

City of Acworth Zoning Ordinance and Unified Development Code Ordinance 2003-16

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; 2016-40; 2016-41; 2017-03; 2017-04; 2017-14; 2017-15; 2017-16

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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 and/or small engine machine 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, parts of any vehicle, or small engine machine or its parts shall remain parked/placed 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:

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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.

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.

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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.

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.

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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.

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.

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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.

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 5 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-ofway than the principal building.

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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.

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, selflatching

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.

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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. 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) For Properties located within the Downtown Development Authority District (DDA) area, 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. For all other properties located in the City, 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 40% 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.

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