediately preceding the hearing. If, after the public hearing, the governing body determines that the annexation would be in the best interests of the area's residents and property owners and of the citizens of the City, an annexing ordinance shall be adopted within 60 days following validation of the signature of the applicants.
- F. All annexation proposals must be accompanied by a rezoning application submitted to the Zoning Administrator even if the applicant desires the City zoning district most similar to that previous designated by Cobb County (or other County).

**SECTION 127 Legislative annexation**

Annexation into the corporate limits of the City by action of the Georgia State Legislature will conform to the requirements of section 126 above, except that the Board of Aldermen will not pass the ordinance zoning the annexed tract until after action by the legislature.

**ARTICLE XII DEFINITIONS****SECTION 130.1 Interpretation of Words**

- A. Words used in the singular shall include the plural, and the plural the singular; and words in the present tense shall include the future tense.
- B. The word “shall” is mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- E. The word “structure” includes the word “building.”
- F. Words not defined herein shall be construed as having the meaning given by common and ordinary use.

**SECTION 130.2 Definitions of Terms**

For the purpose of this article, the following definitions shall apply:

- *Abut*: To physically touch or border upon; or to share a common property line.
- *Accessory building or use*: A use or a structure subordinate to the principal use or building on a lot and serving the purpose customarily incidental to the use of the principal building. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the principal building.
- *Administrator*: shall mean Zoning Administrator or designee.
- *Adult Entertainment*: Includes, but is not limited to, adult bookstores, adult dancing establishments, adult mini motion picture theater, adult motion picture arcade, adult motion picture theater, adult video store, adult novelty or gift shop, erotic dance establishment, escort bureau or introduction services. All adult entertainment uses shall adhere to Chapter 10, Article II of the Acworth City Code.
- *Agriculture*: The production, rearing or storage of crops and/or livestock for sale, lease or personal use, or lands devoted to a soil conservation or forestry management program.
- *Airport*: A place designed for the landing and taking off of aircraft, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.
- *Alley*: A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.
- *Alteration*: Any change or re-arrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
- *Animal hospitals*: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
- *Apartment house*: A structure containing three or more dwelling units.
- *Apartment unit*: One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.
- *Artisan*: A person or group of individuals manually skilled in making a particular product such as glass, pottery and ceramics, wood cabinets, and other small-scale woodworks.
- *Assisted living facility*: A facility licensed by the State of Georgia for the transitional residency of elderly and/or disabled persons, progressing from independent living to congregate housing, within which are provided living and sleeping facilities, meal preparation, laundry services, transportation services and routine social and medical appointments and counseling.
- *Automobile maintenance*: The routine replacement and maintenance of non-engine related parts including brake repair, tire replacement, tune-ups, and oil changing. This term shall not include engine or body dismantling.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- *Automobile repair*: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating.
- *Automobile sales*: The use of any building, land area or other premise for the display and sale of new or used motor vehicles, and including any warranty repair work or other repair service; provided, however, that such definition shall not include the sale by an individual of motor vehicles acquired for such individual's own use and actually so used.
- *Automobile service station (gas, filling station)*: A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation or minor services, customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.
- *Automobile wrecking yard*: Any place where two or more vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operating condition, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any goods, articles or merchandise.
- *Basement*: That portion of a building built partly underground having one-half or more of its floor-to-ceiling height below the average level of the lot grade but not less than six and one-half feet.
- *Beverage shop*: retail establishment selling alcoholic goods and other materials that are packaged to go and not for consumption upon the premises. (Must meet the City of Acworth Alcohol Beverages Ordinance, Chapter 6, City Code)
- *Bedroom*: A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.
- *Block*: A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterways or any other barrier to the continuity of development.
- *Boarding home for sheltered care*: A profit or non-profit boarding home, rest home, or other home for the sheltered care of adult persons licensed by the State of Georgia which, in addition to providing food and shelter for up to five persons unrelated to the proprietor, also provides any personal care or service beyond food, shelter and laundry.
- *Boarding house*: A building, or portion thereof, where meals and lodging are provided for compensation for at least three persons and not more than ten persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment.
- *Buffer*: A natural undisturbed portion of a lot which is set aside to achieve a visual and noise barrier between land uses. A buffer is achieved with natural vegetation, except for approved access and utility crossings, and must be replanted when sparsely vegetated subject to the approval of the Zoning Administrator.
- *Building*: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals or property of any kind.
- *Building coverage*: The horizontal area measured from the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
- *Building facade*: The portion of any exterior elevation of a building extended from grade to the top of the parapet wall or eaves and the entire width of the building elevation fronting a public street, excluding alleys and lanes, and which may also be referred to as the building face.
- *Building permit*: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.
- *Building setback line*: A line, usually fixed parallel to the lot line, beyond which a building, or any projection thereof, cannot extend, excluding uncovered steps terraces, stoops or similar fixtures.
- *Bulk Sanitation Containers*: A metal container or receptacle designed to receive, transport and/or dump between two and eight cubic yards of solid waste and/or garbage refuse.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- *Bulk storage*: The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.
- *Business park*: A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual office uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- *Car wash*: A building, or portion thereof, where automobiles are washed by mechanical or high pressure water devices.
- *Cemetery*: Property used for the interring of the dead.
- *Central business district (CBD)*: The major shopping area within the city containing, in addition to retail uses, governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, hotels, appropriate industrial activities, and transportation facilities. The district includes the properties fronting Main Street from the Highway 92 Bridge to Clarkesville Dr. Also includes the properties fronting Northside/Southside Dr. from Bell St. to Lemon St.
- *Certificate of occupancy (CO)*: A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.
- *Child care center*: A private establishment enrolling five or more children and where tuition, fees, or other forms of compensation for the care of the children is charged. The term includes day nurseries and kindergartens.
- *Church*: A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.
- *City*: The City of Acworth.
- *City planning*. The decision-making process in which goals and objectives are established, existing resources and conditions analyzed, strategies developed, and controls enacted to achieve the goals and objectives as they relate to cities and communities.
- *City standards*: shall mean the City Standards of the City of Acworth, Georgia, which are hereby adopted and which are incorporated herein by reference. The city clerk shall maintain a copy of said city standards on file for inspection by the public.
- *Clerk of superior court*: shall mean the Clerk of the Superior Court of Cobb County, Georgia.
- *Clinic*: A building or part of a building used for medical, dental, chiropractic, surgical or therapeutic treatment of human beings, excluding hospitals or professional offices of a doctor located in their residence.
- *Club or lodge, private*: Buildings or facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purposes, but primarily for profit or to render a service which is customarily carried on as a business.
- *Comprehensive plan*: A policy guideline including the Future Land Use Map adopted by the Mayor and Council representing issues, goals, policies, and actions for the growth and development of the City. While adopted by the Mayor and Council it does not serve as a development ordinance nor does it carry the force of law but rather serves as a guide to continued growth and development city wide.
- *Conditional use*: A use permitted in a particular zoning district only upon showing that such use would not be detrimental to public health, safety or general welfare. Such uses may be required to meet additional standards and may be controlled as to the number, area and spacing from other uses and each other.
- *Condominium*: A building, or group of buildings, in which units are owned individually, and the structure. Common areas and facilities are owned by all the owners on a proportional, undivided basis.
- *Condominium, commercial*: A building or buildings used for offices, businesses, professional services and other commercial enterprise organized, owned and maintained as a condominium.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- *Construction vehicle*: Any vehicle (other than passenger vehicle, pick-up or panel truck) whose primary purpose is use in land development and construction including, but not limited to, earth moving equipment and dump trucks.
- *Covenant*: A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.
- *Convenience stores*: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.
- *Cul-de-sac*: A minor street with only one outlet, sometimes called a “dead end” street.
- *Curb cut*: The opening along the curb line at which point vehicles may enter or leave the roadway.
- *Dedication*: Under subdivision regulations, the transfer of property from private to public ownership.
- *Density*: The number of families, individuals, dwelling units, or housing structures per unit of land. The standard for density shall be the gross density which includes all the land within the boundaries of the area. The net density calculation shall exclude floodplains, wetlands and standing bodies of water.
- *Detention facility*: A municipal, county, or state jail used for the detention of prisoners; including; penal institutions, penitentiaries, prisons and prison institutions; detention and correctional institutions; rehabilitation institutions and work camps.
- *Development*: The division of an existing parcel of land; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.
- *Display case*: A case, cabinet, or other device having a window of glass or other transparent material, or other opening, access to which is made from other than within the structure or building of which it is a part or attached to.
- *District*: A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.
- *Domesticated animals*: Small animals including fish or fowl permitted in the house or yard and kept for company or pleasure, such as dogs, cats, rabbits, rodents, birds and fish but excluding swine, livestock and exotic animals.
- *Donation Bins*: Any container dedicated for the sole purpose of collecting discarded materials for the purposes of recycling. Said materials shall include but are not limited to, clothing, toys, leather goods, and electronics.
- *Drive-in establishment*: An establishment which is designated to provide, either wholly or in part, service to customers while in their automobile parked on the premises.
- *Drive-in restaurant*: A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building.
- *Driveway*: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.
- *Drug store*: A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines, but where non-medical products are sold as well.
- *Dwelling, detached*: A dwelling which is designed for and occupied by not more than one family and surrounded by green space or yards and which is not attached to any other dwelling by any means.
- *Dwelling, duplex*: A building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule and used by not more than two families.
- *Dwelling, multiple or multi-family*: A building designed for and containing three or more dwelling units.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- *Dwelling, quadraplex*: Four attached dwellings in one structure in which each unit has two green space exposures and shares one or two walls with adjoining unit or units.
- *Dwelling, single family*: A building designed for and containing one dwelling unit occupied by one family unit.
- *Dwelling, single family attached*: A one-family dwelling attached to two or more one-family dwellings by common vertical walls. This term includes duplexes and triplexes.
- *Dwelling, triplex*: A building divided into only three dwelling units each of which has an independent entrance either directly or through a common vestibule and used by not more than three families
- *Dwelling unit*: Consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included in each “dwelling unit.”
- *Easement*: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
- *Erosion*: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.
- *Exotic or Wild Animals*: means any living member of the animal kingdom including those born or raised in captivity except the following: domestic dogs, domestic cats, common farm animals, rodents, fish, non-poisonous reptiles, common caged birds and invertebrates.
- *Family*: One or more related persons or two or less unrelated persons occupying a dwelling and living as a single housekeeping unit provided that all related persons are related by blood, marriage or adoption. All related persons are limited to the spouse, parents, grandparents, grandchildren, stepchildren, sons, daughters, brothers or sisters of the owner or the tenant or of the owner's or the tenant's spouse. Domestic servants employed on premises may be housed on the premises without being counted as a family. The term “family” shall not be construed to mean fraternity, sorority, club, student center, group care homes, foster homes and is to be distinguished from persons occupying a boarding house, rooming house, hotel, or apartment unit as herein defined.
- *Family day care center*: A private residence in which a business, registered by the State of Georgia and licensed by the City of Acworth, operated by any person who receives compensation for supervising and caring for no fewer than three and no more than eight children under eighteen years of age, who are not residents in the same private residence for fewer than 24 hours per day.
- *Fence*: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- *Flag lot*: A lot or parcels approved by the City with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontages.
- *Floodplain*: That area within the 100 year regional flood contour elevation subject to periodic flooding as designated by the public works director based upon the U.S. Corp. of Engineers Flood Plain Information Reports and other federal, state and county hydraulic studies.
- *Floor area*: The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, excluding attached garages, porches, balconies and unfinished basements.
- *Floor area ratio (FAR)*: A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located as:  $Floor\ area/Lot\ area = Floor\ area\ ratio$
- *Frontage*: The length of any property line of a premises which abuts public right-of-way.
- *Fraternity or sorority house*: A dwelling maintained exclusively for members affiliated with an academic college or university or other professional recognized institutions of higher learning.
- *Funeral home*: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- *Garage, commercial*: A commercial structure or any portion thereof in which one or more automobiles are housed, or kept or repaired; not including exhibition or showrooms or storage of cars for sale.
- *Garage, private residential*: A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.
- *Grade*: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
- *Green space*: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment.
- *Group home*: A dwelling shared by non-related individuals who live together as a single housekeeping unit and in a long-term family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall also apply to homes for the handicapped; however, the term “handicapped” shall not include current illegal use of or addiction to a controlled substance or alcohol, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term “group home for the handicapped” shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.
- *Halfway House*: A temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. These are persons who are receiving therapy and counseling from support staff who are present when residents are present, for the following purposes: 1) to help them recuperate from the effects of drug or alcohol addiction; 2) to help them reenter society while housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, prerelease, work release, or probationary programs; or 3) to help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence.
- *Health department*: shall mean the Cobb County Health Department.
- *Health practitioner*: A doctor, dentist, chiropractor but not including a veterinarian
- *Height*: The vertical distance between the highest part of a structure, sign or its supporting structure, whichever is higher, and the ground. The vertical distance from the grade, or its equivalent, to the highest point of the under side of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof, and to the mean level of the under side of the rafters between the eaves and the ridge of the gable, hip or gambrel roof.
- *Heliport*: Any area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.
- *High rise residential development*: A building or buildings of at least five stories containing multi-family dwelling units and developed in accordance with the provisions of this article.
- *Historic district*: A district consisting of various zones which have substantial historic, architectural and/or cultural significance. These areas shall be shown on the Official Zoning Map.
- *Hobby*: A pursuit outside ones regular occupation engaged in for relaxation and nonprofit making.
- *Home for the aged*: Any multifamily residential use limited to occupation by persons age 62 or older, with exception of managerial personnel. HUD elderly housing and handicapped housing; provided no health care services are furnished other than communication systems.
- *Hospital*: A building or portion thereof designed or used for therapeutic treatment of bed patients who are physically or mentally ill.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- *Hotel*: A building in which lodging or board and lodging are provided for transient guests, and offered to the public for compensation and which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.
- *Improvement*: Any man-made item which becomes part of, placed upon, or is affixed to, real estate.
- *Impervious surface*: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water including streets, roofs, sidewalks, parking lots and other similar structures.
- *Industrial park*: A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, including warehousing and distribution, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- *Junk*: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.
- *Junk vehicles*: Any wrecked or non-operable automobile, truck or other vehicle.
- *Junk yard*: Any land or building or other structure used for the storage, collection, processing or conversion of any worn out, cast off, or discarded metal, paper, glass or other materials which is ready for destruction, or has been collected or stored for salvage or conversion to some use.
- *Kennel*: Any location where boarding, caring for and keeping of more than a total of four dogs or cats or other animals or combination thereof (except litter of animals of not more than six months of age) is carried on, and also raising of show, working, hunting animals.
- *Light automotive repair*: an indoor repair establishment (no outside storage) for performing light automotive and small truck repair (under one ton) such as brakes, oil changes, lubrication, transmission, belts, hoses, inspections and the like.
- *Livestock*: Poultry, cattle, swine, horses, mink, rabbits, sheep, goats or any other domestic animal used for consumption.
- *Lot*: The basic development unit, also called parcel, with fixed boundaries, used or intended to be used by one building and its accessory building and not divided by any public road or alley.
- *Lot, corner*: A lot fronting on two streets at their intersection.
- *Lot, substandard*: A lot not meeting the required minimum lot dimensions of the zoning district it is in.
- *Lot coverage*: That amount of land covered or permitted to be covered by a building(s) excluding parking areas, driveways and walkways but including accessory structures measured in terms of a percentage of the total lot area.
- *Lot depth*: The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and midpoint of the rear lot line.
- *Lot line*: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
- *Lot width*: The distance between the side lot line measured along the front building line of the lot as determined by the prescribed minimum front setback requirement.
- *Lot of record*: A lot which is part of an approved subdivision, a plat of which has been recorded in the office of the Clerk of the Superior Court of Cobb County; or a parcel of land, the deed to which has been recorded in the office of the Clerk of the Superior Court of Cobb County.
- *Major side setback*: The required minimum horizontal distance between the building line and the property line which abuts any street frontage not considered as the front setback.
- *Manufactured home*: A structure transportable in one or more sections 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 contained therein. This unit must bear a HUD certificate. Note: Manufactured housing is regulated by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401-5426, pursuant to which the Department of Housing and Urban

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Development (HUD) promulgated regulations related to construction and safety. 24 C.F.R. §§ 3280.1-3280.904.

- *Materials recovery facility*: A solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.
- *Mini-warehouse*: A structure containing separate storage spaces of varying sizes leased or rented on a individual basis.
- *Minor side setback*: The required minimum horizontal distance between the building line and the side property line, provided such property line does not abut any street, public or private.
- *Mobile home*: Housing unit that is similar to a manufactured home, but does not bear the HUD certificate. Due to health, safety and general welfare reasons these units are no longer allowed.
- *Modular home*: A home that is manufactured in a remote facility and then delivered, in whole or parts, to their intended site of use. It is built to local building codes in a controlled, environmentally protected building center using precise and efficient construction technology. A modular home is not to be interpreted as a manufactured home (see definition for manufactured home).
- *Motel*: A building in which lodging or board and lodging is provided for transient guests and offered to the public for compensation with access to each unit directly from the outside.
- *Nonconforming use, building, lot, parcel of land*: A legally existing use or building which fails to comply with any provision of this article either at the effective date of this article or as the result of subsequent amendments.
- *Nursing home*: A home for aged or ill persons licensed by the State of Georgia as such in which persons are provided with food, shelter and medical care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment.
- *Occupant*: The individual or individuals in actual possession of a premises.
- *Office, general*: Any building or part of a building in which one or more persons are employed in the management or direction of an agency, business, organization, but excludes such uses as retail sales, manufacture, assembly or storage of goods, or places of assembly and amusement.
- *Office, professional*: Any building or part of a building in which one or more persons are employed in the management or direction of an agency, business, organization staffed by professionally qualified persons and their staff. Examples of qualified professions typically are licensed by the State of Georgia and include, but are not limited to, architects, real estate brokers, health service practitioners, accountants, engineers and attorneys.
- *Office Service* – A location for an office and business distribution/service facility and assembly process that does not emit noise, vibration, smoke, gas, fumes, odors, or radiation, and is entirely located within an enclosed building that does not involve the manufacturing or fabrication of any products.
- *Official thoroughfare map*: The Thoroughfare Map of the City of Acworth as adopted and amended.
- *Official zoning map*: A legally adopted map that conclusively shows the location and boundaries of zoned districts.
- *Off-street parking space*: A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.
- *Outdoor storage*: The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.
- *Parcel*: The basic development unit, also called lot, with fixed boundaries, used or intended to be used by one building and its accessory building and not divided by any public road or alley.
- *Parking area*: Any public or private land area used for parking vehicles including parking lots, garages, private driveways and legally designated areas of public streets.
- *Parking lot*: Any designated area designed for temporary accommodation of motor vehicles in normal operating condition.
- *Parking space*: Any area for the exclusive parking of a single vehicle.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- *Permanent sign*: Any sign attached securely to a building, roof, wall, or canopy or the ground by means of concrete, bolts, metal braces or treated wood or cedar, and continuing in the same state or without essential change to the sign structure.
- *Permit*: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.
- *Permitted use*: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- *Personal care home*: A facility licensed by the State of Georgia for the transitional residency of persons incapable of independent living, within which are provided living and sleeping facilities, meal preparation, laundry services, transportation services and routine social and medical appointments and counseling.
- *Pharmacy*: A place where medicines are compounded or dispensed.
- *Planned development*: A tract of land developed based on a plan which allows for flexibility of design not available under normal zoning district requirements.
- *Planned Shopping Center*: Commercial development which is approved site-plan specific and allows for minor reductions of bulk area requirements typically in exchange for greenspace/openspace and other amenities. Also allows for uniqueness of site and architectural design.
- *Planning Commission*: shall mean the Planning Commission for the City of Acworth, Georgia. Also referred to as the Planning and Zoning Board.
- *Plat*: A map representing a tract of land, showing the boundaries and location of individual properties and streets.
- *Plat, final*: The final map of all or a portion of a subdivision or site plan which is presented to the planning commission for final approval.
- *Plat, preliminary*: A map indicating the proposed layout of the subdivision or site plan which is submitted to the proper review authority for consideration and approval.
- *Portable storage container*: any self-supporting metal container, usually metal or metal-framed, designed and used for the storage of personal or business property of a nonhazardous nature which is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck.
- *Public works director*: The person vested by the city manager with the responsibility of directing the operations of building inspections, fleet transportation, sanitation, street and traffic administration, street department, and traffic services.
- *Recovered materials*: Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.
- *Recovered materials processing facility*: A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.
- *Recreational vehicles*: Boat trailers and any type of portable structure without permanent foundations, which can be towed, hauled or driven and may be designed as temporary living accommodation for recreational, camping, and travel use, and including travel trailers, truck campers on or off the truck, camping trailers and self-propelled motor homes.
- *Recycling Collection Containers*: Any container dedicated for the sole purpose of collecting recyclable waste material, including but not limited to, newspapers, glass, plastic, metal cans (of all types), mixed papers, and cardboard, which are separated from other garbage for the purpose of recycling.
- *Recycling collection point*: A primary or accessory use that serves as a neighborhood drop-off point for temporary storage of recoverable resources with no processing of such items taking place.
- *Residence*: A home or dwelling utilized as living quarters.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- *Residential district*: Any zone consisting primarily of residential dwelling units.
- *Rest home*: See *Home for the aged*.
- *Retail professional services*: Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.
- *Retail trade*: Establishments engaged in selling goods or merchandise to the general public and for personal or household consumption and rendering services incidental to the sale of such goods.
- *Right-of-access*: The legal authority to enter or leave a property.
- *Right-of-way*: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.
- *Roll-off trash container*: means a large metal container designed and used for the temporary storage of refuse, rubbish, trash, garbage, junk, debris, offal, or any material rejected as useless and fit only to be thrown away. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. This term shall not be interpreted to refer to a “trash container” or “dumpster” that is stored in a more permanent manner on the property, and further is required to be screened from public view. This term shall not be interpreted to include recycling facilities.
- *Rooming house*: See boarding house.
- *School*: State, county, city church or other schools, public or private, as teach the subjects commonly taught in the common schools of this state, and vocational schools, colleges, post-high school learning centers.
- *Setbacks*: The required space between a property line and a building or specified structure. The graphic illustration labeled “setback definitions” is adopted by reference and made part of the zoning ordinance.
- *Setback, front*: The required minimum horizontal distance between the building line and the front property line. In cases where a lot has more than one frontage on public right-of-way, the front setback shall be determined according to Section 67.4 of the zoning ordinance, “Corner Lots”. The graphic illustration labeled “setback definitions” is adopted by reference and made part of the zoning ordinance.
- *Setback, major side*: The required minimum horizontal distance between the building line and the property line which abuts any street frontage not considered as the front setback. The graphic illustration labeled “setback definitions” is adopted by reference and made part of the zoning ordinance.
- *Setback, minor side*: The required minimum horizontal distance between the building line and the side property line, provided such property line does not abut any street, public or private. The graphic illustration labeled “setback definitions” is adopted by reference and made part of the zoning ordinance.
- *Setback, rear*: The required minimum horizontal distance between the building line and the rear property line. The rear property line shall be that which is opposite a “front setback”, as defined in the zoning ordinance definitions and Section 67.4.
- *Shopping center*: A group of commercial establishments constructed as a singular entity with customer and employee parking provided on-site.
- *Sidewalk*: A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
- *Sign*: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement, direction or designation of any person, group, organization, place,

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commodity, product, service, business, profession, enterprise or industry which is located upon any land or any building or upon a window. The flag, emblem or other insignia of a nation, government unit, educational, charitable or religious group shall not be included.

- *Sign, animated:* A sign with action or motion with moving characters or flashing colors which require electrical energy, including wind actuated elements, such as flags or banners. This term does not include time and temperature or revolving signs.
- *Sign, announcement:* A single face non-illuminated professional or announcement sign, not exceeding two square feet in area, and attached wholly to a building, window or door. Where such sign only includes emergency information, business hours, credit cards honored and other accessory information it shall be known as an “incidental use” sign not requiring a permit.
- *Sign, building identification:* A wall sign used to identify or indicate the name of a building.
- *Sign, canopy:* A sign imposed upon or painted on any roof-like structure either permanently or temporarily extended over a sidewalk or walkway, which can be mounted flush or suspended.
- *Sign, changeable copy:* A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.
- *Sign, construction:* A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
- *Sign, detached:* A permanent sign affixed to the ground which is wholly independent of any building for support. This term includes portable display signs.
- *Sign, directory:* A sign containing information relative to the location, distance to, entrance to, and exit from structures, or convenient for visitors coming on the property, including signs marking entrances and exists, parking areas, circulation direction, rest rooms, and pick up and delivery areas, or land use activities.
- *Sign, event:* A temporary sign advertising private sales of personal property such as “house sales,” “garage sales,” “rummage sales” and the like or private not-for-profit events such as picnics, carnivals, game nights, art and craft shows and Christmas tree sales.
- *Sign, flashing:* A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects.
- *Sign, general advertising:* A detached sign which has a sign area greater than 250 square feet.
- *Sign, illuminated:* A sign illuminated directly or indirectly by gas, electricity or other artificial light including reflective or fluorescent light.
- *Sign, marquee:* A projection sign attached to a roofed structure of a building which may project over public or private sidewalk or rights-of-way.
- *Sign, monument:* A free standing, detached sign in which the width of the support structure (base) is no less than ¼ the overall height of the sign. The base shall not count toward the area of the sign.
- *Sign, on-premise:* Any sign the content of which relates to the premises on which it is located, referring to the name, location, products, persons, accommodations, services or activities of or on those premises, or the sale, lease, or construction of those premises, or conveying any other message regardless of whether said message relates to the premises where the sign is located.
- *Sign, personal expression:* A detached sign located on private property containing non-commercial messages of the property owner. Obscene messages are prohibited.
- *Sign, political:* Any sign used in connection with political campaigns or civic non-commercial health, safety and welfare campaigns.
- *Sign, portable display:* A mobile/temporary, electrical or non-electrical changeable copy sign that is mounted on a trailer type frame with or without wheels or skids or portable wood or metal frame and not permanently attached to the ground.
- *Sign, projection:* A sign which is attached to the building wall and which extends more than 18 inches from the face of such wall.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- *Sign, real estate*: A temporary sign advertising the sale, or lease of the property on which it is located.
- *Sign, real estate directional*: A sign which conveys directions to a specific property for sale or lease, such as a real estate development, residential subdivision, apartment or condominium, home for sale, apartment for rent, or any other property for sale or lease.
- *Sign, roof*: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
- *Sign, temporary*: A display, informational sign, banner, or other advertisement device with or without a structural frame, not permanently attached to a building, structure or the ground and intended for a limited period of display, including real estate signs, accessory temporary window or display case signs, and decorative displays for holidays, or public demonstrations. This definition does not include portable display signs.
- *Sign, vehicular*: Any sign on an operable vehicle or any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site for erection.
- *Sign, wall*: Any sign attached to or erected against a wall which is an integral part of the building, and projects no more than 18 inches from the wall of the building. Such a sign may be constructed without constituting an encroachment into a required side or front yard setback line. A single face sign which is in any manner attached or fixed flat to an exterior wall of a building or structure. Individual letters in addition to the “box type” (i.e., letters and symbols on an attached backing) sign may also be installed.
- *Sign, window*: A sign affixed to or displayed within 1 foot of a window in any manner so as to be visible from a public right-of-way.
- *Sign area*: The entire face of a sign, its supporting structure and all wall work including illuminated tubing incidental to its decoration. In the case of an open sign made up of individual letters, figures, or designs attached directly to the building or standard the space between such letters, figures or designs shall be included as part of the sign area. When a sign has parallel sides or where the interior angle formed by the faces is less than 45°, the sign shall be considered double-faced. The calculation for a double-faced sign shall be the area of one face only. The copy area of all “V” or “L” shaped signs with an internal angle of greater than 45° shall be considered as a single face. If the faces of a double-face sign are of unequal area, the area of the sign shall be taken as the area of the larger face.
- *Sign clearance*: The vertical distance from the established finished grade of the sidewalk or ground to the lower edge of a sign.
- *Site plan*: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood plains, marshes and waterways; green spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.
- *Solid waste handling facility*: Any facility the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.
- *Story*: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including those finished basements used for the principal use with a floor area greater than 50% of the story above.
- *Street*: A way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley, or other way.
- *Street, alley*: A service way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property; not intended for general traffic circulation.
- *Street, arterial*: A street shown as an arterial street on the current official thoroughfare map.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- *Street, collector*: A street shown as a collector street on the current official thoroughfare map.
- *Street, local*: A street shown on the current official thoroughfare map as a local street.
- *Street, private*: Any right-of-way or area set aside to provide vehicular access within a development which has not been dedicated to, nor accepted by the city, and which is not maintained by the city.
- *Structure*: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- *Subdivider*: A person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance or proceedings to subdivide such land under this article, or the authorized agent of such person, firm or corporation for the purpose of proceeding under these regulations.
- *Subdivision*: All divisions of a tract or parcel of for the purpose (whether immediate or future) of sale, lease, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether private or public) or change in an existing street, and includes re-subdivision, and where appropriate to the context, related to the process of subdividing or to the land or area subdivided.
- *Swale*: A depression in the ground which channels runoff.
- *Tavern*: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.
- *Tract*: An area, parcel, piece of land, or property which is the subject of a development application.
- *Trailer*: Any vehicle or structure constructed so as to permit occupancy thereof as sleeping or living quarters, or the conduct of any business, trade or occupation, or use as selling or advertising device, or use of storage or conveyance for chattel, tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets propelled or drawn by its own or other motive power. This term shall include, but not be limited to: automobiles, motorcycles, boat utility trailers, trailer coaches and manufactured homes.
- *Trailer, camping*: Shall mean any portable structure or vehicle designed for highway travel at legal speed limits without special permit which is intended for temporary living.
- *Townhouses*: Attached houses in a row or group, each house separated from adjoining houses in the same row or group by fire walls and having fee simple title.
- *Variance*: A device which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship as distinguished from a mere inconvenience or a desire to make more money.
- *Waste transfer station*: A facility used for the temporary storage and collection of waste materials.
- *Yard*: An open space on the same lot with a building or building group lying to the front, rear, or side of a building extending to the nearest lot line.
- *Zero lot line*: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.
- *Zone*: A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.
- *Zoning ordinance*: The Zoning Ordinance of the City of Acworth, Georgia as adopted and amended.

**CITY OF ACWORTH SUBDIVISION AND DEVELOPMENT REGULATIONS**

An Ordinance To Regulate and Control the Development of Residential Subdivisions.

Now, Therefore, the Mayor and the Board of Aldermen of the City of Acworth Hereby Ordain As Follows:

**Section 1. Purpose and Intent**

This section [ordinance] is enacted pursuant to the following purposes:

- (1) To encourage the development of an economically sound and stable community;
- (2) To assure the provision of required streets, utilities, and other facilities and services to new land development;
- (3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, to new land developments;
- (4) To assure the adequate provision of needed public green space and building sites in land developments through the dedication or preservation of land for recreational, educational, and other public purposes; and
- (5) To assure, in general, the wise development of new areas.

**Section 2. Conflicting Regulations**

Whenever the provisions of this ordinance and those of some other resolution, ordinance or statute apply to the same subject matter, that requiring the highest, or more strict, standard shall govern.

**Section 3. Approval by Mayor and Board of Aldermen Required**

No land in the City of Acworth shall hereafter be subdivided and offered for sale, or sold or otherwise transferred in ownership by reference to or other use of plat of a subdivision until said plat has received final approval by the mayor and board of aldermen, after which said plat shall be duly recorded in the office of the clerk of the superior court of Cobb County. The description by metes and bounds in the document of sale or transfer shall not exempt the transaction from the regulations.

**Section 4. Issuance of Building Permit**

No building permit shall be issued for and no building or other structure shall be erected on any lot within the City of Acworth unless the street giving access to the lot upon which said building is proposed to be placed shall be accepted or opened as, or shall have otherwise received the legal status of a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the city's planner or on a street location and accepted by the mayor and board of aldermen.

**Section 5. Definitions**

When used in this ordinance, the following words and phrases shall have the meaning given in this section. Words not defined herein shall be construed as having the meaning given by common and ordinary use. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

- (1) Administrator. The city manager or his designee.
- (2) City plan. City official zoning map. The official zoning map is hereby incorporated herein by reference as though fully set forth herein. A copy of the official zoning map shall be maintained on file with the city clerk for inspection and review by the public.
- (3) Clerk of superior court. Shall mean the clerk of the superior court of Cobb County, Georgia.
- (4) Health department. Shall mean the Cobb County Health Department.
- (5) Major thoroughfare. Shall mean Highway 92, Main Street, and any other street designated as such by ordinance or resolution.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- (6) Preliminary approval. The conferral of certain rights, prior to final approval, after specific elements of a development or site plan have been approved by the proper reviewing authority and agreed to by the applicant.
- (7) Street.
- (a) A way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley, or other way.
  - (b) "Collector street" shall mean a street onto which an entrance to a subdivision is located, intersects, or crosses.
  - (c) "Industrial street" is a street located and used primarily for industrial traffic in an approved industrial tract.
  - (d) "Minor street" shall mean any street which is not a major thoroughfare, a collector street, or an industrial street.
  - (e) "Cul-de-sac" is a minor street with only one outlet, sometimes called a "dead-end" street.
  - (f) Subdivider. A person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance or proceedings to subdivide such land under this ordinance, or the authorized agent of such person, firm or corporation for the purpose or proceeding under these regulations.
  - (g) Swale. A depression in the ground which channels runoff.
  - (h) Zoning ordinance. Shall mean the zoning ordinance of the City of Acworth, Georgia.

#### **Section 6. General Intent**

It is the intent of these regulations that the administrator shall represent the city in all negotiations with the subdivider, and shall handle all negotiations between the city and the subdivider, for such changes as may be necessary in the subdivision plats. Final approval of all subdivision plats shall be by the administrator and the Mayor and Board of Aldermen of the City of Acworth, Georgia.

#### **Section 7. Notice to Subdividers**

It shall be the duty of the administrator to give at least five days' notice to the subdivider before the date on which the Mayor and Board of Aldermen will vote to approve or disapprove the subdivider's subdivision.

#### **Section 8. Pre-application Procedures**

Prior to the preparation of the subdivision plat, the subdivider may confer with the administrator by submitting the pre-application plats and data specified in the plats and data section.

#### **Section 9. Procedure for Conditional Approval of Preliminary Plat**

- (1) On reaching conclusions informally under the provisions of section 8 regarding his general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with supplementary data as specified in the plats and data section.
- (2) The original and eight copies of the preliminary plat and supplementary data specified shall be submitted to the administrator upon his request. The administrator shall investigate the preliminary plat and supplemental data to determine whether it complies with these regulations and other laws of the city, and shall so inform the Mayor and Board of Aldermen of his findings.
- (3) The Mayor and Board of Aldermen shall then review all preliminary plats and should the administrator receive no comments from the Mayor and Board of Aldermen within seven days it shall be deemed to be conditionally approved.
- (4) Within ten days after receiving the conditional approval of the preliminary plat(s), the administrator shall notify the subdivider of the action taken and return one copy of the preliminary plat to him, with all comments, actions taken, and changes required, if any, noted thereon.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- (5) Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of conditional approval of the layout submitted on the preliminary plat as guide to the preparation of the final plat, which will be submitted for approval by the Mayor and Board of Aldermen for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.

#### **Section 10. Procedure for Approval of Final Plat**

- (1) The final plat to be prepared as specified in the plats and data section shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these obligations.
- (2) The original and eight copies of the final plat and supplementary data, as specified in the plats and data section, shall be submitted to the administrator at least 20 days prior to the meeting of the Mayor and Board of Aldermen at which it is to be considered, and within six months after approval of the preliminary plat, otherwise such approval shall become null and void unless an extension of time is applied for and granted by the administrator.
- (3) The administrator shall investigate the final plat and supplementary data to determine whether it complies with these regulations and other laws of the city and whether it conforms to the approved preliminary plat and recommended changes and shall so inform the Mayor and Board of Aldermen of his findings.
- (4) Upon approval of the final plat by the Mayor and Board of Aldermen, the administrator shall have a copy of the final plat recorded in the office of the clerk of the superior court of Cobb County, Georgia, within 30 days. The subdivider shall be responsible for the recording fee. The original plat shall be returned to the surveyor or engineer and the administrator shall be furnished a reproducible copy of the final plat to be filed in City records. If disapproved, the reasons therefore shall be expressed on or attached to said plats.

#### **Section 11. Combinations and Re-plats**

Where separate lots or parcels of land are proposed to be combined or re-platted, they shall be reviewed by the Mayor and Board of Aldermen, and if found to result in the same number or fewer lots or parcels, they shall require final approval by the Mayor and Board of Aldermen. If, however, upon review, the Mayor and Board of Aldermen find that such combinations or re-platting does result in a greater number of lots or parcels, such combination or re-platting must be subjected to the requirements of these regulations and receive conditional approval by the Mayor and Board of Aldermen before recording such plats.

#### **Section 12. Small Subdivisions**

Subdivisions of five lots or less not requiring dedication of additional street right-of-way and not requiring additional street improvements or utility installations other than house connections are exempted from the requirements and procedures of section 9, "Procedure for Conditional Approval of Preliminary Plat."

#### **Section 13. Boundary Line Revisions**

Minor revision of bearings and distances due to omissions or errors are to be approved by the administrator. Any revised plat must be recorded.

#### **Section 14. Pre-Application Procedures**

The following plats and data are required as supplements to the procedures outlined under procedure section, section 8, "Pre-application Procedures":

- (1) General Subdivision Information. A description or outline of the existing conditions of the site and the proposed development. This information may include data in existing covenants, land

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- characteristics, and available community facilities and utilities, and information describing the subdivision proposal, such as number of residential lots, typical lot area, business areas, playgrounds, park areas, and other public areas within the subdivision.
- (2) Location Map. Showing in sketch form the relationship of the proposed subdivision to the surrounding area.
  - (3) Sketch Plan. Showing in simple sketch the proposed layout of streets, lots and other features in relation to existing conditions.

### **Section 15. Plats and Data for Conditional Approval**

Eight copies of the following plats and data are required as supplements to the procedures outlined under section 9, "Procedures for Conditional Approval of Preliminary Plat."

- (1) Topographical Data. Required as a basis for the preliminary plat in section 16. The following information and other pertinent data as required to support the preliminary design of the proposed development, shall be submitted:
  - (a) Boundary lines - bearings and distances.
  - (b) Easement - location, width and purpose.
  - (c) Streets on and adjacent to the tract - name and right-of-way width and location; type, width and elevation of surfacing; any legally established centerline elevations; walks, curbs, gutters, culverts, etc.
  - (d) Utilities on and adjacent to the tract - location, size and invert elevation of sanitary and storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and streetlights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.
  - (e) Ground elevation of the tract - from an original topographic survey, based on a sea level datum plane approved by the administrator: for land that slopes less than approximately two percent show spot elevation at all brakes in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately two percent either show contours with an interval of not more than five feet if ground slope is regular, and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
  - (f) Subsurface conditions on the tract - if required by the administrator, location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth of five feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
  - (g) Other conditions on the tract - watercourses, marshes, rock outcrop, and other significant features.
  - (h) Proposed public improvements - highway or other major improvements planned by public authorities for future construction on or near the tract.
  - (i) Key plan - or vicinity map showing location of the relating or surrounding area and streets.
  - (j) Title and certificate - present tract designation according to official records in office of appropriate recorder; title under which proposed subdivision is to be recorded, with names and addresses of owner, designer, and person to whom official notices of hearing are to be sent, notation stating acreage, graphic scales, north arrow, datum, benchmarks; certification of registered civil engineer or surveyor; date of survey.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

### **Section 16. Preliminary Plat**

The preliminary plat shall be at a scale of not less than 100 feet to one inch or larger; it shall show all existing conditions required in section 15(1), "Topographical Data," above and shall show all proposals, including the following:

- (1) Streets - right-of-way and roadway widths, approximate grades.
- (2) Other Right-of-Way Easements - location, width and purpose.
- (3) Location and Size of Utilities - if not shown on other exhibits.
- (4) Lot Lines.
- (5) Sites - if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
- (6) Sites - if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
- (7) Minimum Building Setback Lines.
- (8) Site Data - including number of residential lots, typical lot size, and acres in park.
- (9) Title, Graphic Scale, North Arrow, and Date.
- (10) Scenic Easement - the purpose of a scenic easement is to preserve and maintain the natural topography, vegetation and wildlife in an undisturbed environment which may be subject to periodic inundation or is necessary for additional buffer area. The City shall not maintain nor improve the property in a scenic easement and the property owner shall not remove any vegetation or wildlife nor make any improvements or add any structures. Diseased, decaying or damaged timbers which are likely to damage property outside the easement may be removed under the supervision of the City. The easement shall not be cleared, mowed or otherwise altered.

### **Section 17. Other Preliminary Plans**

When required by the administrator, the following may be required:

- (1) Preliminary Storm Drainage Plan, which shall contain the following information:
  - (a) Location of proposed drainage ways, streams and ponds in the subdivision.
  - (b) Location and size of proposed drainage structures, including culvert, bridges, pipes, drop inlets and headwalls.
  - (c) Area of land contributing runoff to each drainage structure, and name of formula and runoff constant used.
  - (d) Location of easements and right-of-way for drainage ways maintenance accesses therefore [therefore].
  - (e) Typical cross section of each drainage way.
  - (f) Direction of water flow throughout the subdivision.
- (2) Preliminary Sanitary Sewer Plan, which shall contain the following information:
  - (a) Location and size of all existing and proposed sewers in the subdivision and tie points of the subdivision. Location of sewer laterals.
  - (b) Direction of flow of each sewer line.
  - (c) Location of each manhole and other sewerage system appurtenances, including lift stations, oxidation ponds, treatment plant.
- (3) Preliminary Water Distribution Plan, which shall contain the following information:
  - (a) Location and size of water distribution system, including pipes, valves, fittings, hydrants, high-pressure pumping equipment, and other integral units of the water system.

### **Section 18. Plats and Data for Final Approval**

The following plats and data are required under the procedures outlined under Section 10, "Procedures for Approval of Final Plat":

- (1) General Final Plats. One original and eight copies required. The original shall be drawn in ink on tracing cloth or other permanent reproducible drafting materials with sheets 18 inches wide by 20 inches long and shall be at a scale of not less than 100 feet to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the administrator. The final plat shall show the following:

- (a) Primary control points, approved by the administrator, or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- (b) Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites: with accurate dimensions, bearings, or deflection angles, radii arcs, and central angles of all curves.
- (c) Name and right-of-way width of each street or other right-of-way.
- (d) Location, dimensions, and purpose of any easement. Floodplain and floodway boundaries as shown on the Official City of Acworth Flood Boundary and Floodway Map is hereby incorporated herein by reference as though fully set forth herein. A copy of the Acworth Flood Boundary and Floodway Map shall be maintained on file with the city clerk for inspection and review by the public.
- (e) The final plat shall show a number to identify in each block, lot or site and shall be submitted to the appropriate city department for the assignment of street addresses.
- (f) Purpose for which sites, other than residential lots, are dedicated or planned.
- (g) Minimum building setback line on all lots and other sites.
- (h) Location and description of monuments.
- (i) Name of record owners of adjoining unplatted lands.
- (j) Name of recorded subdivision plats of adjoining platted lands.
- (k) A certification by surveyor or engineer certifying to accuracy of survey and plat.
- (l) A certification of title showing that applicant is the land owner.
- (m) Statement by owner dedicating streets, rights-of-way and any other sites for public use.
- (n) Title, graphic scale, north arrow and date.
- (o) A certificate of approval by the administrator, which shall be made when the administrator determines that all required utility installations have been paid for the subdivider and that the subdivider has complied with one of the following alternatives:
  1. All utilities and other improvements have been installed in accordance with the requirements of these regulations.
  2. A bond or certified check or other acceptable guarantee has been posted with the city in sufficient amount to assure completion of improvements.
- (p) A certification of approval for recording by the Mayor and Board of Aldermen.
- (q) A copy of the protective covenants suitable for recording.
- (r) The size, length and location of all surface drainage pipes or structures shall be shown on the final plat.
- (s) The endorsement and dedications required above shall be substantially as follows and shall be printed on the original plat.
  1. "It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

\_\_\_\_\_  
"Registered Land Surveyor"

\_\_\_\_\_  
"Surveyor Number"

2. "The owner of the land shown on this plat and whose name is subscribed hereto and who in person or through duly authorized agent acknowledges that this plat was made from an actual survey and dedicates the use to the public forever of all alleys, streets and other public places thereon shown for the purpose and consideration therein.

\_\_\_\_\_  
"Name of Owner"

3. "This plat has been submitted to and considered by the mayor and board of aldermen of Acworth, Georgia, and is approved this \_\_\_\_\_ day of \_\_\_\_\_,

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

19\_\_\_\_\_. Furthermore the mayor and board of aldermen accept all dedicated right-of-way, public streets, public places and public utility easements for maintenance.

\_\_\_\_\_  
"Mayor"

- (2) Fee Simple Subdivision Final Plat. Fee simple subdivision final plats may be submitted twice. The first submittal shall show the proposed location in blocks or rows of units, along with all required data for a subdivision excluding property lines for individual units. The second submittal shall be made after each individual unit is constructed. The second submitted shall consist of a revision of the first plat and shall depict each individual property line with bearings and distances.
- (3) Industrial, Commercial and Office Park Subdivision Final Plat. Final plats for industrial, commercial and office park subdivisions shall meet all data requirements of subsection (1) above, except that interior lot lines need not be depicted.

**Section 19. Examples of Certificates**

The following are examples of certificates that may be required before a plat may be recorded:

- (1) Certificate of approval of the storm drainage system.  
"The storm drainage system shown hereon is properly designed to serve this subdivision and is adequate to serve the drainage area from which storm drainage waters will be carried through this subdivision. It is certified that the information shown hereon is true and correct."  
"It is further certified that adequate storm drainage easements are provided, where necessary."

TABLE INSET:

\_\_\_\_\_  
"Date \_\_\_\_\_  
Registered Engineer,  
Surveyor or Landscape Architect Registration Number"

- (2) Certificate of Approval of the Sanitary Sewer System.  
"The sanitary sewer system shown hereon is properly designed, meets City of Acworth specifications, and is adequate to serve the drainage area whose sewage will be carried through this subdivision. It is certified that the information shown hereon is true and correct."

TABLE INSET:

\_\_\_\_\_  
"Date \_\_\_\_\_  
Registered Engineer,  
Surveyor or Landscape Architect Registration Number"

- (3) Certificate of Approval of the Water Distribution System.  
"The water distribution system shown hereon is properly designed and meets the City of Acworth specifications and is adequate to serve this subdivision. It is certified that the information shown hereon is true and correct."

TABLE INSET:

\_\_\_\_\_  
"Date \_\_\_\_\_  
Registered Engineer,

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

Surveyor or Landscape Architect Registration Number"

(4) Certificate of Approval of the Septic Tank System.

"The septic tank system shown hereon is properly designed and meets the Cobb County Health Department specifications and is adequate to serve each lot of this subdivision. It is certified that the information shown hereon is true and correct.

TABLE INSET:

\_\_\_\_\_  
"Date \_\_\_\_\_

Registered Engineer,  
Surveyor or Landscape Architect Registration Number"

**Section 20. Conformity**

All proposed subdivisions shall conform to the official zoning map as follows:

- (1) The densities established by the zoning ordinances shall be observed by the subdivider and developer.
- (2) All major thoroughfares crossing or bordering a proposed subdivision are required to be provided in the location and at the right-of-way width designated thereon.

**Section 21. Street Design**

A. General.

- (1) The arrangement, character, extent, locations, and grade of all streets shall be done in accordance with acceptable land planning principles and shall be considered in their relation to existing and planned streets, to topographical conditions, orientation to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets.
- (2) The street pattern shall be so designed as to provide two or more means of access to a major thoroughfare or collector street; however, streets converging upon any one point which would tend to promote congestion shall not be permitted.
- (3) The street pattern shall be in conformity with the most advantageous development of the entire neighborhood area. Proposed streets shall be extended to the boundary lines of the tract to be subdivided and provide normal circulation of traffic within the vicinity.
- (4) Minor streets shall be so laid out that their use by through traffic in the subdivision will be discouraged.
- (5) Subdivisions which abut or have included within the proposed area to be subdivided any major thoroughfare shall provide:
  - (a) A collector street;
  - (b) Reverse-frontage with screen planting contained in a nonaccess reservation along the rear property line;
  - (c) Deep lots with rear service; or
  - (d) Other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Intersections of minor subdivision streets with major thoroughfares shall be held to a minimum.

B. Unusable Reserve Strips. Unusable reserve strips controlling access to streets shall be prohibited. Land shall not be subdivided in a manner which omits part of the original tract or avoids drainage improvements.

C. Cul-de-sac. Streets designed to have one end permanently closed shall be provided at the closed end with a turnaround having a minimum roadway diameter of 80 feet. Right-of-way diameter shall be 100 feet. A cul-de-sac shall not exceed 700 feet in length.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

D. Jogs. In no case shall a street jog be permitted on a major thoroughfare. On collector and minor streets, centerline offsets of less than 150 feet shall be avoided.

E. Minimum Street Right-of-Way Widths.

(1) In undeveloped or vacant areas, the administrator shall have the discretion of identifying or classifying streets.

(2) The right-of-way widths of streets shall be not less than as follows:

<u>Street Type</u>	<u>Right-of-Way</u>
Major Thoroughfares	100 feet minimum or greater if specified in official public plans
Collector Streets	50 feet
Minor Streets	50 feet

(3) The amount of right-of-way deemed reasonable to be required by dedication shall not exceed 100 feet in width. Along both sides of proposed major thoroughfare streets it is deemed reasonable to require an increased front yard or setback of up to 20 feet more than that required by the zoning ordinance.

F. Minimum Roadway Width; Paving:

<u>Street Type</u>	<u>Paving Width (Measured from back of curb – feet)</u>
Major Thoroughfares	52 (Minimum)
Collector Streets	28
Minor Streets	24
Industrial Streets	30

**(1) Paving Specifications**

**MINIMUM LOCAL ROADWAY CONSTRUCTION STANDARDS\***

STREET CATEGORY	BASE	BINDER	SURFACE COAT
LOCAL	8” GAB	2” “E” MIX	1” SUPERPAVE

\* NOTE: unless otherwise specified by Cobb County DOT or GA DOT on those roads maintained by.

- a. Residential minor streets and collector streets - 8 inches of crushed stone base (or equivalent), (2”) two inches of asphaltic E-Mix and 1inch of super-pave surface coat. Note: All residential subdivision entrances from feeder street to the point of end of entry to the subdivision must meet commercial standards. All cul-de-sac’s must meet commercial standards.

**MINIMUM COMMERCIAL ROADWAY CONSTRUCTION STANDARDS\***

STREET CATEGORY	BASE	BINDER	SURFACE COAT
COMMERCIAL	10”	3” “E” MIX	2 ”

\*NOTE: unless otherwise specified by Cobb County DOT or GA DOT on those roads maintained by.

- b. Commercial/industrial streets - 10 inches of crushed stone base (or equivalent) with 3 inches of asphaltic binder and two 2” inches of asphaltic topping.

• **Note:** All sub-base, base, binder, and surface coat inspections are described below for local and commercial paving. No paving will be allowed at temperatures below 40 degrees Fahrenheit, on frozen or saturated ground or base. Moisture content must meet all GDOT standards, tested by an approved lab, if so called for by the Acworth Public Works Department (APWD). All base, asphalt binder and topcoats must conform to GDOT standards for their respective use. The APWD may require design mix specifications prior to placement to ensure compliance.

- c. **Inspections:** The following is a list of required inspections at each phase of roadway construction;

**Sub-grade:** All sub-grades will be inspected for compaction with a roll test, minimum weight of forty (40) U.S. tons, as determined by weigh ticket. If any area fails two (2) scheduled roll tests the contractor will be required to provide independent laboratory test results to confirm compaction at the required areas as determined by the APWD. Sand Cone or Nuclear Densometer testing or other similar test as approved by APWD will be required. No base (stone) is to be installed without first passing sub-grade compaction inspection. **Sub-base compaction must meet 98% proctor.**

**Base (GAB):** After sub-grade passes compaction test, base material can be installed to the approved specified depth. A roll test will be performed as above. If any area fails two scheduled roll tests the contractor will be required to mitigate these areas to obtain compaction as required above.

**Binder:** Prior to surface coat, binder will be inspected for cracking, washing, raveling, sanding and or any abnormalities. Irregularities must be mitigated prior to surface coat installation.

**Surface Coat:** Inspected upon completion. Corrections as required.

G. Street Grades.

- (1) Street grades shall not exceed the following unless otherwise recommended and approved by the administrator:

<u>Street Type</u>	<u>Percent Grade</u>
Major thoroughfares	5
Collector Streets	15
Minor Streets	15

- (2) Minimum grades of any roadway shall not be less than one percent unless otherwise approved by the administrator.
- (3) Cross drains shall be approved by the administrator.
- (4) Vertical curves shall be such as to prevent abrupt change and shall be approved by the administrator.

H. Alignment and Visibility.

- (1) Minimum radii of horizontal curvature of the centerline shall be not less than 100 feet.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- (2) Tangent lengths between reverse curves shall be approved by the administrator. A minimum tangent of 100 feet shall be introduced between reverse curves on major thoroughfares.
- (3) Visibility. Clear horizontal visibility, measured along the centerline, shall be provided for at least 400 feet on major thoroughfares; 300 feet on minor thoroughfares; 200 feet on collector and local streets.
- (4) Where there are roads in existence, plans for rights-of-way must be so designed as to contemplate elimination of bends, crooks, and other hazardous conditions.

I. Intersection.

- (1) Submission of a grading plan, showing existing conditions and a detailed design for intersections which are unusual or located on different terrains may be required by the administrator.
- (2) Acute angles at street intersections are to be avoided and in no case will an angle of less than 60 degrees be permitted.
- (3) Minimum radii of intersections.
  - a. Property lines at all street intersections shall have cords [chords] in place of a radius. The cords [chords] shall connect the points where the radii for beginning and end of curb radius intersects the right-of-way lines.
  - b. Roadway and curb intersections shall be made concentric and shall be rounded by a radius of not less than 25 feet.

**Section 22. Alleys**

- (a) Alleys may be required in commercial and industrial districts except that the administrator may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking, consistent with zoning requirements.
- (b) Alleys are not permitted in residential districts except when the administrator determines special conditions warrant a secondary means of access.

**Section 23. Names**

- (a) No street name shall be used which will duplicate by spelling or sound or otherwise be confused with the names of existing streets in the county. Street names are subject to the approval of the administrator.
- (b) Subdivision names shall not duplicate or be confused with existing names in the county. Subdivision names are subject to approval by the administrator.

**Section 24. Blocks**

- (a) The lengths, widths and shapes of blocks shall be determined with due regard to:
  - (1) Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
  - (2) Zoning ordinance and health department requirements as to lot sizes and dimensions;
  - (3) Needs for convenient access, circulation, control and safety of street traffic; and
  - (4) Limitations and opportunities of topography.
- (b) Except where topographic conditions warrant, block lengths shall not exceed 1,200 feet or be less than 600 feet and shall normally be wide enough to allow two tiers of lots of appropriate depth.

**Section 25. Lots**

- (a) The lot size, width, depth, shape and orientation, and the minimum building setback line shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- (b) Lot dimensions shall conform to the requirements of the zoning ordinance and the requirements of the Cobb County Health Department. In such cases where requirements may conflict, the stricter requirement shall govern.
- (c) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading for the use contemplated.
- (d) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- (e) Each lot shall be provided with access to a public street.
- (f) Double-frontage and reverse-frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries or so as to overcome specific disadvantages of topography and orientation. The subdivider shall provide a planting screen easement of not less than 20 feet in width, and across which there shall be no right of access.
- (g) Side lot lines shall be substantially at right angles to streets, except on curves where they shall be radial.

#### **Section 26. Easements**

- (a) Easements across lot or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than 15 feet wide.
- (b) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the lines of such drainage way as approved by the administrator. The width of such drainage easement of [or] right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream, in no case less than 20 feet, unless approved by the administrator.
- (c) Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jogs or offsets and to facilitate the use of easement for power distribution, telephone service, drainage, water and sewer services.

#### **Section 27. Drainage and Inundation**

- (a) Adequate provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision taking into account the ultimate development of the tributary area.
- (b) Off-premises drainage easements and improvements may be required to handle the runoff of subdivisions into the natural drainage channel.
- (c) Low areas subject to periodic inundation shall not be developed or subdivided unless and until the administrator establishes that:
  - (1) The nature of the land use (i.e., recreation areas) would not lend itself to damage by water to an appreciable extent; or that
  - (2) The area may be filled or improved in such a manner to prevent such periodic inundation; or that
  - (3) Minimum floor elevations may be established to prevent damage to buildings and structures.
- (d) The administrator may require of the developer or his agent additional engineering information necessary to make decisions on acceptability of development in an area of questionable drainage. Such additional information would be in writing and the certificate of a qualified engineer may be required.
- (e) Lakes, ponds and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. Such park areas are subject to approval by the administrator.
- (f) The maintenance of retention facilities, including but not limited to, retention ponds, shall be the responsibility of the property owner during grading, construction, and following final approval of the completed project. This maintenance obligation shall be binding on future owners, successors and assigns of the property.



Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

### **Section 28. Monuments**

Monuments shall be placed by the subdivider on all subdivision boundary lots and block corners, angle points, points of curves in streets and at intermediate points as shall be required by the administrator, and shall meet the following specifications:

- (1) Subdivision boundary monuments shall be iron pins not less than 12 inches long and one-half inch in diameter, or concrete posts. All monuments shall be set flush with the ground.
- (2) Lot monuments shall be iron pins not less than 12 inches long and one-half inch in diameter set flush with the ground.
- (3) Other monuments. Where existing monuments have been located and are accurately represented, they may be permitted to remain in position.

### **Section 29. Street and Related Improvements**

- (a) Each subdivider shall be required to install, at his own expense, streets and related improvements according to specifications hereinafter provided.
- (b) Five copies of the street and related improvements plan, showing the seal of the registered professional engineer, surveyor or landscape architect and showing the proposed streets and related improvements system plan and profile as designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II, shall be submitted to, checked and approved by the administrator prior to installation.
  - (1) All streets, except as noted in paragraph (8) below, shall be cleared, grubbed and graded to the full right-of-way width. Finished grades shall be at levels approved by the administrator.
  - (2) Either rolled concrete curbs or integral concrete curbs and gutters, except as noted in paragraph (8) below, shall be installed on all streets. The administrator shall specify which type shall be used. Installation shall be according to the State of Georgia 1983 State Highway Department Specifications, volumes I and II, which is hereby incorporated herein, and is on file with the city clerk. Curbs and gutters in commercial, industrial, institutional or multifamily apartment districts shall be integral type.
  - (3) Where integral type curbs and gutters are used, curb breaks, and driveways to property lines shall be according to the State of Georgia 1983 State Highway Department Specifications, volumes I and II.
  - (4) The administrator may require the installation of sidewalks in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II, near schools and other places of public assembly, in or near commercial areas, and in or near areas of intensive residential development such as apartment areas.
  - (5) Streets shall be paved to the widths set forth in section 21(f) of this ordinance, and measured back to back of curbs.
  - (6) Street pavements shall be installed according to the State of Georgia 1983 State Highway Department Specifications, volumes I and II.
  - (7) In the absence of any standards set forth in this ordinance, the State of Georgia 1983 State Highway Department Specifications, volumes I and II, shall govern. The State of Georgia 1983 State Highway Department Specifications, volumes I and II, are hereby incorporated herein by reference as though fully set forth herein. A copy of said specifications shall be maintained on file with [the] city clerk for inspection and review by [the] public.
  - (8) In certain cases, as determined by the administrator and approved by the mayor and board of aldermen, the subdivider may be required to pave and otherwise improve a reasonable portion of a major thoroughfare in order to ensure proper access to the proposed subdivision.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

### **Section 30. Sanitary Sewers**

- (a) Except as herein provided, each lot or other site in a subdivision shall be connected to a public sanitary sewage system by lines of sufficient size to accommodate the anticipated sewage load. Lot service connections shall be stubbed to the property line so that there will be no necessity for cutting into the pavement in order to make future connections. The subdivider shall pay the cost of, or guarantee payment for, the cost of said installation in a manner suitable to the City of Acworth.
- (b) Five copies of the sewer plan, showing the seal of a registered professional engineer and showing the proposed sewer system in plan and profile as designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II, shall be submitted to, checked and approved by the administrator prior to installation.
- (c) Whenever a sanitary sewage system is not available within a reasonable distance, septic tanks may be permitted upon obtaining special permission of the Cobb County Health Department. For septic tank installation, the minimum lot size shall be one acre with 100 feet frontage, or greater if so required by the health department. The following information shall be submitted to the health department for consideration of septic tank approval:
  - (1) Topographic information for each lot on which a septic tank is to be installed. Contour interval shall not exceed two feet.
  - (2) Location of all drainage facilities either natural or proposed.
  - (3) Percolation data indicated on a plat as specified by the health department.
  - (4) Proposed number of sanitary fixtures per dwelling unit.

### **Section 31. Storm Drainage**

- (a) The subdivider shall pay the cost of, or guarantee payment for, the cost of the storm drainage system in a manner suitable to the City of Acworth, prior to said installation.
- (b) The storm drainage system may be included in the sanitary sewer plan for subdivision required in section 30, provided the two systems are kept separate.
- (c) The size, location, and length of all surface drainage pipe or structures shall be shown on final plans and shall be subject to the approval of the administrator. Storm drain pipes 42 inches and smaller carrying stormwater from the street of adjacent property between or through lots shall be extended at least 60 feet behind the building line and in no cases shall be allowed to be discharged at a point where the water would cause damage to any existing or future structure. All cross drain pipes and pipes under the roadway and shoulder shall be reinforced concrete pipe of such gauge and strength according to the height of fill as specified by the state highway specifications. (See section 29(b)(7).)
- (d) Installation, backfilling and compaction shall be in accordance with the state highway specifications. (See section 29(b)(7).) All pipes shall have minimum cover of one foot and headwalls or inlet basins constructed at end of pipes. No concrete block headwalls shall be permitted.
- (e) The design of drainage structures shall be based on Talbot's Formula, a minimum constant of 0.8 shall be used, the design drainage area and constant shall be shown on the final plat for each pipe or culvert opening.
- (f) Any lots within the subdivision which, in the opinion of the administrator, are undesirable for building due to bad drainage conditions shall be excluded and no building shall be permitted thereon until such conditions have been corrected as specified by the administrator.
- (g) In special cases where it is the desire of the subdivision developer or owner to leave running streams open for aesthetic purposes, this may be permitted upon approval by the administrator. Whenever open streams are permitted, such streams shall retain their natural design characteristics and be so designed that they do not present a maintenance problem to the city and that they do not present a hazard to life and safety.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

- (h) Five copies of the plans of the storm drainage system of the subdivisions shall be submitted to, checked and approved by the administrator prior to installation. Said system shall be designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II.

### **Section 32. Water Supply System**

- (a) Each lot or other site in a subdivision shall be connected to a public water supply system by lines of sufficient size to accommodate the anticipated water demand for domestic and firefighting purposes. Fire hydrants in residential subdivisions shall be no more than 400 feet from the center of the lot at the building line (distance shall be measured along hose lay). Nonresidential subdivisions shall have fire hydrants no more than 500 feet apart. Lot service connections shall be stubbed in so that there will be no necessity for cutting into any pavement in order to make any future connections. The subdivider shall pay the cost of, or guarantee payment for the cost of the water supply system, in a manner suitable to the City of Acworth.
- (b) Five copies of the plan of the water supply system of the subdivision, showing the seal of a registered professional engineer, surveyor or landscape architect, shall be submitted to, checked and approved by the administrator prior to installation. Said system shall be designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II.

### **Section 33. Coordination of Installation**

All underground work such as sewers and water lines shall be installed and each backfill compacted before street pavement is laid.

### **Section 34. Experimental Subdivisions**

- (a) The administrator may waive, vary, or modify the standards and requirements of these regulations if, in his judgment, an unusual or experimental subdivision might prove of considerable merit toward:
- (1) The use of unusual materials in constructing required improvements; and/or
  - (2) A new or untried design concept in the Acworth area which appears promising.
- (b) Special attention may be given to experimental subdivisions which are related to low-cost housing design in an effort to provide housing for lower income families. The administrator shall require the subdivider to provide a written proposal stating the nature of the experiment.

### **Section 35. Conditions**

In granting modifications, the administrator may require such conditions as will, in his judgment, secure substantially the objectives of the standards of requirements so modified.

### **Section 36. Conflict with Other Laws**

Whenever these subdivision regulations impose more restrictive standards than are required in or under any federal or state law or applicable local ordinances, the requirements of these regulations shall govern. Whenever the provisions of any applicable federal, state or local ordinances require more restrictive standards than are required by these subdivision regulations the provisions of such laws or ordinances shall govern.

### **Section 37. Penalties for Transferring Lot in Unapproved Subdivisions**

- (a) Whoever, being owner or agent of any land located within a subdivision, transfers or sells any land in such subdivision before such plat has been approved by the Mayor and Board of Aldermen and recorded or filed in the office of the clerk of the superior court of Cobb County, Georgia, shall forfeit and pay a penalty of \$100.00 for each lot or parcel so transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

other documents used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

- (b) The city may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by civil action in any court of competent jurisdiction.

**Section 38. Final Subdivision Plat**

Previously approved final subdivision plats are exempt from the requirement of this ordinance unless the development of such plans has not been undertaken within a period of two years (24 months) from the date of approval.

**Section 39. Severability**

It is hereby declared to be the intention of this ordinance that its sections, paragraphs, sentences, clauses and phrases are severable; and if any section, paragraph, sentence, clause or phrase of this ordinance is declared to be unconstitutional or invalid, it shall not effect any of the remaining sections, paragraphs, sentences, clauses or phrases of this ordinance.

**Section 40. Repealer**

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

**Section 41. Effective Date**

This ordinance shall become effective upon passage by the Mayor and the Board of Aldermen of the City of Acworth.

**TREE PROTECTION AND LANDSCAPING****A. Intent and Purpose**

The purpose of these standards is to facilitate the preservation and/or replacement of trees as part of the land development process within the municipal boundaries of the City of Acworth. Benefits derived from tree protection and replanting include: improved control of soil erosion, moderation of storm water runoff and improved water quality, dust filtration, shading, cooling, enhanced habitat for desirable wildlife, reduction of noise and glare, climate moderation, increased property values and aesthetic/scenic amenities.

**B. Applicability**

These regulations shall apply to all real property in the City now and in the future and to all property on which renovations to an existing building are greater than 51 percent of the building's appraised value as shown on the current tax records. In accordance with the Subdivision platting procedures, all plats (preliminary and final) and subdivision improvement plans must contain a tree protection plan which meets the standards set forth in this section. Exempt from these standards are:

1. Any singular residential lot occupied by not more than one dwelling structure containing (in aggregate) not more than two dwelling units.
2. The plantings of public and private plant nurseries, tree farms or botanical gardens which are for sale to the general public.
3. Any property undergoing renovation or for which an application for a building permit for renovation has been submitted to the City prior to the adoption of this ordinance.
4. Any property within the Central Business District.

**C. Definitions**

1. *Buildable Area* - The portion of a lot which is not located within any minimum required yard, landscape strip/area, or buffer; that portion of a lot wherein a building may be located.
2. *Buffer* - A natural undisturbed portion of a lot which is set aside to achieve a visual and noise barrier between land uses. A buffer is achieved with natural vegetation, except for approved access and utility crossings, and must be replanted when sparsely vegetated subject to the approval of the Zoning Administrator.
3. *Caliper* - American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken 6 inch above the ground for up to and including 4 inch caliper size, and 12 inches above the ground for larger sizes.
4. *Crown Dripline* - The vertical line extending from the outer surface of a tree's branch tips down to the ground containing the tree's critical root zone (see Figure A).
5. *DBH* - Diameter-at-breast-height is a standard measure of tree size and is a tree trunk diameter measured 4 ½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measured at the point directly beneath the split.
6. *EDF* - Existing Density Factor (EDF) is the density of existing trees to be preserved on a site. The EDF is calculated by converting the diameter of individual trees to density factor units.
7. *Land Disturbance Permit* - An official authorization issued by the Department of Public Works, allowing defoliation or alteration of the site, or the commencement of any land disturbing activities.
8. *Protected Zone* - All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in green space, and/or all areas required as landscaping strips and/or buffers according to provisions of the City of Acworth Tree Protection Ordinance.
9. *RDF* - Replacement Density Factor (RDF) is the density of new trees necessary to meet the minimum Site Density Factor.
10. *Re-vegetation* - The replacement of trees or landscape plant materials into the minimum required landscape areas.
11. *SDF* - Site Density Factor (SDF) is the minimum tree density required to be maintained on a developed site.

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

12. *Specimen Tree* - Any tree which has been determined to be of a high value because of its species, size, age, or other arboreal criteria [see Subsection (D)(4)(d)].
13. *Tree* - Any self-supporting woody plant, usually having a single woody trunk and a potential DBH of at least two inches.
14. *Tree Density Factor* - A unit of measurement used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size and are not equal to individual tree counts.

#### **D. Tree Preservation and Replacement**

A tree protection and landscaping plan shall be submitted with all other permit drawings as part of the land disturbance permit process on any non-exempt parcel of land. Land disturbing activity includes any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to clearing, dredging, grading, excavating, transporting, and filling of land, excluding agricultural practices. The intent of these standards is to provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the provisions of the ordinance are administered in the most effective manner.

In general, it shall be required that a minimum of fifty percent (50%) of existing trees, exclusive of acreage contained within any street right-of-way, setback, stream, or wetland buffers, shall be retained after development in all zoning districts, as identified and defined in this Ordinance. In determining the number of existing trees to be retained, counts of individual trees shall be utilized. However, upon approval of the Zoning Administrator, a calculated percentage of tree canopy coverage (based on average trees per acre) may be used instead. All cleared or disturbed areas shall be planted with trees of suitable species and to densities specified in this section of the Zoning Ordinance.

1. No land disturbance permit shall be issued for projects/lots until the landscaping plan has been reviewed and approved by the Zoning Administrator. All tree protection measures shall be installed prior to land disturbance and no land disturbance permit shall be issued for full site development without it being determined that the proposed development is in compliance with the provisions of these regulations. For each development, the Zoning Administrator, or other City designee, shall visit the development site, prior to issuance of any clearing permits. The tree preservation plan may either be a separate drawing or part of the overall landscape plan and shall include the following information:
  - a) The name of the project
  - b) The name of the owner and/or developer, including 24 hour contact
  - c) The location of proposed building(s) and corresponding dimensions
  - d) Spatial limits of land disturbance, clearing, grading and trenching
  - e) All required undisturbed buffers, landscape strips and parking islands
  - f) The location of all specimen trees or stands of specimen trees
  - g) The location of all hardwood trees with a DBH > 4" and softwoods with a DBH > 10"
  - h) Areas of tree protection and re-vegetation and all relevant tree density calculations
  - i) The specific name and location of all materials to be planted or maintained on the site
  - j) Procedures and schedules for the implementation, installation and maintenance of tree protection measures including, but not limited to, detail drawings of protective tree fencing (both active and passive) including signage and erosion control measures
  - k) Planting and staking specifications
2. The destruction within any two (2) year period of more than twenty percent (20%) of the trees on any parcel of land shall be considered as timbering and regulated as such unless site development plans are submitted and approved as per all applicable City regulations. When site development plans are not submitted, a timbering permit must be obtained prior to any tree cutting, clearing or clearing and grubbing. This standard shall apply to all properties which are not zoned exclusively for single family use and to all properties over two acres in size irrelevant of zoning. Such permits shall be in

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

accordance with current land disturbance permit plan review procedures and shall meet the following standards:

- a) The exterior boundary of the site shall have an undisturbed 50 foot buffer area. This buffer area shall remain undisturbed except for improved perpendicular access points, which may be no wider than 24 feet. Sites over 2 acres in size must retain a minimum of 50% of those hardwood trees with a DBH greater than 6 inches and 50% of those softwood trees with a DBH greater than 12 inches (inclusive of the required buffer).
  - b) Submitted plans shall include the following information:
    - 1) Owner’s name and address
    - 2) Closed property boundary showing bearing and distances of all property lines
    - 3) Limits of land disturbance activity
    - 4) 24 hour emergency contact name and phone number
    - 5) Location of and detail for the truck exit (crushed stone pad)
    - 6) Delineation and labeling of all required buffer zones
    - 7) Documentation of all existing hardwood trees with a DBH > 6” and all existing softwood trees with a DBH > 12”
  - c) All timber harvesting activities shall be in accordance with the U.S. Clean Water Act, Section 404 and *Recommended Best Management Practices for Forestry in Georgia*.
3. In the event that any tree on any nonexempt parcel of land shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, safety or welfare, the tree may be removed upon the written authorization of the Zoning Administrator. In the case of a specimen tree which is included as part of an approved tree preservation plan, the Zoning Administrator may consult with the City’s designated professional arborist.
4. The Site Density Factor (SDF) is the minimum tree density required to be maintained on a developed site based upon the total site area (see Table A). This density requirement must be achieved whether or not a site had trees prior to development. The required unit density may be achieved by counting existing trees to be preserved, planting new trees, or some combination of the two.

**TABLE A – MINIMUM TREE DENSITY CALCULATIONS**

Total area of developed site (acres)	Minimum density units provided (per acre)
< 25	15
> 25	20

Existing Density Factor (EDF) is the density of existing trees to be preserved on a site. The EDF is calculated by converting the diameter of individual trees to density factor units using Table B (below).

**TABLE B – DENSITY CREDIT FOR EXISTING TREES**

DBH (inches)	Density Units (pine species)	Density Units (hardwoods)
3-4”	0.2	0.3
5-8”	0.3	0.6
9-12”	0.4	0.9
13-16”	0.6	1.2
17-20”	0.8	1.9

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

21-24"	1.2	2.8
25-31"	2.0	4.5
32-45"	2.5	6.0
46+"	3	7.5

- b) Replacement Density Factor (RDF) is the density of new trees to be planted on a site. Calculate the RDF by subtracting the EDF from the SDF. The density factor credit for each caliper size of replacement (new) trees is shown in Table C. Any number or combination of transplantable size trees can be used so long as their total density factor units will equal or exceed the RDF.

**TABLE C – DENSITY CREDIT FOR PLANTED TREES**

DBH	Density Units
1" or 7 gallon	0.05
2"	0.3
3"	0.5
4-5"	0.8
6-7"	1.2
8-9"	1.5
10+"	2.0

- c) For additions to existing projects, the tree density requirements are calculated as noted above for only those areas in which new land disturbance is taking place.

*Ex: Sample Tree Density Calculation*

(1) A 2.2 acre site has a Site Density Factor (SDF) of  $2.2 \times 15 = 33$

(2) The Existing Density Factor (EDF) of trees to be preserved is calculated by converting the diameter of individual trees slated for preservation to density factor units as follows (all existing trees are assumed to be hardwoods):

<u>DBH</u>	<u># of trees</u>	<u>unit value</u>		<u>Totals</u>
24"	2	x 2.8	=	5.6
18"	8	x 1.9	=	15.2
10"	10	x 0.9	=	9.0
<i>Total EDF</i>				29.8

(3) Replacement Density Factor (RDF) calculates the minimum density of new trees to be planted by subtracting the EDF from the SDF:

$$RDF = 44 - 29.8 = 14.2 \text{ units required}$$

(4) Table B is used to determine the RDF as follows:

<u>DBH</u>	<u># of trees</u>	<u>unit value</u>		<u>Totals</u>
2"	20	x 0.3	=	6.0
4"	8	x 0.8	=	6.4
6"	3	x 1.2	=	3.6
<i>Total RDF</i>				16.0

$EDF (29.8) + RDF (16.0) > SDF (45.8)$  therefore **DENSITY SATISFIED**

- d) Specimen trees warrant special consideration and encouragement for preservation. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design



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of projects, additional density credit will be given for specimen trees which are successfully saved by a design feature specifically designated for such purpose [subsections (I)(3) and (I)(4)]. Credit for any specimen tree thus saved shall be calculated at twice the assigned unit value shown in Table E.

If a specimen tree is to be removed, a plan or written documentation indicating the reason for the removal must be submitted to the Administrator. Specimen trees must be replaced by species with potentials for comparable size and quality based on the unit value of the tree (for example, a 30" hardwood specimen tree worth 4.5 units per Table B shall be replaced with 4.5 units worth of comparable species trees). Any specimen tree which is removed without the appropriate review and approval of the Administrator must be replaced by trees with a total density equal to one and one half (1 ½) times the unit value of the tree removed. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval.

The following criteria are used by the Zoning Administrator and the appointed City Arborist to identify specimen trees. Both size and condition criteria must be met for a tree to qualify.

Size:

- Large hardwoods: 18-inch diameter or larger
- Large softwoods: 24-inch diameter or larger
- Understory trees: 9-inch diameter or larger

Condition:

- Life expectancy of greater than 15 years
- Relatively sound and solid trunk with no extensive decay
- No more than one major and several minor dead limbs (hardwoods only)
- No major insect or pathological problem

**E. Methods of Tree Protection**

1. The protective zone for designated tree save areas shall include no less than the total area beneath the tree(s) canopy, as defined by the farthest canopy dripline of the tree(s).
2. Construction site activities such as material storage, concrete washout, burnhole placement, etc., may not encroach into designated tree protective zones.
3. No disturbance shall occur within the protective zone of specimen trees or stands of trees without prior approval by the Zoning Administrator.
4. The use of tree save islands and stands is encouraged over the protection of individual (non-specimen) trees scattered throughout a site. This will facilitate ease in overall site organization, increase the effectiveness of protection measures and prevent pathology.
5. Layout of the project site utility and grading plans should accommodate the required tree protective zones. Utilities must be placed between tree protective zones or incorporate those techniques described in subsections (I)(3) and (I)(4).

**F. Protective Barriers**

1. Prior to any land disturbance, active protective fencing shall be installed so that it surrounds the critical root zones of all protected tree zones.
2. Active protective tree fences must be at least 4 feet high and may be either a wood and post construction or orange polyethylene laminar safety fencing.
3. All tree protection zones should be designated as such with "tree save area" signs posted visibly on all sides of the fenced area. These signs are intended to inform subcontractors of the tree protection process. Signs requesting subcontractor cooperation and compliance with tree protection standards

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

are recommended for site entrances although the developer shall be held responsible for any violations found.

4. All specimen trees or stands of trees, or otherwise designated tree protective zones must be protected from the sedimentation of erosion control. Silt screening must be placed along the outer uphill edge of tree protective zones at the land disturbance interface and shall be backed by twelve (12) gauge two (2) inch x four (4) inch wire mesh fencing in areas of steep slope.
5. All erosion control must comply with the City's Soil Erosion Control ordinance. All tree fencing and erosion control barriers must be installed prior to and maintained throughout the land disturbance process and building construction and may not be removed until landscaping is installed.

#### **G. Vehicle Use Areas**

1. Interior landscaping: Interior landscaping of at-grade parking lots shall contain planter islands located so as to relieve the expanse of parking, provide shading and channel water runoff. A maximum of 12 parking spaces in a row shall be permitted without a planter island. In addition, planter islands shall be placed at the ends of all parking bays. Planter islands shall have a minimum of 125 square feet in area and shall contain at least one hardwood overstory shade tree having at installation a minimum DBH of 3 inches and 10 feet in height for each row of parking. If a double row of parking (spaces facing each other) is utilized, a single planter island shall be provided at each end of the rows, each planted with two trees. This requirement may be waived in those instances in which facing parking rows are separated by a continuous island at least five feet in width containing at least one tree every fifteen feet. The remaining area shall be landscaped with appropriate materials.
2. Each area of the site which abuts public right-of-way (or improved accessways providing access to the interior of a development) must provide a planted border not less than 10 feet in width parallel to right-of-way lines (5 feet minimum for accessways). These planted border areas must have at least one tree having a minimum DBH of 2 inches for each 20 lineal feet of border area with a minimum of 2 trees if the strip is greater than 25 feet in length. Pine species are excluded from parking islands and along right-of-ways/accessways. The remainder of the planted area shall be landscaped with appropriate materials.
3. Accessways: Landscaped border areas may be interrupted to provide perpendicular vehicular and/or pedestrian ingress and egress, maximum 24 feet wide.
4. Encroachment: Landscaped areas shall require protection from vehicular encroachment. Car stops shall be located so as to prevent damage to any trees, fences, shrubs or landscaping by automobiles.

#### **H. Encroachment**

Most trees can tolerate only a small percentage of critical root zone loss. If encroachment is anticipated within the critical root zones of specimen trees, stands of trees, or otherwise designated protected tree zones, the following preventative measures shall be employed:

1. Clearing activities: Roots often fuse and tangle among trees. The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Wherever possible, it is advisable to cut minimum 2 foot deep trenches (e.g. with a ditch-witch) along the limits of land disturbance, so as to cut, rather than tear, roots. Trenching may be required for the protection of specimen trees.
2. Soil compaction: Where compaction might occur due to traffic or materials storage, the tree protective zone must first be mulched with a minimum four inch layer of processed pine bark or wood chips, or a six inch layer of pine straw.
3. Trenching: The installation of utilities through a protective zone should occur by way of tunneling rather than trenching.
4. Grade changes: Moderate fill can be tolerated within a tree's critical root zone with the prior installation of an aeration system. A decrease in grade is best accomplished through the use of retaining walls or terracing.
5. When irreparable damage has occurred to trees within the tree protective zones, the trees must be removed and replaced with new trees of comparable size.

**I. Remediation**

Remedial site reclamation and tree care procedures shall be implemented when encroachment within protective zones has caused damage to either the tree or the trees' growing site and the damage is repairable. If encroachment is anticipated, these horticultural practices should be employed as preemptive measures to improve tree survival.

1. Once a tree has been damaged, it is advisable to delay pruning until the deadwood becomes evident (1-3 years). Pruning for deadwood removal is then recommended. The removal of live plant tissue from a damaged tree can accelerate decline. Pruning of root severed trees may reduce the possibility of windthrow. Trees which have not been affected by construction activities can be pruned for maintenance of the tree's health, appearance and safety.
2. Fertilizer applications will enhance the vigor of trees stressed by site disturbances, thereby promoting root development.
3. A tree's adequate root development, and ultimately its chances for survival, is improved with reclamation of the growing site. Whenever possible, the soil should be brought back to its natural grade. Compacted soils within the critical root zones of trees should be aerated. The air exchange, nutrient, and water holding capacities of soils can be improved with soil amendments. A 4 to 6 inch layer of mulch material, such as pine bark or wood chips, spread within the critical root zones of trees on construction sites, is extremely beneficial.
4. The availability of water to trees on construction sites should be monitored. If grade changes or excessive rain cause the accumulation of water near trees, steps must be taken to improve drainage. Conversely, if grade changes or prolonged periods without rain cause a drought situation, then irrigation may be necessary.

**J. Re-Vegetation**

1. The replacement of trees must occur if the EDF does not meet the calculated SDF. The quantity of replacement trees must be sufficient so as to produce a total site-tree density factor which meets the requirements established in subsection (D)(4). (Note: the terms 'unit' and 'tree' are NOT interchangeable).
2. Species selected for replacement must be quality specimens and ecologically compatible with the site. Table D lists those species of trees generally acceptable for credit in density calculations based upon use or need. The Zoning Administrator has information on trees and may accept alternatives to those listed in Table D. Pine species may only be planted in buffer or screening areas to the rear of the principal use and are specifically excluded from parking islands and along right-of-ways. Re-vegetation plans that consist of more than ten (10) new trees shall incorporate at least three (3) separate tree species whereby no single tree species accounts for more than 50% of all newly planted trees. In any case, no more than 50% of all new trees may be evergreen or pine species, regardless of their planting location.
3. Any portion of the subject property which is within a utility power easement is required to meet the height standards of the controlling entity. These areas may be required by the City to have additional vegetation installed to compensate for these restrictions, subject to approval from the Zoning Administrator.
4. All trees and landscaping shall be installed in a sound workmanlike manner and according to accepted planting procedures with quality materials as provided in literature from the Georgia Forestry Commission or the Georgia Extension Service. All landscaping shall be completed within 6 months after the date of the issuance of the certificate of occupancy, however any required fencing shall be installed prior to issuance of the certificate of occupancy. Should the landscaping not be completed in this period, it shall be deemed a violation of this section. The Zoning Administrator shall have the authority to grant a two month temporary waiver to the planting requirement due to inclement weather, natural disasters or other such unforeseen instances. This waiver shall only be given upon

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written request from the owner/ applicant of the development project. The request shall state the reason(s) for the planting delay, and shall list the timeline for the plantings.

5. The owner, occupant, tenant or agent, shall be jointly responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation. Any dead vegetation and landscaping material or any damaged nonliving landscaping materials shall be promptly replaced.

A maintenance bond or letter of credit shall be posted prior to the issuance of a certificate of occupancy. This bond or letter of credit shall be derived through the average of three written estimates provided by the applicant from nurseries including the plant materials, labor and any other costs associated with the plantings. The bond or letter of credit shall be released by the City one year after the issuance of the Certificate of Occupancy.

6. In the event that the minimum tree density cannot be met on a parcel, and after all other measures of planting have been exhausted, two (2) alternates, at the discretion of the Administrator, are available for compensation and issuance of approval. An allocation for alternate compliance shall not exceed more than fifty percent (50%) of the tree density for a specific plan.

a) Tree Bank:

It shall be at the discretion of the Administrator to designate site(s) other than said parcel for tree bank planting in order to achieve minimum density requirements.

b) Tree Replacement Fund:

It shall be at the discretion of the Administrator to allow contributions to the City of Acworth Tree Replacement Fund for planting of over-story trees at designated site(s) within the City of Acworth. Contributions shall be calculated as to reflect the current replacement cost (including labor) of the total number of trees that are required but are not planted. This amount shall be derived through an average of three written estimates provided by the applicant from nurseries including the plant materials, labor and any other costs associated with the plantings.

**K. General Landscaping Requirements**

Beyond tree protection and re-vegetation, the extent of permissible impervious surfaces and required landscaping are regulated through the standards of the controlling zoning district. Landscaping may include grass, hedges and trees as well as natural features. All site plans submitted for new construction or renovations to an existing building in which the construction costs exceed 51 percent of the building's appraised value as shown on the current tax records (subject to those exemptions specified in Subsection B) must contain a separate landscape plan which includes the following information:

1. The name of the project
2. The name of the owner and/or developer
3. The location of proposed building(s) and corresponding dimensions
4. Spatial limits of land disturbance, clearing, grading and trenching
5. All required undisturbed buffers, landscape strips and parking islands
6. The location and listing of all specimen trees or stands of specimen trees
7. Areas of tree protection and re-vegetation and all relevant tree density calculations
8. The specific name and location of all materials to be planted or maintained on the site
9. Procedures and schedules for the implementation, installation and maintenance of tree protection measures including, but not limited to, detail drawings of protective tree fencing (both active and passive) including signage and erosion control measures
10. Planting and staking specifications

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11. The percentage of the total lot containing impervious surfaces
12. The percentage of the total lot which shall remain undisturbed
13. The percentage of the total lot devoted to landscaping

**L. Acceptable Tree Species**

Table D. denotes those species of trees which may be incorporated for full credit towards the tree replacement requirements of paragraph (D). Other trees may be approved on a case by case basis provided they are large growing and ecologically compatible with the site. Re-vegetation plans containing at least ten new trees must incorporate at least three separate tree species with no single tree species accounting for more than 50% of all newly planted trees. Pine trees can be utilized for screening and buffer areas only. All planting and replanting plans are subject to approval through the Zoning Administrator.

**TABLE “D” ON NEXT PAGE**

Amended: Ord- 2003-34; 2004-02; 2004-16; 2004-21; 2004-32; 2004-39; 2005-05; 2005-11; 2005-12; 2005-16; 2005-24; 2005-28; 2005-41; 2006-06; 2006-25; 2006-32; 2007-04; 2007-18; 2008-16; 2008-25; 2008-27; 2009-06; 2010-04; 2011-23; 2012-27; 2015-05; 2015-07; 2015-14; 2016-11

**TABLE D – TREE SPECIES SELECTION LIST**

<b>Use</b>	<b>Common Name</b>	<b>Scientific Name</b>
<i>General</i>	Maples	Acer species
	American Hornbeam, Blue Beech	Carpinus caroliniana
	Hickories	Carya species
	Pecan	Carva illinoinesis
	Hackberry	Celtis occidentalis
	White Mulberry	Morus alba
	American Yellowwood	Cladrastis lutea
	Leyland Cypress	Cupressocyparis leylandii
	American Beech	Fagus gradifolia
	White Ash	Fraxinus americana
	Green Ash	Fraxinus pennsylvanica
	Ginkgo	Ginkgo biloba
	Sweetgum	Liquidambar styraciflua
	Tulip Poplar	Liriodendron tulipifera
	Southern Magnolia	Magnolia grandiflora
	Oaks, except Live Oaks	Quercus species
	Blackgum, Black Tupelo	Nyssa sylvatica
	Black locust	Robinia pseudoacacia
	Sycamore	Platanus occidentalis
	Bald Cypress	Taxodium distichum
	Chinese Elm	Ulmus parvifolia
	Southern Catalpa	Catalpa bignonioides
	<i>Buffer/Screening</i>	Leyland Cypress
Shortleaf Pine		Pinus echinata
Loblolly Pine		Pinus taeda
Japanese Evergreen Oak		Quercus acuta
Carolina Cherry-Laurel		Prunus caroliniana
American Holly		Ilex opaca
Devilwood		Osmanthus americanus
Yellow Grove bamboo		Phyllostachys aureosulcata
Washington Hawthorn		Crataegus phaenopyrum
Eastern Red Cedar		Juniperus virginiana
Southern Magnolia		Magnolia grandiflora
Deodar Cedar		Cedrus deodara
Laurel Oak		Quercus laurifolia
<i>Power Easements</i>	<b>Crape Myrtle (does not count for unit value)</b>	Lagerstroemia indica
	Japanese Maple	Acer palmatum
	Devilwood	Osmanthus americanus
	Nellie Stevens Holly	Ilex 'Nellie R. Stevens'
	Flowering Dogwood	Cornus florida
	Smoketree	Cotinus coggyria
	Loquat	Eriobotrya japonica
<i>Water Retention Areas</i>	River Birch	Betula nigra

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	Bald Cypress	Taxodium distichum
	White Mulberry	Morus alba

**M. Enforcement, Violations and Penalties**

Enforcement of the provisions of this section shall be the responsibility of the Zoning Administrator. In some cases, the City shall employ the expertise of a professional arborist to assist the Zoning Administrator. An arborist shall assist the City when: A) required as part of specific zoning stipulation and/or B) when an applicant has specifically identified significant sized specimen trees to save (Such as listed in Section D (4) d)). The arborist will become involved in the project over three time periods: 1) prior to any land disturbance the arborist would review the tree preservation plans, inspect the health of the proposed trees to save, and inspect the installed tree-save measures on-site, 2) During the construction of the project the arborist would work with the Zoning Administrator to inspect that the proper tree-save fencing and other measures are being maintained, 3) After the site is completed the arborist would make a final inspection of the saved trees.

If, after inspection of a project by the administrator or designee, the plant materials installed on the site do not comply with the approved plan, such deficiencies shall be noted in writing. If the administrator deems the deviations from the approved plan acceptable, they will so note, and the owner, occupant, tenant, and/or representative will be required to submit promptly a revised plan showing the actual plantings. This revised plan will be placed on file at the office of the Zoning Administrator. If, after inspection, the administrator or his/her designee determines the site does not comply with the approved plan and further determines it to be unacceptable, the owner developer, occupant, tenant and/or respective agent shall be notified in writing by the Zoning Administrator of said violations and given 30 days in which to correct all violations. Failure to make such corrections to plans not in accordance with the approved plan shall be a violation of this section and shall be punishable by a maximum fine or other punishment such as imprisonment, as set by the Municipal Court Judge.

**N. Appeal**

The Board of Aldermen shall have the authority to consider and act upon any application submitted for adjustment of standards provided herein.