

**CHAPTER 73 - ZONING ORDINANCE**  
**Of**  
**THE CITY OF ACWORTH, GEORGIA**



Amended May 2<sup>nd</sup>, 2024.

**The City of Acworth  
Development Department  
Planning and Zoning Division  
4415 Center Street  
Acworth, Georgia 30101**

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**SECTION 73-1 TITLE, APPLICABILITY AND PURPOSE****73-1.1 Title**

These regulations shall be known and may be cited as the “Acworth Zoning Ordinance,” “Zoning Ordinance,” “Zoning Code,” “Code,” or “Ordinance.”

**73-1.2 Authority**

The Zoning Ordinance is enacted pursuant to the authority conferred by Article 9, Section II, Paragraph IV of the Constitution of the State of Georgia, 1983, the Charter of the City, and O.C.G.A. §36-66-1 et seq., “The Zoning Procedures Law,” and other federal, state and local authority applicable hereto and subsequently amended.

**73-1.3 Applicability**

These regulations shall apply to all present and future land development, buildings, structures, or uses 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.

**73-1.4 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.
- E. 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.
- F. Establish appropriate planning procedures and innovative planning tools to guide growth and development.
- G. To encourage such distribution of population, land development, and use as will facilitate the efficient and adequate provision of public services and facilities.
- H. 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.
- I. Increase the viability of businesses in downtown Acworth.
- J. Promote innovative, environmentally sensitive design and development.

- K. To prevent flooding of improved property.
- L. Promote balanced growth and diversity in residential development, business, and industry.
- M. Continue to address the issues of pollution and its effect on natural resources (i.e., water, air, noise, visual, ground).
- N. Retain existing offices and professional businesses and provide for the development of suitable areas for business and professional offices.
- O. Retain existing compatible industry and preserve adequate land, services, and facilities for expansion and growth of light, clean industrial activities.
- P. Maximize the attractive character of Acworth by establishing aesthetically pleasing gateways and corridors into the City.

**73-1.5 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 chapter.

**73-1.6 Effective Date**

This article shall be effective immediately upon its adoption by the Mayor and Board of Aldermen.

**73-1.7 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.

**73-1.8 Transitional Provisions**

- A. **Purpose.** The purpose of this Section shall be to establish the procedures for handling vested rights for application submittals and previous approvals that existed as of the Effective Date of this Zoning Ordinance or any future amendments thereto.
- B. Effect of this Ordinance on Zoning Applications Submitted and Approved Requests
  - 1. **Applications Submitted.** Any activity for which a valid and complete zoning application authorized by this Ordinance has been received prior to the adoption of this Ordinance, may at the applicant's option proceed to completion of the zoning application. Complete shall mean that

all information required by the particular application has been provided and that all applicable fees have been remitted.

2. **Approved Zoning Applications.** Any development or project for which a zoning application has been approved under this provision may proceed to completion of the applicable permitting processes as provided herein, at the applicant's option.
- C. Effect of this Ordinance on Permit Applications Submitted and Prior Approvals
1. **Applications Submitted.** Any development or building activity for which a valid and complete application for a Land Disturbance Permit or Building Permit has been received prior to the adoption of this Ordinance may, at the applicant's option, proceed to completion, and building permits, occupational tax certificates, and business licenses may be issued as though this Ordinance had not been adopted, provided that the Land Disturbance Permit or Building Permit is issued within 180 calendar days of the Effective Date. Complete shall mean that all information required by the particular application has been provided and that all applicable fees have been remitted.
  2. **Approved Plans, Permits, and other Authorizations.** Any development or building activity for which a Land Disturbance Permit or Building Permit has been issued prior to the adoption of this Ordinance may, at the applicant's option, proceed to completion, and permits may be issued as though the Ordinance had not been adopted.
  3. **Effect upon Validity of Development Plans and Building Permits.** The adoption of this Ordinance shall not be construed to affect the validity of any permit lawfully issued prior to the Effective date of this Ordinance, so long as:
    - a. Such permit has not by its own terms expired prior to such Effective Date;
    - b. Actual building or land development construction is commenced prior to the expiration of such permit;
    - c. Actual building or land development construction is carried on pursuant to said permit and limited to an in strict accordance with said permit; and
    - d. Any future change in the use of the property or any structure thereon shall conform with the most recent version of this Ordinance.

### **73-1.9 Conflicting Provisions**

- A. In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of any other ordinance or statute require more restrictive standards than those of this Zoning Ordinance, the provisions of such standards shall govern, unless provided otherwise.
- B. Whenever the provisions of this Zoning Ordinance impose standards that are more restrictive than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in this Zoning Ordinance.
- C. When a condition of approval is more restrictive than the Zoning Ordinance, the condition of approval shall prevail. When a requirement of the Zoning Ordinance is more restrictive than a previously established condition of approval, the requirements of the Zoning Ordinance shall prevail.
- D. Private agreements and covenants.
  1. This Zoning Ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Zoning Ordinance impose a greater restriction than imposed by a private agreement or covenant, the provisions of this Zoning Ordinance control.
  2. Private restrictive covenants to which the City is not a party are not regulated by or enforced by the City.

**73-1.10 Zoning Official Enforcement**

The provisions of this Chapter shall be administered and enforced by the Development Director, who is given the authority to perform these functions. The Development Director's duties as the Zoning Official shall include receiving applications, inspecting premises, issuing building permits and certificates of occupancy for uses and structures that meet the requirements of this Chapter, and other duties that are authorized by the Mayor and Board. Duties may be delegated as outlined in Section 73-1.11 Delegation of Authority.

**73-1.11 Delegation of Authority**

The head of an agency or department or other officer referenced in this Ordinance may authorize subordinates to perform any action or duty which such officer is authorized to perform under this Ordinance. Likewise, when a position is authorized to perform certain duties and decisions pursuant to this Ordinance, the City Manager or their designee shall be responsible for absorbing said duties during periods of vacancies in those positions.

**73-1.12 Zoning Procedures Law**

The review and approval procedures of this Zoning Ordinance are intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., which is incorporated herein by reference in its entirety. If any provision of this Zoning Ordinance is in conflict with any provision of the Zoning Procedures Law or if this Zoning Ordinance fails to incorporate a provision required for the implementation of the Zoning Procedures Law, the Zoning Procedures Law controls. This does not apply to procedures that are more restrictive than those established by the Georgia Zoning Procedures Law.

**SECTION 73-2 ESTABLISHMENT OF DISTRICTS****73-2.1 Official Zoning Map**

- A. The boundaries of the zoning districts are established and shown on the “Official Zoning District Map of the City of Acworth” and may be cited and referred to as the “Zoning Map.”
- B. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this Zoning Ordinance.
- C. The Official Zoning Map may be amended by adoption of ordinances that rezone property as provided in Section 73-11.5 Rezoning (Map Amendment) or as amended by the text of this Ordinance as provided in Section 73-11.6 Zoning Text Amendment.
- D. The Zoning Map for the City of Acworth shall be incorporated into and made a part of this Zoning Ordinance.

**73-2.2 Maintenance and Updates**

- A. The Development Director shall be responsible for directing revisions to the Official Zoning Map to reflect its amendment as soon as practicable after the effective date the Zoning Map amendment was adopted pursuant to this Ordinance. This is not intended to require the Zoning Map to be updated after each amendment.
- B. No unauthorized person may alter or modify the Official Zoning Map. No change shall be made on the Official Zoning Map except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of any kind by any person or persons shall be considered a violation of the Ordinance and shall be punishable as provided by law, excluding any transcription error undertaken by the Zoning Official in good faith, which error shall be corrected immediately upon its discovery.
- C. The latest adopted version of the Official Zoning Map shall be available for inspection in the offices of the City of Acworth during regular business hours of the City. The Zoning Official may authorize printed copies of the Official Zoning Map to be produced, but only the original on file shall be evidence as to the zoning district boundaries and the zoning of any lot or tract of land in the City. The Zoning Official shall maintain digital and/or printed copies of each superseded version of the Official Zoning Map after its amendment for historical reference.

**73-2.3 Omitted Land**

It is the intent of this Zoning Ordinance that the entire area of the City of Acworth, including all waterways, roadways, railroads, and other public rights-of-way, be included in the districts established by this Ordinance. Any area not shown on the Official Zoning Map as being included in any such district shall be tentatively classified in the R-1 district, until such time that the Development Director takes the property before the Mayor and Board of Aldermen through the formal rezoning process.

**73-2.4 Overlay Districts**

The boundaries of the Overlay Districts referenced and identified in Section 73-6.2 Overlay Districts are incorporated and made a part of the official Zoning Map of Acworth.

**73-2.5 Rules of Interpretation**

- A. If any uncertainty exists with respect to the intended boundaries as shown on the Zoning Map, the Development Director, as the Zoning Official, is authorized to interpret the Zoning Map.

- B. Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following shall apply:
1. Where possible, a rezoning file shall be used for delineating zoning boundaries. Such records shall have precedence over information otherwise contained on maps.
  2. Where a zoning district boundary line divides a lot, each portion shall be governed by the zoning district that each portion is classified.
  3. Where designation of a boundary line of the Zoning Map coincides with the location of a roadway, lane/alley, waterway or right-of-way, the center of the roadway, lane, waterway, or right-of-way shall be construed to be the boundary of such district.
  4. Where the boundaries do not coincide with the location of roadways, lanes, waterways, or rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- C. When it is alleged that there is an error of interpretation by the Development Director, the applicant may appeal the decision as set forth in Section 73-11.11 Appeals.

#### **73-2.6      Split-Zoned Lots**

- A. **Establishment of split-zoned lots is prohibited.** The Zoning Map shall not be amended to classify a single parcel of land into two (2) or more base zoning districts. This provision does not apply to overlay zoning districts.
- B. **Existing split-zoned properties.** If an existing parcel of land is already split into two (2) or more zoning districts, each such portion of the split-zoned parcel shall be used only for purposes allowed within the zoning district that each such portion is classified. No principal or accessory use of land, building or structures, and no use or building or structure authorized by permit, or special use permit, is allowed unless the use, building, or structure is expressly authorized or permitted within the subject zoning district.

#### **73-2.7      Annexation**

Any land subsequently annexed to the City shall, at the time of annexation, be classified into a zoning category compatible with adjacent zoning and land uses, and sound planning principles in accordance with the procedures in Section 73-3 Application of District Regulations and Section 73-11 Review and Approval Procedures, prior agreements with Cobb County or other entities, and applicable state law.

**SECTION 73-3 APPLICATION OF DISTRICT REGULATIONS**

**73-3.1 Uniformity and Compliance**

The regulations set by this chapter 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.

**73-3.2 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.

**73-3.3 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 chapter.

**73-3.4 District Designations**

For the purpose of this ordinance, City of Acworth is hereby divided into districts. The districts below represent those that are active, though additional districts are enabled herein for the purposes of annexation or other public uses.

**TABLE 73-3.4 – ZONING DISTRICTS**

|                                  |                                  |  |
|----------------------------------|----------------------------------|--|
| <b>RESIDENTIAL DISTRICTS</b>     | <b>SINGLE FAMILY RESIDENTIAL</b> |  |
|                                  | <b>R-1</b>                       | Detached single family residential-1                                   |
|                                  | <b>R-2</b>                       | Detached single family residential-2                                   |
|                                  | <b>R-3</b>                       | Detached single family residential-3                                   |
|                                  | <b>R-5</b>                       | Mixed single family residential-5                                      |
|                                  | <b>MULTI-FAMILY RESIDENTIAL</b>  |  |
|                                  | <b>RM-6</b>                      | Multi-family residential-6   |
|                                  | <b>RM-8</b>                      | Multi-family residential-8   |
| <b>NON-RESIDENTIAL DISTRICTS</b> | <b>COMMERCIAL</b>                |  |
|                                  | <b>C-1</b>                       | Neighborhood retail commercial   |
|                                  | <b>C-2</b>                       | Community retail commercial  |
|                                  | <b>OP</b>                        | Office professional  |
|                                  | <b>INDUSTRIAL</b>                |  |
|                                  | <b>LI</b>                        | Light industrial   |
|                                  | <b>HI</b>                        | Heavy industrial   |
|                                  | <b>SPECIAL PURPOSE</b>           |  |
|                                  | <b>MU</b>                        | Mixed Use Development (Site-plan specific)                             |
|                                  | <b>RC</b>                        | Residential Conservation Planned Unit Development (Site-plan specific) |
|                                  | <b>SLC</b>                       | Senior Living Community (Site plan specific)                           |
| <b>COD</b>                       | Character Overlay District       |  |



**73-3.5 Required Dimensional Standards**

- A. The following Lot and Building Regulations are applicable in all identified districts. These regulations offer certainty for property owners, developers, and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that stated minimums and maximums can be achieved on every lot. Other factors, such as topography, the presence of protected resources, off-street parking, and other factors may work to further limit actual building and development potential.
- B. The following table states the minimum standards for each lot in a zoning district:

**TABLE 73-3.5.A – REQUIRED RESIDENTIAL DIMENSIONAL STANDARDS**

| Residential  | R-1                      | R-2                     | R-3                     | R-5  | RM-6                          | RM-8                     |
|--|--------------------------|-------------------------|-------------------------|--|-------------------------------|--------------------------|
| Maximum Impervious Surface Ratio (ISR, as percent of lot area) | 35%                      | 35%                     | 40%                     | 40%  | 55%                           | 60%                      |
| Maximum Building Height (in feet)                              | 35 ft                    | 35 ft                   | 35 ft                   | 35 ft  | 45 ft                         | 45 ft                    |
| Maximum Density  | 1 du/acre                | 3.5 du/acre             | 4.75 du/acre            | 5 du/acre  | 6 du/acre                     | 8 du/acre                |
| Minimum Lot Size (in square feet)                              | 43,560 sf                | 12,000 sf               | 9,000 sf                | 18,000sf – triplex;<br>12,000 sf – duplex;<br>6,000 sf – single-family detached dwelling;<br>5,000 sf – fee simple townhomes | 2 acres min/<br>20 acres max. | 4 acres min/25 acres max |
| Minimum Lot Frontage (in feet)                                 | 100 ft; 80 ft cul-du sac | 80 ft; 65 ft cul-du-sac | 70 ft; 60 ft cul-du-sac | 45 ft – single-family;<br>25ft – townhomes;<br>100 ft – duplexes and triplexes   | 100 ft                        | 100 ft                   |
| Minimum Street Setback (arterial) (feet)                       | 30 ft                    | 30 ft                   | 25 ft                   | 20 ft  | 50 ft                         | 50 ft                    |

|                                       |       |       |       |       |       |       |
|---------------------------------------|-------|-------|-------|-------|-------|-------|
|                                       |       |       |       |       |       |       |
| Minimum Street Setback (other) (feet) | 20 ft | 20 ft | 15 ft | 20 ft | 40 ft | 40 ft |
| Interior Setback (feet)               | 15 ft | 10 ft | 10 ft | 5 ft  | 25 ft | 25 ft |
| Rear Setback (feet)                   | 40 ft | 30 ft | 20 ft | 10 ft | 40 ft | 40 ft |

**TABLE 73-3.5.B – REQUIRED NON-RESIDENTIAL DIMENSIONAL STANDARDS**

| Non-Residential  | C-1  | C-2                | OP                 | LI                 | HI                 |
|--|--|--------------------|--------------------|--------------------|--------------------|
| Maximum Impervious Surface Ratio (ISR, as percent of lot area) | 80%  | 80%                | 70%                | 80%                | 80%                |
| Maximum Building Height (in feet)                              | 40 ft  | 50 ft              | 35 ft              | 50 ft              | 50 ft              |
| Minimum Lot Size (in square feet)                              | 5,000 sf; 0.5 FAR  | 30,000 sf; 0.5 FAR | 15,000 sf; 0.5 FAR | 20,000 sf; 0.5 FAR | 40,000 sf; 0.5 FAR |
| Minimum Lot Frontage (in feet)                                 | 35 ft  | 100 ft             | 70 ft              | 100 ft             | 150 ft             |
| Minimum Street Setback (arterial) (feet)                       | 10 ft (3 feet within the Acworth Downtown Historic District) | 45 ft              | 40 ft              | 40 ft              | 50 ft              |
| Minimum Street Setback (other) (feet)                          | 10 ft (3 feet within the Acworth Downtown Historic District) | 35 ft              | 30 ft              | 40 ft              | 50 ft              |
| Interior Setback   | 10 ft  | 20 ft              | 15 ft              | 20 ft              | 20 ft              |

|   |  |       |       |       |       |
|---|--|-------|-------|-------|-------|
| (feet)  |  |       |       |       |       |
| Rear Setback (feet)   | 10 ft (3 feet within the Acworth Downtown Historic District) | 40 ft | 30 ft | 40 ft | 50 ft |
| 1. Where a use standard conflicts with the lot standard, the use standard shall govern.<br>2. Setbacks may differ from the chart based on alternative overlay district standards. |  |       |       |       |       |

**73-3.6 Permitted Height and Setback Projections**

- A. **Permitted Obstructions.** Setbacks shall be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Table 73-3.6.
- B. **Height requirements exceptions**  
 In all but single-family residential districts, height limitations stated in this Chapter shall not apply to:
  - 1. Farm structures, belfries, cupolas and domes, monuments, chimneys, or 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.
- C. **Required Site Visibility.** Notwithstanding any other provision of this Article, fences, walls, hedges, driveways, and any structure required as part of a buffer, may be permitted in any required setback or along the boundary of any yard, provided that no fence, wall, hedge, or buffer structure along the streets abutting any corner lots shall obstruct corner visibility.
- D. **Features allowed to encroach in required setbacks.** Building and site features are allowed to obstruct or encroach into required setbacks to the extent indicated in the following table. If no distance is specified, the feature is allowed to extend to the applicable property line(s):

**TABLE 73-3.6 – OBSTRUCTION/PROJECTION INTO REQUIRED YARD**

| Obstruction/Projection into Required Setback   | Street | Side | Rear |
|--|--------|------|------|
| Air conditioning units   | No     | Yes  | Yes  |
| Arbors and trellises   | Yes    | Yes  | Yes  |
| Awnings, canopies, light shelves, and architecturally integrated solar shading devices projecting no more than three (3) feet into the setback | Yes    | Yes  | Yes  |
| Bay windows that project no more three (3) feet into the setback   | Yes    | Yes  | Yes  |
| Chimneys and flues that project up to three (3) feet into the setback  | Yes    | Yes  | Yes  |
| Clotheslines   | No     | No   | Yes  |
| Decks, patios, and other features and structures less than 30 inches in height above grade   | Yes    | Yes  | Yes  |
| Eaves and gutters that project up to three (3) feet into the setback   | Yes    | Yes  | Yes  |
| Electric vehicle charging stations   | Yes    | Yes  | Yes  |
| Fences and walls   | Yes    | Yes  | Yes  |

|  |     |     |     |
|--|-----|-----|-----|
| Fire escapes that project up to three (3) feet into the setback  | Yes | Yes | Yes |
| Flagpoles and similar features   | Yes | Yes | Yes |
| Geothermal heat pumps and geothermal heat exchange system equipment up to four (4) feet in height above grade                    | No  | Yes | Yes |
| Green houses and hoop houses   | No  | Yes | Yes |
| Plants and cold frames   | Yes | Yes | Yes |
| Recreational equipment (e.g., swing sets and playground equipment), up to 10 feet from property line                             | No  | Yes | Yes |
| Satellite dish antennas, not exceeding one (1) meter (39.37 inches) in diameter  | Yes | Yes | Yes |
| Satellite dish antennas, over one (1) meter but not exceeding 2.4 meters (94.49 inches) in diameter                              | No  | No  | Yes |
| Sills, belt courses, cornices, buttresses, and similar architectural features that project up to three (3) feet into the setback | Yes | Yes | Yes |
| Solar or wind energy systems   | No  | Yes | Yes |
| Swimming pools and tennis courts in accordance with supplemental regulations   | No  | No  | Yes |
| Water collection cisterns that project no more than three (3) feet into a front or side setback                                  | Yes | Yes | Yes |
| Wheelchair lifts and ramps that meet federal, state and local accessibility standards  | Yes | Yes | Yes |

**SECTION 73-4 USE STANDARDS****73-4.1 Categorization of Uses**

- A. **Principal Uses.** Permitted principal uses by zoning district are set forth in Section 73-4.4 Use Table. Permitted uses are grouped by use category. Use categories classify land uses and activities based on common functional, product, and/or physical characteristics. Such characteristics may include but are not limited to the nature and intensity of the proposed business; how goods or services are sold or delivered; and, potential impacts on surrounding properties and site conditions. Use categories provide a systematic basis for assigning land uses to appropriate zoning districts. Specific uses may be further defined as set forth in Section 73-7 Supplemental Regulations. Any use not specifically set forth in this Zoning Ordinance is expressly prohibited, unless determined otherwise in this Section 73-4.1.
- B. **Accessory Uses.** Accessory uses are allowed in conjunction with a principal use and are subject to the provisions of Section 73-7 Supplemental Regulations.
- C. **Uses not Specifically Listed**
1. Any proposed use that is not specifically listed in Section 73-4.4 Use Table is expressly prohibited. If the permitted use most similar to the unlisted proposed use is subject to any standard of Section 73-7 Supplemental Regulations or subject to approval of a special use permit, then the unlisted proposed use shall be held subject to the same standard and/or special use permit approval requirements as the listed use.

**73-4.2 Prohibited Uses**

The following uses of land and buildings are incompatible with existing and future development within the city limits and are prohibited in all districts. In addition, the Mayor and Board of Aldermen shall not have the authority to grant variances or exceptions for these prohibited uses:

- A. Meat packing, slaughtering, eviscerating and skinning; and,
- B. Poultry killing, plucking, and dressing; and,
- C. Rendering of byproducts of slaughtering and killing animals or poultry; and,
- D. Cement processing plants; and,
- E. Those uses that emit obnoxious, injurious, loud, or offensive noise, vibrations, smoke, dust, gas fumes or odors or create fire or explosion hazards or other objectionable conditions shall be prohibited.

**73-4.3 Interpretation of Use Tables**

- A. **General.** This Section contains a description of the use classification system used to identify the appropriate approval processes for uses in this Zoning Ordinance as they apply to each zoning district for uses determined to be compatible with existing and future development within the city limits. Should there be a conflict between a use listed in Section 73-5 for a specific zoning district and the Section 73-4.4 Use Table, the Use Table shall govern.
- B. **Use Permission Categories.** The legend for the Principal Use Table and Accessory Use Table found below is as follows:
1. **Uses Permitted by Right.** "P" indicates a use permitted by right in the respective zoning district.
  2. **Supplemental Uses.** "L" indicates that a use is permitted where it is compliant with supplemental use standards.
  3. **Accessory Uses.** "A" indicates that a use that is permitted in conjunction with a principal use and is compliant with accessory use standards.
  4. **Special Uses.** "S" indicates that a use may be permitted in the respective base zoning district only when approved by the Mayor and Board of Aldermen. Special Uses are subject to all other applicable requirements of this Zoning Ordinance including the Use Standards contained in Section 73-7 Supplemental Regulations except where such use standards are expressly modified by the Mayor Board of Aldermen as part of the Special Use permit approval.
  5. **Uses Not Permitted.** "—" indicates that a use is not permitted in the respective district.

**73-4.4 Use Table**



**SECTION 73-5 DISTRICT STANDARDS**

**73-5.1 R-1, Single-Family Residential-1**

A. Purpose and Intent.

The R-1 district is intended for low density single-family detached housing and residentially compatible uses on larger lots and substantial pervious areas.

B. Uses Permitted by Right.

1. Non-commercial horticulture and agriculture.
2. Private parks and playgrounds.

C. Uses with Supplemental Regulations.

1. Household Living to include single-family detached dwellings and accessory dwelling units.
2. Group living.
3. Manufactured homes.

D. Special Uses Permitted by Board of Aldermen.

1. Bed and breakfast.
2. Cemeteries and mausoleums.
3. Golf courses or golf/baseball ranges.
4. Places of assembly, including religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges.
5. Small scale horticulture and agriculture.
6. Special event home.

E. Accessory Uses.

1. Accessory uses and structures.
2. Co-locations of telecommunications antennas and towers.
3. Garage sales.
4. Home occupations.
5. Short-term rentals.
6. Solar collection devices.
7. Swimming pools (private).

F. Temporary Uses.

1. Mobile food vendor.
2. Temporary construction structures.

G. Bulk and Area Regulations

1. Maximum Density: 1 du/acre
2. Minimum Lot Size: 43,560 sq. ft.
3. Minimum Lot Frontage: 100 ft./80 ft. for a cul-de-sac
4. Maximum Building Height: 35 ft.
5. Maximum Impervious Surface: 35%
6. Street Setback (arterial): 30 ft.
7. Street Setback (other): 20 ft.
8. Interior Setback: 15 ft.
9. Rear Setback: 40 ft.

**73-5.2 R-2, Single-Family Residential-2****A. Purpose and Intent.**

The R-2 district is intended for medium density single-family detached housing and residentially compatible uses on mid-sized lots and substantial amounts of pervious surfaces.

**B. Uses Permitted by Right.**

1. Private parks and playgrounds.

**C. Uses with Supplemental Regulations.**

1. Household Living to include single-family detached dwellings and accessory dwelling units.
2. Group living.
3. Neighborhood recreation centers or swimming pools.

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

1. Bed and breakfast.
2. Cemeteries and mausoleums.
3. Places of assembly, including religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges.
4. Small scale horticulture and agriculture.
5. Special event home.

**E. Accessory Uses.**

1. Accessory uses and structures.
2. Co-locations of telecommunications antennas and towers.
3. Garage sales.
4. Home occupations.
5. Short-term rentals.
6. Solar collection devices.
7. Swimming pools (private).

**F. Temporary Uses.**

1. Mobile food vendor.
2. Temporary construction structures.

**G. Bulk and Area Regulations**

1. Maximum Density: 3.5 du/acre
2. Minimum Lot Size: 12,000 sq. ft.
3. Minimum Lot Frontage: 80 ft./65 ft. for a cul-de-sac
4. Maximum Building Height: 35 ft.
5. Maximum Impervious Surface: 35%
6. Street Setback (arterial): 30 ft.
7. Street Setback (other): 20 ft.
8. Interior Setback: 10 ft.
9. Rear Setback: 30 ft.



**73-5.3 R-3, Single-Family Residential-3****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 pervious surfaces.

**B. Uses Permitted by Right.**

1. Private parks and playgrounds.

**C. Uses with Supplemental Regulations.**

1. Household Living to include single-family detached dwellings and accessory dwelling units.
2. Group living.

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

1. Bed and breakfast.
2. Cemeteries and mausoleums.
3. Dwelling, single family attached (duplexes, triplexes, and townhomes).
4. Places of assembly, including religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges.
5. Small scale horticulture and agriculture.

**E. Accessory Uses.**

1. Accessory uses and structures.
2. Co-locations of telecommunications antennas and towers.
3. Garage sales.
4. Home occupations.
5. Short-term rentals.
6. Solar collection devices.
7. Swimming pools (private).

**F. Temporary Uses.**

1. Mobile food vendor.
2. Temporary construction structures.

**G. Bulk and Area Regulations**

- |                                   |                                |
|-----------------------------------|--------------------------------|
| 1. Minimum Lot Size:              | 9,000 sq. ft.                  |
| 2. Minimum Lot Frontage:          | 70 ft./60 ft. for a cul-de-sac |
| 3. Maximum Building Height:       | 35 ft.                         |
| 4. Maximum Impervious Surface:    | 40%                            |
| 5. Street Setback (arterial):     | 25 ft.                         |
| 6. Street Setback (other):        | 15 ft.                         |
| 7. Interior Side Setback (minor): | 10 ft.                         |
| 8. Rear Setback:                  | 20 ft.                         |

**73-5.4 R-5. Mixed Single Family Residential-5**

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. Uses Permitted by Right.

1. Private parks and playgrounds.

C. Uses with Supplemental Regulations.

1. Household Living to include single-family detached dwellings, single family attached (duplexes and triplexes, but excluding condominiums and townhomes), and accessory dwelling units.
2. Group living.

D. Special Uses Permitted by Board of Aldermen

1. Bed and Breakfast.
2. Dwelling, single family attached (townhomes).
3. Dwelling, multi-family residential (including condominiums but excluding apartments).
4. Leasing office, clubhouse (multi-family).
5. Places of assembly, including religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges.
6. Small scale horticulture and agriculture.

E. Accessory Uses.

1. Accessory uses and structures.
2. Co-locations of telecommunications antennas and towers.
3. Garage sales.
4. Home occupations.
5. Short-term rentals.
6. Solar collection devices.
7. Swimming pools (private).

F. Temporary Uses.

1. Mobile food vendor.
2. Temporary construction structures.

G. Bulk and Area Regulations

- |                                |  |
|--------------------------------|--|
| 1. Minimum Lot Size:           | 6,000 sq. ft. – single family detached dwellings<br>5,000 sq. ft. – fee simple townhomes |
| 2. Maximum Density:            | 5 dwelling units per acre  |
| 3. Minimum Lot Frontage:       | 45 ft. – single family<br>25 ft. – townhomes<br>100 ft. – duplexes and triplexes         |
| 4. Maximum Building Height:    | 35 ft.   |
| 5. Maximum Impervious Surface: | 40%  |
| 6. Street Setback (arterial):  | 20 ft.   |
| 7. Street Setback (other):     | 20 ft.   |
| 8. Interior Setback:           | 5 ft.  |
| 9. Rear Setback:               | 10 ft.   |

**73-5.5 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. Uses Permitted by Right.**

1. Private parks and playgrounds.

**C. Uses with Supplemental Regulations.**

1. Household Living, to include multi-family residential dwellings but excluding single-family attached and detached dwellings.
2. Group living.

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

1. Bed and Breakfast.
2. Cemeteries and mausoleums.
3. Cottage-style development.
4. Household Living to include single family attached (condominiums, duplexes, triplexes, and townhomes).
5. Halfway houses.
6. Places of assembly, including religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges.
7. Small scale horticulture and agriculture.

**E. Accessory Uses.**

1. Accessory uses and structures.
2. Co-locations of telecommunications antennas and towers.
3. Garage sales.
4. Home occupations.
5. Short-term rentals.
6. Solar collection devices.
7. Car washes

**F. Temporary Uses.**

1. Mobile food vendor.
2. Temporary construction structures.

**G. Bulk and Area Regulations.**

- |                                |                                 |
|--------------------------------|---------------------------------|
| 1. Minimum Tract Size:         | 2 acres (for whole development) |
| 2. Maximum Tract Size:         | 20 acres                        |
| 3. Maximum Density:            | 6 dwelling units per acre       |
| 4. Minimum Tract Frontage:     | 100 ft.                         |
| 5. Maximum Building Height:    | 45 ft.                          |
| 6. Maximum Impervious Surface: | 55%                             |
| 7. Street Setback (arterial):  | 50 ft.                          |
| 8. Street Setback (other):     | 40 ft.                          |
| 9. Interior Setback:           | 25 ft.                          |
| 10. Rear Setback:              | 40 f                            |

**73-5.6 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. Uses Permitted by Right.**

1. Private parks and playgrounds.

**C. Uses with Supplemental Regulations.**

1. Household Living, to include multi-family residential dwellings but excluding single-family attached and detached dwellings.
2. Group living.
3. Independent, assisted living, and retirement home facilities.

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

1. Bed and breakfast.
2. Cemeteries and mausoleums.
3. Cottage-style development.
4. Household Living to include single family attached (condominiums, duplexes, triplexes, and townhomes).
5. Halfway houses.
6. Manufactured home parks.
7. Places of assembly, including religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges.
8. Small scale horticulture and agriculture.

**E. Accessory Uses.**

1. Accessory uses and structures.
2. Co-locations of telecommunications antennas and towers.
3. Garage sales.
4. Home occupations.
5. Short-term rentals.
6. Solar collection devices.

**F. Temporary Uses.**

1. Mobile food vendor.
2. Temporary construction structures.

**G. Bulk and Area Regulations.**

- |                                |                                 |
|--------------------------------|---------------------------------|
| 1. Minimum Tract Size:         | 4 acres (for whole development) |
| 2. Maximum Tract Size:         | 25 acres                        |
| 3. Maximum Density:            | 8 dwelling units per acre       |
| 4. Minimum Tract Width:        | 100 ft.                         |
| 5. Maximum Building Height:    | 45 ft.                          |
| 6. Maximum Impervious Surface: | 60%                             |
| 7. Street Setback (arterial):  | 50 ft.                          |
| 8. Street Setback (other):     | 40 ft.                          |
| 9. Interior Setback:           | 25 ft                           |
| 10. Rear Setback:              | 50 ft                           |

**73-5.7 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 characterized as convenience retail and personal services such as small grocery stores, hair salons, and dry cleaners. 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/districts 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 and walkable to basic services.
4. To protect and promote suitable areas for business and commercial uses which benefit from proximity to each other.
5. 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. Uses Permitted by Right.**

1. Animal grooming shops excluding kennel uses and medical services.
2. Athletic and health clubs.
3. Barber and beauty shops.
4. Clinic and health centers.
5. Coin operated laundry and dry-cleaning pickup establishments.
6. Commercial recreation facilities, indoor
7. Convenience stores.
8. Copy centers.
9. Eating and drinking establishments, including drive-thru fast-food restaurants.
10. Financial services including banks, credit unions, brokerage, and investment services.
11. Grocery/food stores. Limited to 20,000 square feet of gross floor area.
12. Mixed use retail and limited manufacturing as produced by an artisan.
13. Pharmacies and drug stores.
14. Professional and general business offices with floor areas under 15,000 square feet.
15. Radio, recording and television studios.
16. Repair services (not including automotive repair).
17. Retail sales (excluding pawn shops) with floor areas under 10,000 square feet.
18. Small scale horticulture and agriculture.

**C. Uses with Supplemental Regulations.**

1. Day care centers.
2. Outdoor display of products.
3. Breweries, brew pubs, distilleries, and farm wineries.
4. Places of assembly (religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges).

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

1. Bed and breakfast.
2. Special event facilities.

**E. Accessory Uses.**

1. Accessory uses and structures.
2. Co-locations of telecommunications antennas and towers.
3. Parking lots and garages.
4. Solar collection devices.

F. Temporary Uses.

1. Mobile food vendor.
2. Outdoor display of products that are actively available for sale or lease.
3. Temporary construction structures.
4. Temporary outdoor sales of merchandise.
5. Temporary stage or tent.

G. Bulk and Area Regulations.

1. Minimum Lot Size: 5,000 sq. ft.
2. Minimum Lot Frontage: 35 ft.
3. Maximum Building Height: 40  
Maximum Floor Area Ratio: 0.50
4. Maximum Impervious Surface: 80%
5. Street Setback (arterial): 10 ft. (3 feet within the Acworth Downtown Historic District)
6. Street Setback (other): 10 ft. (3 feet within the Acworth Downtown Historic District)
7. Interior Setback: 10 ft. (3 feet within the Acworth Downtown Historic District)
8. Rear Setback: 10 ft. (3 feet within the Acworth Downtown Historic District)

**73-5.8 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. Uses Permitted by Right.

1. Ambulance services.
2. Animal grooming shops, excluding kennel uses and medical services.
3. Athletic and health clubs.
4. Barber and beauty shops.
5. Bus, rail, and transit stations for passenger service with minimum freight.
6. Clinics and health centers.
7. Coin operated laundry and dry-cleaning pickup establishments.
8. Commercial landscapers.
9. Commercial recreation facilities, indoor.
10. Convenience stores.
11. Copy centers.
12. Cultural facilities including art galleries, libraries, museums, theaters, and other similar uses.
13. Eating and drinking establishments, including drive-thru fast-food restaurants.
14. Farm and garden supply stores, including nurseries and greenhouses.
15. Financial services including banks, credit unions, brokerage, and investment services.
16. Golf courses and golf/baseball ranges.
17. Grocery and food stores.
18. Hospitals.
19. Hotels and motels.
20. Mixed use retail and limited manufacturing as produced by an artisan.
21. Pharmacies and drug stores.
22. Professional and general business offices.
23. Radio, recording and television studios.
24. Repair services (excluding automotive repair).
25. Retail sales (excluding pawn shops).
26. Taxi stands and dispatching agencies.
27. Small scale horticulture and agriculture.

C. Uses with Supplemental Regulations.

1. Animal hospitals, kennels clinics.
2. Automotive maintenance shops.
3. Automobile service stations.
4. Automobile, trailer, and boat sales.
5. Breweries, brew pubs, distilleries, and farm wineries.
6. Cemeteries, mausoleums, and funeral homes.
7. Commercial recreation facilities, outdoor.
8. Day care centers.
9. Dry cleaning plants.
10. Exterminating facilities.
11. Golf courses and golf/baseball driving ranges.
12. Group living.
13. Outdoor display of products.
14. Places of assembly (religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges).
15. Vehicle rental facilities

D. Special Uses Permitted by Board of Aldermen.

1. Automotive repair shops.
2. Extended stay facilities.
3. Financial services, other types.
4. Planned shopping centers.
5. Smoke shops (incl. CBD, Delta-8).
6. Special events facilities.
7. Temporary construction structures.

E. Accessory Uses.

1. Accessory uses and structures.
2. Accessory building systems equipment.
3. Car washes, permitted as an accessory use only.
4. Co-locations of telecommunications antennas and towers.
5. Parking lots and garages.
6. Solar collection devices.
7. Unmanned retail structure.
8. Vending machine fulfillment center.

F. Temporary Uses.

1. Mobile food vendor.
2. Outdoor display of products that are actively available for sale or lease.
3. Temporary construction structures.
4. Temporary outdoor sales of merchandise.
5. Temporary stage or tent.

G. Bulk and Area Regulations.

- |                                |                |
|--------------------------------|----------------|
| 1. Minimum Lot Size:           | 30,000 sq. ft. |
| 2. Minimum Lot Frontage:       | 100 ft.        |
| 3. Maximum Building Height:    | 50 ft.         |
| 4. Maximum Floor Area Ratio:   | 0.50           |
| 5. Maximum Impervious Surface: | 80%            |
| 6. Street Setback (arterial):  | 45 ft.         |
| 7. Street Setback (other):     | 35 ft.         |
| 8. Interior Setback:           | 20 ft.         |
| 9. Rear Setback:               | 40 ft.         |

**73-5.9 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, and other lower intensity, non-retail commercial activities.

**B. Uses Permitted by Right.**

1. Animal grooming shops.
2. Clinics and health centers.
3. Coin operated laundry and dry cleaning
4. Cultural facilities including art galleries, libraries, museums, theaters, and other similar uses.
5. Financial services including banks, credit unions, brokerage, and investment services.
6. Mixed use retail and limited manufacturing as produced by an artisan.
7. Photography and artist studios.
8. Professional and general business offices.
9. Private Parks and playgrounds.
10. Radio, recording and television studios.
11. Small scale horticulture and agriculture.

**C. Uses with Supplemental Regulations.**

1. Animal hospitals, kennels clinics.
2. Day care centers.
3. Group living.
4. Outdoor display of products.
5. Places of assembly (religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges).

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

1. Bed and breakfast.
2. Temporary construction structures.

**E. Accessory Uses.**

1. Accessory use or structure.
2. Co-locations of telecommunications antennas and towers.
3. Parking lot or garage.
4. Solar collection devices.

**F. Temporary Uses.**

1. Mobile food vendor.
2. Temporary construction structures.
3. Temporary stage or tent.

**G. Bulk and Area Regulations.**

1. Minimum Lot Size: 15,000 sq. ft.
2. Minimum Lot Frontage: 70 ft.
3. Maximum Building Height: 35 ft.
4. Maximum Floor Area Ratio: 0.50
5. Maximum Impervious Surface: 70%
6. Street Setback (arterial): 40 ft.
7. Street Setback (other): 30 ft.
8. Interior Setback: 15 ft.
9. Rear Setback: 30 ft.



**73-5.10 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. Uses Permitted by Right.**

1. Administrative and distribution offices including contractors' offices.
2. Ambulance services.
3. Bus, rail, and transit stations for passenger service with minimal freight
4. Breweries, pubs, distilleries, farm wineries
5. Clinics and health centers (including accessory pharmacies).
6. Commercial recreation facilities (indoor and outdoor).
7. Construction contractors' warehouse.
8. Exterminating facilities.
9. Farmers markets.
10. Farm and garden supply stores, including nurseries and greenhouses.
11. Financial services including banks, credit unions, brokerage, and investment services.
12. Fuel and ice dealers.
13. Helicopter landing areas.
14. Industrial/warehouse parks.
15. Manufacturing establishments, light
16. Mini warehouses and self-storage facilities.
17. Newspaper publishing facilities.
18. Printing services.
19. Radio and television studio facilities.
20. Rail, bus, and transit stations.
21. Research laboratories to include medical and dental labs.
22. Trade shops, including sheet metal, upholstery, plumbing, carpentry, sign painting and other similar activities.
23. Taxi stands and dispatching agencies.
24. Vocational schools
25. Warehousing, including commercial mini-warehouse facilities
26. Wholesale trade and distribution facilities, including office showrooms and display areas.

**C. Uses with Supplemental Regulations.**

1. Agriculture and forestry.
2. Automobile repair shops.
3. Automobile service stations.
4. Automobile, trailer, and boat sales.
5. Cemeteries, mausoleums, and funeral homes.
6. Dry cleaning plants.
7. Outdoor display of product.
8. Outdoor storage facilities, excluding junk and salvage yards.

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

1. Adult entertainment.

2. Extended stay facilities.
3. Financial services, other types.
4. Telecommunications antennas and towers.
5. Temporary construction structures.

E. Accessory Uses.

1. Parking lots and garages.
2. Solar collection devices.
3. Unmanned retail structure.
4. Vending machine fulfillment center.

F. Temporary Uses.

1. Mobile food vendor.
2. Outdoor display of products that are actively available for sale or lease.
3. Temporary construction structures.
4. Temporary outdoor sales of merchandise.
5. Temporary stage or tent.

G. Bulk and Area Regulations.

- |                                |                |
|--------------------------------|----------------|
| 1. Minimum Lot Size:           | 20,000 sq. ft. |
| 2. Minimum Lot Frontage:       | 100 ft.        |
| 3. Maximum Building Height:    | 50 ft.         |
| 4. Maximum Floor Area Ratio:   | 0.50           |
| 5. Maximum Impervious Surface: | 80%            |
| 6. Street Setback (arterial):  | 40 ft.         |
| 7. Street Setback (other):     | 40 ft.         |
| 8. Interior Setback:           | 20 ft.         |
| 9. Rear Setback:               | 40 ft.         |

**73-5.11 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. Uses Permitted by Right.**

1. Ambulance services.
2. Exterminating facilities.
3. Farmers markets.
4. Farm and garden supply stores, including nurseries and greenhouses
5. Fuel and ice dealers.
6. Industrial/warehouse parks.
7. Manufacturing establishments, heavy.
8. Mini warehouses and self-storage facilities.
9. Newspaper publishing facilities.
10. Printing services.
11. Private parks and playgrounds.
12. Radio and television studio facilities.
13. Bus, rail and transit stations.
14. Research laboratories including medical and dental labs.
15. Taxi stands and dispatching agencies.
16. Trade shops, including sheet metal, upholstering, plumbing, carpentry, sign painting and other similar activities.
17. Vocational schools.
18. Warehousing, including commercial mini-warehouses.
19. Wholesale trade and distribution facilities, including office showrooms and display areas.

**C. Uses with Supplemental Regulations.**

1. Administrative and distribution offices including contractors' offices.
2. Agriculture and forestry
3. Assembly and fabrication.
4. Automobile maintenance shops.
5. Automobile repair shops
6. Automobile service stations.
7. Automobile, trailer, and boat sales.
8. Cemeteries, mausoleums, and funeral homes.
9. Construction contractors warehouse
10. Dry cleaning plants.
11. Helicopter landing areas.
12. Manufacturing establishments, light
13. Outdoor storage facilities, excluding junk and salvage yards.
14. Parking lots and garages.
15. Places of assembly (religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges)
16. Truck terminals. (min 5 acres).
17. Rail yards (min. 10 acres).

D. Special Uses Permitted by Board of Aldermen.

1. Adult Entertainment.
2. Extended Stay Facilities.
3. Cryptocurrency mining operations, server farms, and/or data centers.
4. Recycling collection centers (may also be defined by the State as a construction and demolition transfer station).
5. Telecommunications antennas and towers.

E. Accessory Uses.

1. Accessory building systems equipment.
2. Solar collection devices.
3. Unmanned retail structure.
4. Vending machine fulfillment center.

F. Temporary Uses.

1. Mobile food vendor.
2. Temporary construction structures.
3. Temporary stage or tent.

G. Bulk and Area Regulations.

- |                                |                |
|--------------------------------|----------------|
| 1. Minimum Lot Size:           | 40,000 sq. ft. |
| 2. Minimum Lot Frontage:       | 150 ft.        |
| 3. Maximum Building Height:    | 50 ft.         |
| 4. Maximum Floor Area Ratio:   | 1.0            |
| 5. Maximum Impervious Surface: | 80%            |
| 6. Street Setback (arterial):  | 50 ft.         |
| 7. Street Setback (other):     | 50 ft.         |
| 8. Interior Side Setback:      | 20 ft.         |
| 9. Rear Setback:               | 50 ft.         |

## SECTION 73.6 – SPECIAL PURPOSE DISTRICTS

For each of the following districts, the minimum standards are required as outlined herein.

### 73-6.1 Site Plan-Specific Districts

#### 73-6.1.1 Site Plan-Specific Minimum Requirements

##### A. Establishment of Standards

While the applicant is proposing standards by way of submitting the following documents as exhibits that will become the regulatory material applied to the particular site, approval authority solely rests at the discretion of the Mayor and Board after consulting with the public, staff, and evaluation of the appropriate review and approval criteria for Zoning Map Amendments. Failure of any component of the proposed mixed-use development to meet the review and approval criteria is grounds for denial.

1. **Overall Development Standards (ODS).** In addition to the minimum standards set forth by this Section, development of the mixed-use development is governed by the ODS that designate the standards of zoning and development for the property. These standards replace the development standards in the Zoning Ordinance and development regulations and should include, at a minimum, the following:
  - a. Permitted and prohibited uses;
  - b. Proportions of gross land/floor area for each proposed use;
  - c. Maximum lot coverage;
  - d. Maximum building coverage;
  - e. Minimum open space;
  - f. Minimum and maximum building heights;
  - g. Minimum lot size;
  - h. Required yard setbacks;
  - i. Maximum block length;
  - j. Parking requirements;
  - k. Environmental buffers and limitations;
  - l. Design standards; and
  - m. Building massing.
2. **Overall Development Plan (ODP).** Development of the mixed-use development is also governed by the ODP, which includes a series of plans and design-related documents regulating the development of the property. At a minimum, the ODP shall include the following:
  - a. **Analysis of Existing Conditions.** An analysis of existing site conditions, including a boundary survey and topographic map of the site that shall include information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement, and location of any existing buildings or structures on the lot shall be included.
  - b. **Overall Master Plan.** A master plan outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, entrances, densities, parking ratios, open space, height, sidewalks, yards, under and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, proposed fee simple and condominium lot boundaries, and similar details and their respective measurements.

- c. *Phasing Plan*. Should a mixed-use development be expected to require five (5) years or longer to complete in its entirety, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of different aspects/uses of the development.
  - d. *Traffic Impact Study*. A traffic impact study shall be prepared following and meeting the standards of the GRTA Development of Regional Impact technical guidelines with appropriate improvements proposed that mitigate the identified impacts.
  - e. *Architectural Pattern Book*. An Architectural Pattern Book demonstrating building materials, features, exterior finishes, windows, doors, colors, and other features affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings/elevations of proposed buildings.
  - f. *Streetscape Standards*. Any combination of plans and cross-sections demonstrating minimum street construction standards, dimensions, materials, landscaping, furniture, ownership arrangements, and other elements like on-street parking that may be proposed.
3. Applications shall include any additional information deemed necessary and policy standards.
  4. Design Standards
    - a. Innovative and cohesive design is encouraged and welcomed as a means to enhance the overall quality of the built environment.
    - b. Design of built environment shall minimize conflict between service vehicles, private automobiles, and pedestrians circulating within the site.
    - c. 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.
    - d. Building materials shall blend with those existing on adjacent properties.
    - e. There shall be structural variations in roof lines to reduce the massive scale of structures and add visual interest.
    - f. All building facades facing public rights-of-way shall have at least thirty (30%) percent fenestration.

#### **73-6.1.2 MU. Mixed Use District**

##### **A. Purpose.**

The mixed-use zoning category 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. A mixed-use development should complement surrounding areas through context-sensitive design and an appropriate mix of uses. 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 below what these uses would create in independent developments;
2. Provide opportunities for horizontal and vertical mixed-use developments to be combined into unified development sites;
3. Encourage compatibility between residential and commercial uses, offering integrated building patterns and appropriate buffers and transitions where they are warranted given the scale and intensity of uses;
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.**

No mixed-use zoning district may be established without the approval of Overall Development Standards (ODS) and an Overall Development Plan (ODP) by the Mayor and Board of Aldermen through the Zoning Map Amendment process. Approvals shall be considered site specific and shall be subject to the major and minor amendment proceedings for all Zoning Map Amendments.

**C. Minimum Eligibility Requirements**

1. The location of a mixed-use district is restricted to areas which are designated mixed-use in the Acworth Comprehensive Plan and Future Land Use Map, or within the Opportunity zone designated by the Department of Community Affairs in 2020 or key redevelopment areas identified in an Acworth Redevelopment Plan. This district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans.
2. Proposals for mixed-use zoning designations may not utilize substantial portions of already completed development to satisfy the use mix requirement outlined herein.
3. Any development standards not expressly defined or omitted by the ODS and/or ODP shall be regulated by the Zoning Ordinance and other applicable ordinances. To the extent that the approved ODS and ODP for a mixed-use district contradict the development regulations and this Zoning Ordinance, the approved ODS and ODP for the mixed-use district governs.
4. Design shall be determined based upon the context and guidance of the Comprehensive Plan and any specific character area plan (e.g.: Downtown Master Plan) in which the proposed development is located, as applicable.
5. Mixed-use districts shall have a minimum contiguous area of seven (7) acres.
6. Structures in mixed-use zoning districts shall be limited in height to three (3) stories or 45 feet. Structures that are located within the Opportunity Zone designated by the Department of Community Affairs in 2020 are afforded a maximum height of five (5) stories or 70 feet.
7. Mixed-use districts shall provide a mix of at least two (2) different uses (lodging/residential, institutional, office, retail sales) from the “Use Categories” table provided herein. This is referred to as the “use mix requirement.”
  - a) This provision is not satisfied if the proposed uses are identified in the same use category (e.g.: townhomes and multi-family).
  - b) While other uses are permitted in the Mixed-use district, only uses referenced in the table may satisfy the use mix requirement.
  - c) A maximum of 70% of the gross floor area of the development is permitted to be dedicated to any lodging/residential uses.
  - d) There is no minimum floor area for uses that are not used to satisfy the use mix requirement.

| Categories         | Uses:  |
|--------------------|--|
| <b>Residential</b> | Multi-family<br>Single family houses<br>Townhomes<br>Residential Lofts |

|                      |  |
|----------------------|--|
| <b>Institutional</b> | Public Building  |
| <b>Commercial</b>    | Breweries, pubs, distilleries, farm wineries<br>Clinics and health centers<br>Cultural Facility<br>Eating and drinking establishments (without drive thru)<br>Hospital<br>Hotel/motel<br>Professional and general business offices |

8. Density shall be limited to 12 units per acre. Developments located within the Opportunity Zone designated by the Department of Community Affairs in 2020 shall be limited to 30 units per acre if a minimum of 10% of units are preserved in perpetuity as workforce housing (calculation determined by 80% AMI). Density limitations, in addition to all other requirements, are subject to scrutiny under the review standards based on what is appropriate for the context and by policy.
9. Parking space counts shall be required in accordance with this chapter, unless the proposal includes a shared parking study prepared by a design professional in accordance with industry standards that provides for an alternate number of parking spaces based on demonstrated offset peak demand for the spaces dedicated to different uses.

**D. Prohibited Uses**

1. Adult entertainment;
2. Eating and drinking establishments with a drive-thru;
3. Smoke shops including CBD, Delta-8;
4. Stand-alone telecommunications towers.
5. Surface parking lots.

**73-6.1.3 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.**

No senior living community zoning district may be established without the approval of Overall Development Standards (ODS) and an Overall Development Plan (ODP) by the Mayor and Board of Aldermen through the Zoning Map Amendment process. Approvals shall be considered site specific and shall be subject to the major and minor amendment proceedings for all Zoning Map Amendments.



C. Minimum Eligibility Requirements

1. The location of a senior living community district is restricted to areas which are designated residential in the Acworth Comprehensive Plan and Future Land Use Map, or within the any federal or the Opportunity zone designated by the Department of Community Affairs in 2020 or key redevelopment areas identified in an Acworth Redevelopment Plan. This district is intended to permit the planning and development of parcels of land that are suitable in location and character for senior living in accordance with detailed development plans.
2. Proposals for senior living community zoning designations may not utilize substantial portions of already completed development to satisfy the use mix requirement outlined herein. The definition of what constitutes a substantial amount shall be determined through reasonable assessment by the Zoning Official.
3. Any development standards not expressly defined or omitted by the ODS and/or ODP shall be regulated by the Zoning Ordinance and other applicable ordinances. To the extent that the approved ODS and ODP for a mixed-use district contradict the development regulations and this Zoning Ordinance, the approved ODS and ODP for the senior living community district governs.
4. Design shall be determined based upon the context and guidance of the Comprehensive Plan and any specific character area plan (e.g.: Downtown Master Plan) in which the proposed development is located, as applicable.
5. Senior living community districts shall have a minimum contiguous area of five (5) acres. A minimum of three (3) acres is required for key redevelopment areas identified in an Acworth Redevelopment Plan.
6. Structures in mixed-use zoning districts shall be limited in height to three (3) stories or 45 feet. A minimum of four (4) stories is permitted for key redevelopment areas identified in an Acworth Redevelopment Plan.

**73-6.1.4 RC. Residential Conservation Planned Unit Development**

A. Purpose and Intent.

The RC district is intended to provide opportunities for development through 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/open space. 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. Dwelling, single family detached
2. Dwelling, single family attached (duplexes and triplexes)
3. Private parks and playgrounds

C. Supplemental Uses.

- 1. Dwelling, accessory unit.
- 2. Home occupations.
- 3. Garage sales.
- 4. Group living.
- 5. Mobile food vendors.
- 6. Short-term rentals.

D. Accessory Uses.

- 1. Garage sales
- 2. Swimming pools.
- 3. Accessory structures.
- 4. Solar collection devices.
- 5. Co-locations of telecommunications antennas and towers

E. Special Uses Permitted by Board of Aldermen

- 1. Bed and Breakfast.
- 2. Cemeteries and mausoleums.
- 3. Cottage-style development.
- 4. Dwelling, single family attached (townhome).
- 5. Places of assembly (religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges).

F. Bulk and Area Regulations.

Minimum Tract Size: 5 acres (for full development)

**73-6.2 Overlay Districts**

**73-6.2.1 Character Overlay District (COD)**

A. General

- 1. **Intent.** The intent of the Character Overlay District (COD) is to set a standard for the design, form and use of properties within the identified corridor that is reflective of the character of the area. The Overlay is intended to support and protect the development and redevelopment in the district all the while ensuring consistency and compatibility with the respective character of the properties. These criteria are intended to elicit high quality materials, enhanced pedestrian experience, an appropriate scale, and a development pattern that effectively implements the City’s planning and visioning documents.
- 2. **Prohibited Uses.** The following uses are prohibited in the COD, regardless of whether the underlying zoning district allows the use:
  - a. Animal Boarding
  - b. All “other financial services (check cashing, pawnshop, other)”
  - c. Equipment and material storage
  - d. Extended stay lodging
  - e. Mobile food vendors (defined herein as soliciting to the general public)

- f. Tattoo parlors
- g. Vape shop or smoke store
- h. Vehicle equipment sales, service
- i. Vehicle maintenance and repair, minor
- j. Vehicle maintenance and repair, major
- k. All “other wireless facilities”
- l. Liquor Stores

B. Applicability

- 1. Any work proposed that is visible from the street, facing streets, facing main parking lots, and adjacent to, or visible from required open spaces, unless otherwise noted.

C. Exemptions

- 1. An Overlay Approval Certificate (OAC) is not required if the work to be performed falls within the following:
  - a. General exterior maintenance or minor, in-kind repairs;
  - b. Any activity that is not visible from a public right-of-way, with the exception of relocation or demolition;
  - c. Items listed below:
    - i. Paved pathways less than five (5) feet wide and all sidewalks on the public right-of-way;
    - ii. Interior changes that do not affect the exterior of the building;
    - iii. The addition, modification, or removal of any vegetation, including specimen trees;
    - iv. The temporary boarding of openings that will not exceed 60 days; and/or
    - v. Replacement or installation of new fencing or screens.

D. Residential Building Design Standards

- 1. The Mayor and Board of Aldermen will review the OAC application for consistency and compatibility with the adjacent and surrounding properties to ensure that the integrity of the proposed application is appropriate for the character area.

E. Non-Residential Building Design Standards

1. The Mayor and Board of Aldermen will review the OAC application for consistency and compatibility with the adjacent and surrounding properties to ensure that the integrity of the proposed application is appropriate for the character area.

#### F. Review Process

1. Prior to the submittal of an application for an OAC that will require review by the Mayor and Board of Aldermen, the applicant is required to participate in a pre-application meeting with the COD Committee.
2. If a request for an OAC is determined to necessitate a review by the Planning and Zoning Commission (i.e. rezone, variance, etc.), the applicant will be required to obtain an OAC prior to attending a public meeting before the Planning and Zoning Commission.
3. Following review of the OAC application for completeness by staff, the applicant shall follow the process as outlined below:
  - a. The applicant will obtain a public notice sign from the Development Department.
  - b. No less than 15 days prior to the scheduled public hearing the applicant must post the public notice sign on the primary road frontage of the property in public view.
  - c. The applicant or his/her representative shall attend the scheduled public hearing and present details of their application to the Mayor and Board of Aldermen for consideration.

#### G. Supplemental Review Guidelines

1. Mayor and Board may utilize any of the following residential and non-residential guidelines listed below as well as any other guidelines within the Code of Ordinances and/or other Boards and Commissions guidelines or recommendations, where applicable. For properties that are determined to be 50 years or older, the Mayor and Board will utilize guidelines established and set forth in Acworth's Local "Design Guidelines" for historic districts as adopted by the City of Acworth's Historic Preservation Commission and/or the United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings.

##### **Residential Building Design Standards (suggestions)**

Floor area minimum in the COD shall be reduced to 1,000 square feet.

##### **Exterior Finish Materials.**

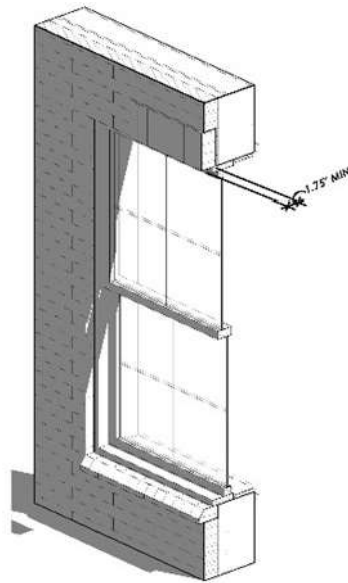
- a. Exterior building materials shall be primarily brick, stone, other masonry, glass, wood, or cementitious fiberboard. Other materials such as vinyl may be used only as accent and trim materials. Masonry shall be unpainted.
- b. All exposed foundation walls on all sides of the building shall be faced with brick, stone, or marble.

- c. Metal shall be permitted only as metal split seam roofing or as an architectural accent comprising a maximum of ten percent (10%) of any one facade. Acceptable metal materials are limited to architectural metal panels, architectural metal cladding, metal mesh, and perforated metal. Examples of metal materials not permitted include but are not limited to stock PEMB metal skins commonly referred to as 'R-panel' and sheet metal systems with exposed fasteners, except as required for perforated metal.

**Architectural Guidelines.**

- d. Private outdoor space:
  - i. Front porch (minimum 30 square feet in area).
  - ii. Front-facing balcony (minimum 50 square feet in area).
  - iii. Rear terrace (minimum 100 square feet in area).
  - iv. Rooftop terrace (minimum 150 square feet in area).
  - v. Private yard space with at least one tree (minimum 150 square feet in area).
- e. Architectural projection:
  - i. Projection window (bay or bow).
  - ii. Turret.
  - iii. Covered balcony or porch.
- f. Roof element:
  - i. Dormers.
  - ii. Front gable or pediment.
  - iii. Rooftop terrace.
  - iv. Varied gable system.
  - v. Cornice detailing.
- g. Unit or façade
  - i. Change in brick/stone color or a change in masonry material.
  - ii. Change in window composition.
  - iii. Projection or recess of an architectural feature that is a minimum of 5 feet deep or 15 feet tall (used to distinguish and separate facades vertically because of the significance of the projection).
- h. Recessed Window Systems. Window systems recessed from the façade of the building a minimum of one and three-quarters (1.75) inches. This reveal

shall be accomplished through the design of the window casing reveals and frames.



### **Non-Residential Building Design Standards (suggestions)**

#### **Exterior Finish Materials.**

##### **a. Primary Building Materials**

- i. Primary building materials shall be used on at least 70% of any building façade, calculated on the basis of each individual façade.
- ii. Primary building materials include unpainted brick, including full-depth and half- depth masonry brick; stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone; and unpainted terracotta.

##### **b. Secondary Building Materials**

- i. Secondary building materials may be used on up to 30% of any exterior building façade, calculated on the basis of each individual façade.
- ii. Secondary building materials include wood, including natural wood or cement-based artificial wood siding; shingles, including wood or cement-based shakes and shingle.

##### **c. Other Standards**

- i. Building materials, other than those expressly identified in this Section, may be used on up to ten percent (10%) of any exterior building façade, provided they have not been prohibited by this Section.

- ii. Material proportion calculations shall not include building foundations, window systems, and doors. Proportions are calculated on the basis of each individual façade.
- iii. Materials shall continue around the corner of the building onto façades not visible from the public street a minimum depth of one (1) architectural bay.
- iv. Prohibited Materials. Synthetic stucco, concrete masonry units (CMU), and vinyl are not permitted as exterior finish materials.
- v. Building façades shall be constructed of no more than three (3) primary materials and/or colors. Additional materials may be used as secondary, trim, or accent materials.
- vi. Awnings. Plastic and vinyl awnings are prohibited. Materials repurposed into textiles for use on an awning is prohibited.

**2. Building Articulation on Street Facing Facades.** The ground story of non-residential facades fronting Main Street may contain the following elements as illustrated in Image 6.2.1.C.3 below.

- a. **Cornice/Articulated Floor Line.** The cornice visually separates one floor from the adjacent floor(s). The cornice can be articulated with a change of color, pattern, or material.
- b. **Sign Board.** A sign board shall be an area between the cornice and window system where a wall sign is placed. The sign board shall be a minimum of two (2) feet in height and shall extend the width of each architectural bay.
- c. **Transom.** Transoms are horizontally articulated windows located below the sign board. The window system shall extend the full width of the architectural bay or tenant space but may be separated by mullions and muntins consistent with the design aesthetic. Grilles are prohibited.
- d. **Recessed Entry.** Recessed entries are important to the retail experience to protect the users from inclement weather, increase the amount of space in which to display merchandise, and to ease the transition of users to and from the public realm. Entryways shall be recessed from the plane of the shopfront façade a minimum of three (3) feet.
- e. **Display Window.** Display windows provide frames for retail users to display merchandise and contribute to the active and vibrant character along the historic street front. Display windows shall not be separated with mullions, muntins, or grilles.
- f. **Bulkhead.** Bulkheads shall be a minimum of 18 inches in height and shall extend the full length of the architectural bay or tenant space.
- g. **Fenestration.** Fenestration proportions shall comply with standards in this Section Grilles, other faux features, and metal shopfront window systems are prohibited.

3. **Wall Projections.** In order to avoid large expanses of flat (one-dimensional) exterior walls along sidewalks, building façades over 50 feet in length along a street may incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of such recesses and projections shall constitute at least 20% of the total façade length along the public street.
4. **Vertical Divisions.** Each structure may provide a minimum of one of the following to divide the façade into vertical divisions at increments no greater than 100 feet as measured along the base of the façade.
  - a. A change of façade material and window system from grade to roof; or
  - b. Change of building height of at least one story; or
  - c. A change in façade composition and/or architectural style from grade to roof; or
  - d. An open space or pedestrian passage with a minimum width of ten (10) feet and a minimum depth of 30 feet.
  - e. Similar means intended to convey the impression of separate buildings.
  - f. Change in color alone, window system alone, or setback alone, do not satisfy this requirement.
5. **Rooflines.** Building roof lines along street-facing façades shall change at least once every 200 feet of façade length. This change shall occur for a minimum length of 20 feet and be accomplished through at least one of the following:
  - a. A change of roof parapet wall height and material.
  - b. A change of roof cornice design.
  - c. A change in the number of stories.
  - d. A change in roof-shape.
6. **Blank Walls.** Blank wall area applies to ground and upper story façades visible from a street (not including an alley) or open space.
  - a. Blank wall area is measured in linear feet applied in both vertical and horizontal directions.
  - b. There shall be no more than 20 feet of blank wall area.
  - c. Blank wall area can be broken up or interrupted to meet these provisions with any one of the following interventions:
    - i. Fenestration.
    - ii. Substantial material change. Changing or alternating paint colors alone does not constitute a material change.
    - iii. Façade articulation greater than 12 inches in depth.
    - iv. Patterns and designs articulated with building materials.



- v. Vertical green walls, made of landscaped material specified for vertical, climbing growth.
  - d. Where balconies are incorporated into the building design, they shall be integral to the façade.
  - e. Balconies on stepped-back stories may be independently secured, extending from the façade as a cantilever.
  - f. Juliet balconies are prohibited.
7. Window Systems.
- a. A minimum of 50% of commercial facades and 25% of residential facades shall be covered with fenestration. Fenestration percentage is calculated based on façade area and by floor. The façade area used to determine fenestration is measured from the top of the finished door to the top of the finished floor above or top of a roof parapet.
  - b. Fenestration requirements apply to façades that abut a public or private street (not including an alley), or a required open space.
  - c. Glass used to satisfy fenestration requirements shall be unpainted, shall have a transparency (visible light transmission) higher than 70 percent (70%) and shall have an external reflectance of less than 15 percent (15%). Transparency and external light reflectance shall be established using the manufacturer's specifications.
  - d. Glazed doors, window frames, sashes, mullions, and similar features that are integral to the window system count towards fenestration requirements. Opaque doors and windows do not.
  - e. No shades, blinds, or other coverings are permitted on the ground floor fenestration of any non-residential building.
  - f. Grilles, inoperable shutters, and other faux window treatments are prohibited.
  - g. Window systems shall be recessed from the façade of the building a minimum of three (3) inches. This reveal shall be accomplished through the design of the window casing reveals and frames.

Image 6.2.1.C.3.-Building Articulation Features



Image 6.2.1.C.7-Blank Wall Areas

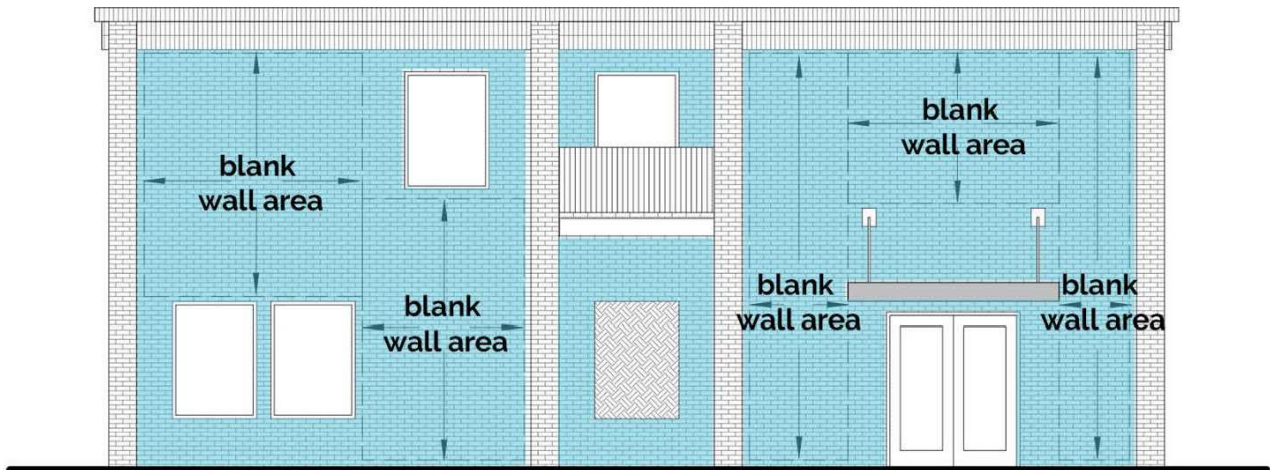
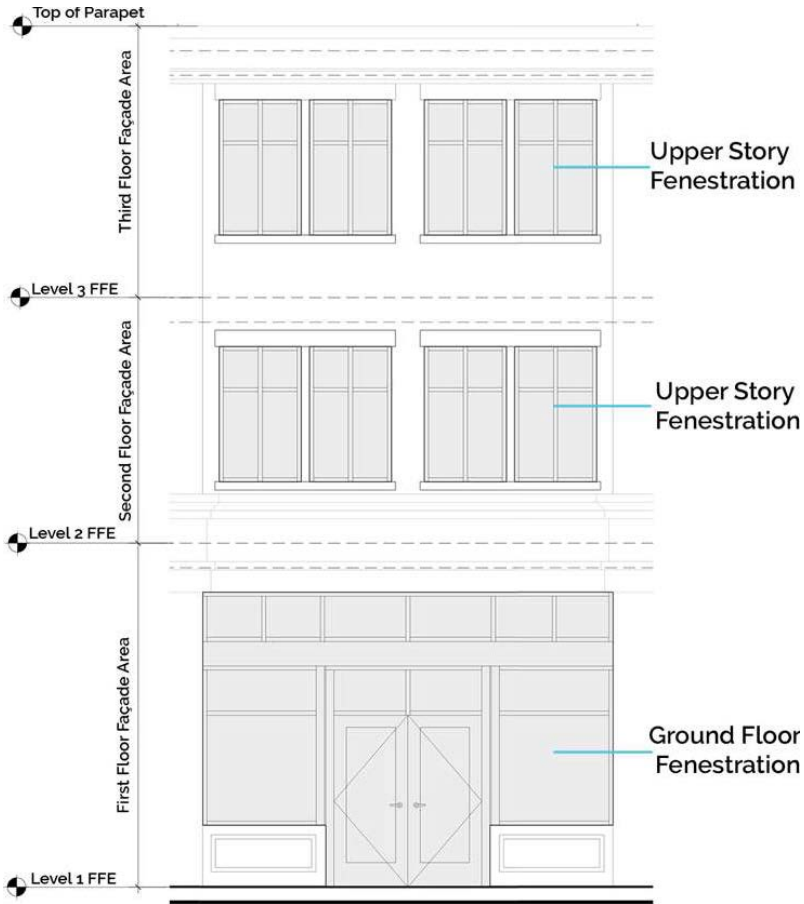


Image 6.2.1.C.9.-Fenestration Calculations



### **73-6.3 Other Districts**

#### **73-6.3.1 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. Uses Permitted By Right.

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

#### **73-6.3.2 PPF. Public Parks, Facilities, and Other Public Services**

A. Purpose and Intent

The PPF, Public Parks, Facilities, and Other Public Services 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. Uses Permitted By Right.

1. Public lakes and beaches.
2. Public natural open space.
3. Public 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.
8. Trails for pedestrian or non-motorized.
9. Public boat mooring facilities.
10. Public parking lot.
11. Public cemetery.
12. Railroads and railroad-related transportation purposes.
13. Public utilities.
14. Accessory uses and structures incidental to any legal permitted use.
15. Other uses which are substantially similar in character and impact to those uses enumerated above.

**73-6.3.3 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. Uses Permitted By Right.**

1. Golf courses, public and private.
2. Livestock, nondomestic and wild animals, and poultry.
3. Nonprofit (seasonal use) fishing lakes.
4. Parking for vehicles.
5. Private parks.
6. Radio, television and other communication towers and antennas, subject to section 134-273.
7. Recreation grounds other than tennis courts and golf courses.
8. Residential, agricultural, farm and wood products and livestock and poultry sales.
9. Riding stables (minimum 2 acres).
10. Single-family dwelling units (detached).

**C. Supplemental Uses.**

1. Cottage food operators.

**D. Accessory Uses.**

1. Accessory dwelling units.
2. Home Occupation.

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

1. Bed and Breakfast.
2. Cemeteries and mausoleums.
3. Places of assembly (religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges).
4. Special Event Home.

**F. Bulk and Area Regulations**

1. Minimum Lot Size: 20,000 sq. ft.
2. Minimum Lot Frontage: 75 ft./50 ft. for a cul-de-sac
3. Maximum Building Height: 35 ft.
4. Street Setback (arterial): 40 ft.
5. Street Setback (other): 35 ft.
6. Interior Setback: 10 ft.
7. Rear Setback: 35 ft.

**73-6.3.4 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. Golf courses, public and private.
2. Livestock, nondomestic and wild animals, and poultry.
3. Nonprofit (seasonal use) fishing lakes.
4. Parking for vehicles.
5. Private parks.
6. Radio, television and other communication towers and antennas, subject to section 134-273.
7. Recreation grounds other than tennis courts and golf courses.
8. Residential, agricultural, farm and wood products and livestock and poultry sales.
9. Riding stables (minimum 2 acres).
10. Single-family dwelling units (detached).
11. Temporary uses.

**C. Supplemental Uses.**

- a. Cottage food operators.

**D. Accessory Uses.**

- a. Accessory Dwelling Units.
- b. Home Occupations.

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

1. Places of assembly (religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges).
2. Special Event Home.
3. Bed and Breakfast.

**F. Bulk and Area Regulations**

1. Minimum Lot Size: 30,000 sq. ft.
2. Minimum Lot Frontage: 75 ft./50 ft. for a cul-de-sac
3. Maximum Building Height: 35 ft.
4. Street Setback (arterial): 50 ft.
5. Street Setback (other): 45 ft.
6. Interior Setback: 12 ft.
7. Rear Setback: 40 ft.

**73-6.3.5 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. Cottage food operators.
2. Golf courses, public and private.
3. Livestock, nondomestic and wild animals, and poultry.
4. Nonprofit (seasonal use) fishing lakes.
5. Parking for vehicles.
6. Private parks.
7. Radio, television and other communication towers and antennas.
8. Recreation grounds other than tennis courts and golf courses.
9. Residential, agricultural, farm and wood products and livestock and poultry sales.
10. Riding stables (minimum 2 acres).
11. Single-family dwelling units (detached).

**C. Supplemental Uses.**

1. Accessory dwelling units.
2. Home occupations.

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

1. Places of assembly (religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges).
2. Cemeteries and mausoleums.
3. Special Event Home.
4. Bed and Breakfast.

**E. Bulk and Area Regulations**

1. Minimum Lot Size: 40,000 sq. ft.
2. Minimum Lot Frontage: 75 ft./50 ft. for a cul-de-sac
3. Maximum Building Height: 35 ft.
4. Street Setback (arterial): 50 ft.
5. Street Setback (other): 45 ft.
6. Interior Setback: 15 ft.
7. Rear Setback: 40 ft.

**73-6.3.6 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. Designated recycling collection locations.
5. Farm and garden supply stores.
6. Field crops.
7. Golf courses, public and private.

8. Livestock, nondomestic and wild animals, and poultry.
9. Nonprofit (seasonal use) fishing lakes.
10. Parking for vehicles.
11. Private parks.
12. Radio, television and other communication towers and antennas, subject to section 134-273.
13. Recreation grounds other than tennis courts and golf courses.
14. Residential, agricultural, farm and wood products and livestock and poultry sales.
15. Riding stables (minimum 2 acres).
16. Single-family dwelling units (detached).

C. Supplemental Uses.

1. Cottage food operators.

D. Accessory Uses.

1. Accessory dwelling units.
2. Home occupations.

E. Special Uses Permitted by Board of Aldermen

1. Places of assembly (religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges).
2. Cemeteries and mausoleums
3. Special Event Home.

F. Bulk and Area Regulations

1. Minimum Lot Size: 40,000 sq. ft.
2. Minimum Lot Frontage: 100 ft.
3. Maximum Building Height: 35 ft.
4. Street Setback (arterial): 50 ft.
5. Street Setback (other): 50 ft.
6. Interior Setback: 25 ft.
7. Rear Setback: 35 ft.



**73-6.3.7 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. Golf courses, public and private.
2. Livestock, nondomestic and wild animals, and poultry.
3. Nonprofit (seasonal use) fishing lakes.
4. Parking for vehicles.
5. Private parks.
6. Radio, television and other communication towers and antennas, subject to section 134-273.
7. Recreation grounds other than tennis courts and golf courses.
8. Residential, agricultural, farm and wood products and livestock and poultry sales.
9. Riding stables (minimum 2 acres).
10. Single-family dwelling units (detached).

**C. Supplemental Uses.**

1. Cottage food operators.

**D. Accessory Uses.**

1. Accessory dwelling unit.
2. Home occupations.

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

1. Places of assembly (religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges).
2. Cemeteries and mausoleums.

**F. Bulk and Area Regulations**

1. Minimum Lot Size: 80,000 sq. ft.
2. Minimum Lot Frontage: 75 ft./50 ft. for a cul-de-sac
3. Maximum Building Height: 35 ft.
4. Street Setback (arterial): 60 ft.
5. Street Setback (other): 60 ft.
6. Interior Setback: 25 ft.
7. Rear Setback: 50 ft.

**SECTION 73-7 – SUPPLEMENTAL REGULATIONS**

Any uses identified as requiring compliance with supplemental standards in Section 73-4 Use Standards or enumerated herein, shall comply with the following standards applicable by use type. In some cases, uses may require more or less restrictive standards than the base zoning district for which they are situated. Where the standards in this Section conflict with the District standards, the Supplemental Use Regulations shall govern.

**73-7.1 Residential Uses****73-7.1.1 General**

The residential use category includes definitions and, in some cases, supplemental use regulations, for uses that provide for long-term residential occupancy by individual households or by groups of people. The Fair Housing Act (42 U.S.C. Section 3604(f)(3)) makes it unlawful to make a dwelling unavailable to a person because of race, color, national origin, sex, familial status, handicap, or disability. No policy or practice of this ordinance is intended to have a disparate impact on a protected class.

**73-7.1.2 Household Living**

Household living is the residential occupancy of a dwelling unit by a single household, including, single-family detached, single-family attached, multi-family, manufactured homes, and cottage-style development uses.

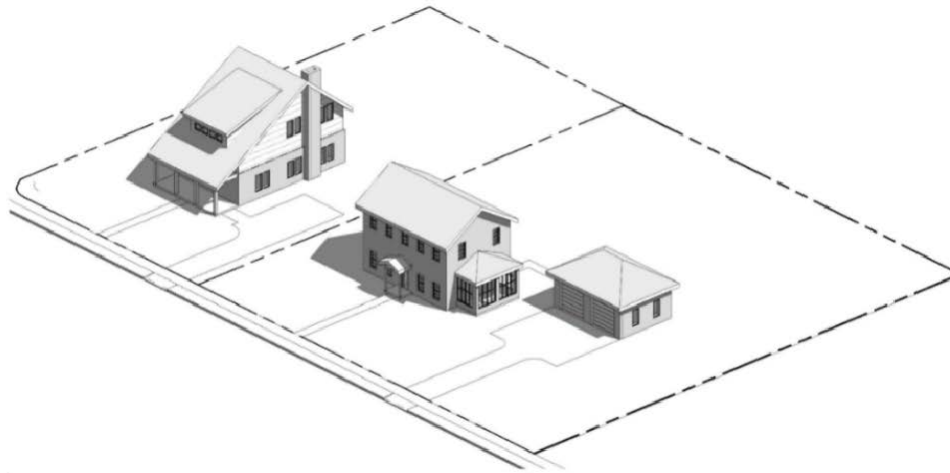
**A. Single-Family Detached.**

1. One principal dwelling unit on a single lot, which may also include an accessory dwelling unit in the form of an accessory suite or garden cottage, if allowed by the subject zoning district and in accordance with Section 73-7.8 Accessory Uses.
2. Single-Family Detached dwelling units shall not be less than 1,600 heated square feet, but dwelling units located in the R-5 zoning district shall not be less than 1,000 heated square feet.
3. Exterior Finish Materials.
  - a. Exterior building materials shall be primarily brick, stone, other masonry, glass, wood, or cementitious fiberboard. Other materials such as vinyl may be used only as accent and trim materials.
  - b. All exposed foundation walls on all sides of the building shall be faced with brick, stone, or marble.
  - c. Metal shall be permitted only as metal split seam roofing or as an architectural accent comprising a maximum of ten percent (10%) of any one facade. Acceptable metal materials are limited to architectural metal panels, architectural metal cladding, metal mesh, and perforated metal. Examples of metal materials not permitted include but are not limited to stock PEMB metal skins commonly referred to as 'R-panel' and sheet metal systems with exposed fasteners, except as required for perforated metal.
4. Parking Facilities.
  - a. All driveways shall be a minimum of 22 feet wide.
  - b. Garages shall be required for all single-family detached uses in the R-1, R-2, and R-3 districts.
    - i. Garages shall accommodate two cars. Interior clear space shall be a minimum of 21 feet wide by 23 feet deep.
    - ii. Doors shall be architectural in style. Standard panel doors are not permitted.
    - iii. The garage portion of the structure shall be setback a minimum of 20 feet from the back of the sidewalk or curb (where no sidewalk exists). Should the bulk standards setback for be less restrictive, this setback shall govern for the garage portion of the structure.
    - iv. Garage doors shall not take up more than 40 percent of the linear width of any street facing façade.

B. Single-Family Detached Uses on Existing Deficient Lots of Record.

1. For any Single-Family Detached use proposed on an existing lot of record established prior to the enactment of this chapter that is deficient in any horizontal dimensional standards, alternative compliance is permitted by calculating the percentage the subject lot is of the minimum lot size required by zoning district. That proportion may be applied to any other required dimensional standards applied in the horizontal plane, except those standards that are already expressed as a percent of the whole (e.g.: impervious surface ratio).
2. Example: An R-2 zoned lot that is 10,000 square feet is 83.33 percent (83.33%) of the minimum lot size of 12,000 square feet (10,000/12,000). Applying that proportion to the remainder of the dimensional standards in the R-2 district, the following standards may apply:
  - a. Maximum impervious surface ratio: 35% (no change for regulations expressed as a percent of the whole)
  - b. Lot frontage: 66.65 feet (80 feet\*83.33%)
  - c. Street setback: 24.99 feet (30 feet\*83.33%)
  - d. Interior setback: 8.33 feet (10 feet \*83.33%)
  - e. Rear setback: 24.99 feet (30 feet \*83.33%)
3. In no case shall the setback standards be reduced to less than ten (10) feet for the street and rear yards and five (5) feet for the side setbacks.

Image 73-7.1.2.A. Single-Family Detached Dwellings



C. Single-Family Attached Dwelling (Townhome)

A type of Household Living use with which is part of a group of three (3) or more such units separated by a common party wall where each unit extends from the foundation to the roof with a separate means of egress.

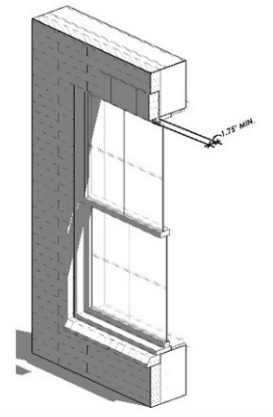
1. Applicability. These regulations shall apply to all townhome uses, unless specifically exempted herein. Where provisions in this section conflict with the remainder of the Zoning Ordinance, the provisions provided herein shall govern.

2. Purpose and Intent. These requirements are intended to regulate the siting and design of townhome projects in pursuit of cohesive design and walkable development patterns. The regulations are intended to define elements of the development that support both horizontal and vertical articulations and variations among units that provide architectural interest and reinforce high quality design and responsible site development practices to meet the goals of the City’s Comprehensive Plan.



Section 73-7.1.3.1.3: Minimum design requirements

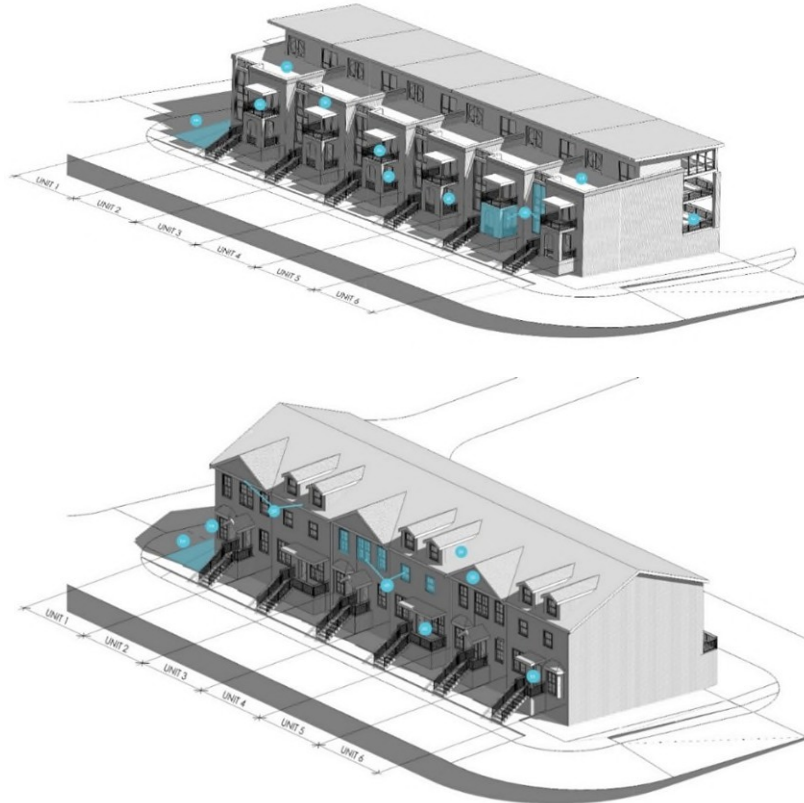
3. Minimum Design Requirements. Each townhome unit shall provide the following:
- a. The exterior façade comprised primarily of brick or stone materials. Where architectural projections are structurally limited from masonry cladding, those projections are permitted to be faced with cementitious lap and shake siding or other similar cementitious products. Molding, windows and doors, and other accents are exempt from this requirement.
  - b. A functional rear porch or deck a minimum of 50 square feet in area.
  - c. Window systems recessed from the façade of the building a minimum of one and three-quarters (1.75) inches. This reveal shall be accomplished through the design of the window casing reveals and frames.



Section 73-7.1.3.C.4: Required window system recess.

4. Design Elements Catalogue. Each townhome unit shall provide a minimum of *one* feature from *each* of the following categories:
- a. Private outdoor space:
    - i. Front porch (minimum 30 square feet in area).
    - ii. Front-facing balcony (minimum 50 square feet in area).
    - iii. Rear terrace (minimum 100 square feet in area).
    - iv. Rooftop terrace (minimum 150 square feet in area).
    - v. Private yard space with at least one tree (minimum 150 square feet in area).
  - b. Architectural projection:
    - i. Projection window (bay or bow).
    - ii. Turret.
    - iii. Covered balcony or porch.
  - c. Roof element:
    - i. Dormers.
    - ii. Front gable or pediment.
    - iii. Rooftop terrace.

- iv. Varied gable system.
- v. Cornice detailing.
- d. Unit or façade variation (required when more than 5 units front on a single block face):
  - i. Change in brick/stone color or a change in masonry material.
  - ii. Change in window composition.
  - iii. Projection or recess of an architectural feature that is a minimum of 5 feet deep or 15 feet tall (used to distinguish and separate facades vertically because of the significance of the projection).



*Section 73-7.1.2.C..4. - Design Elements Catalogue: The preceding diagrams are intended for clarification purposes only. Labels follow the subsection numbering. In the event of conflict between the diagrams and the interpretation of the detailed regulations identified in this Section, the detailed regulations govern.*

- 5. **Bulk Standards.**
  - a. Maximum height: 35 feet.
  - b. Density: Based on zoning district.
  - c. Minimum unit width: 24 feet.
  - d. Setbacks:
    - i. Street: 15 feet
    - ii. Interior Side: 0 feet for attached units; 10 feet between buildings
    - iii. Rear: 15 feet
    - iv. Setbacks shall be measured from the development as a whole, regardless of whether the parcels are intended to be subdivided for fee simple ownership or not.
  - e. Floor area minimum: none.

5. Development Regulations. Sites for all townhome developments shall comply with the following:
- a. Buildings:
    - i. There shall be a maximum of six (6) units per building.
    - ii. Rear loaded garages:
      - a. A minimum of 25 percent (25%) of units shall be rear loaded.
  - b. Parking Facilities.
    - i. All driveways shall be a minimum of 22 feet wide.
    - ii. Garages shall be required for all single-family attached uses.
      - a. Garages shall accommodate two cars. Interior clear space shall be a minimum of 21 feet wide by 23 feet deep.
      - b. Doors shall be architectural in style. Standard panel doors are not permitted.
      - c. The garage portion of the structure shall be setback a minimum of 20 feet from the back of the sidewalk or curb (where no sidewalk exists). Should the bulk standards setback for be less restrictive, this setback shall govern for the garage portion of the structure.
      - d. Garage doors shall not take up more than 40 percent of the linear width of any street facing façade.
  - c. Streets:
    - i. Sidewalks and streetscape elements are required on each side of the street internal to the development and along all exterior road frontages.
    - ii. All streets are required to be developed to public street standards and publicly dedicated
    - iii. unless developments are proposed to be gated. Streets in gated developments shall be private but are to be developed to public street standards. The developer shall install and
    - iv. maintain Knox boxes or other public safety equipment required by first responder agencies.
  - a. Relationship external to the development:
    - i. All units fronting on an external public or private street shall face the subject street with the front/primary façade and shall provide access from the interior of the development
    - ii. Driveways for individual units are not permitted to be accessed from streets external to the development.
  - b. Guest parking:
    - i. In addition to the minimum parking requirements for the district/use, a minimum of 0.5 spaces per unit is required to accommodate guest parking. Guest parking count may either be accommodated as common spaces or dedicated to each individual unit.

D. Single-Family Attached Dwelling (duplex or triplex)

A duplex or triplex is a type of Household Living use designed for occupancy by two or three separate but connected dwelling units, each having its own kitchen, bathroom facilities, and living space.

1. Individual duplex and triplex units shall not be less than 1,000 heated square feet.
2. Design Requirements:
  - a. Exterior Facade: Duplexes and triplexes shall be designed to resemble single-family detached residences with harmonious architectural features.
  - b. Entrances: Contributing to the appearance of individual single-family homes, each duplex or triplex structure shall have a maximum of one entrance facing any one street. If the structure faces more than one street, the additional street(s) may also have a single entrance facing the subject street.
  - c. Rooflines and Materials: Rooflines and exterior materials shall be consistent with those found in single-family detached uses within the same zoning district.
3. Parking Facilities.

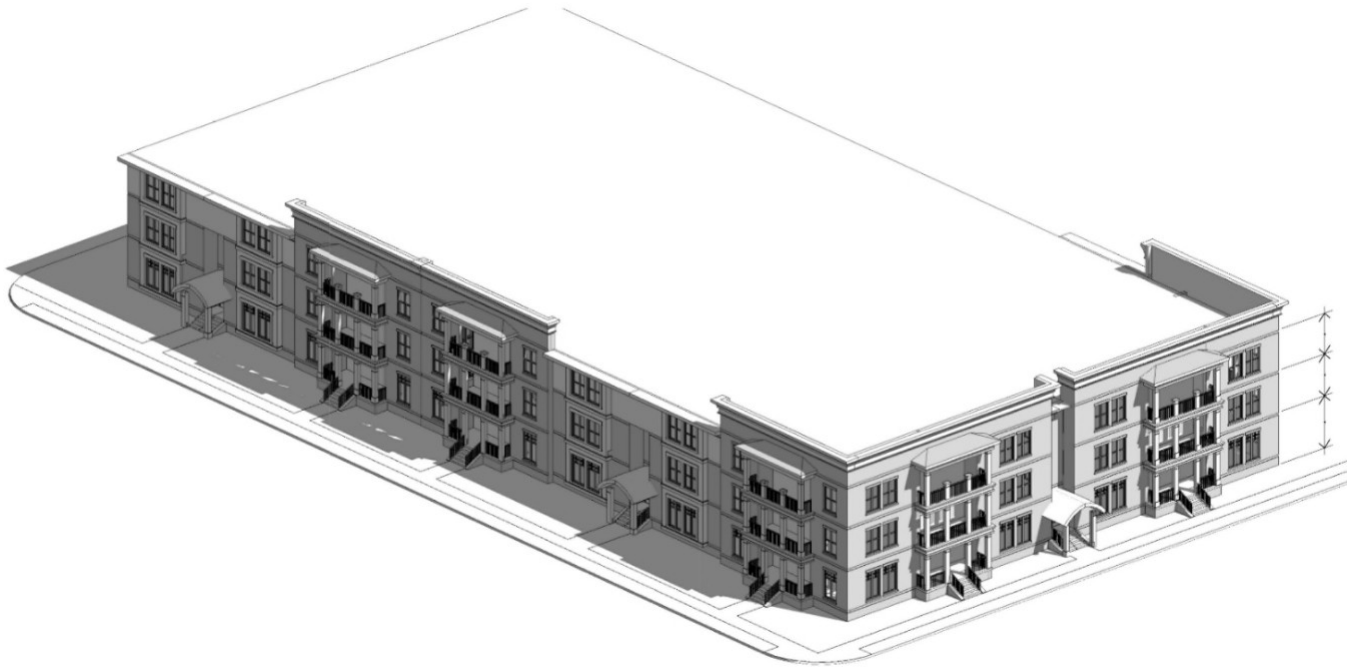
- a. All driveways shall be a minimum of 22 feet wide.
- b. Parking facilities shall not resemble parking lots. Furthermore, facilities shall not be wide enough to accommodate more than two side-by side spaces between the building and any street frontage.
- c. Garages are not required but shall comply with the following wherever a garage is provided:
  - i. The quantity of garage bays shall not exceed the number of units in the structure. Bays shall be concentrated in one area of the structure to resemble the grouping of bays in a single-family detached structure.
  - ii. Doors shall be architectural in style. Standard panel doors are not permitted.
  - iii. The garage portion of the structure shall be setback a minimum of 20 feet from the back of the sidewalk or curb (where no sidewalk exists). Should the bulk standards setback for be less restrictive, this setback shall govern for the garage portion of the structure.
  - iv. Garage doors shall not take up more than 40 percent of the linear width of any street facing façade.

E. Multi-Family Residential

A type of Household Living use with a building or set of buildings containing a group of dwelling units on a common lot containing separate living units for four (4) or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as single-family attached dwellings.

1. Dwelling units in Multi-Family Residential buildings shall not be less than 800 heated square feet.
2. A minimum 20 percent (20%) of the lot shall be provided in open space in accordance with Section 73-8.3 Landscape and Open Space.
3. Buildings shall conform to the following design standards:
  - a. Sixty percent (60%) of exterior building materials on façades visible from the public right-of way or an adjoining Residential Zoned lot shall be brick or stone. Masonry shall wrap corners to avoid appearance of being applied.
  - b. Façades shall be broken up, both vertically and horizontally, through building materials and offsets.
  - c. Roof line shall be varied.
  - d. Building shall utilize a variety of materials to create visual interest.
  - e. Building entrances shall be well-marked and identifiable from the building form.
  - f. Common walls and common floors ceiling between units shall be constructed to meet a sound transmission coefficient (STC) rating of 50 or higher.



**Image 73-7.1.4. Multi-Family Residential****F. Manufactured Homes**

A type of Household Living use that is defined in O.C.G.A § 36-66-7 et seq.

1. Roof pitch shall be no less than 5:12 and finished with a type of shingle that is commonly used in standard residential construction;
2. 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;
3. Structure shall 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 stone), shall be provided in lieu of skirting and shall only be pierced for the required ventilation and access;
4. Utility meters for the home shall be mounted to the structure rather than on a utility pole or other structure.
5. Any replacement of a preexisting manufactured home or mobile home with a new manufactured or mobile home shall be permitted in accordance with O.C.G.A § 36-66-7 et seq.

**G. Cottage Style Development**

A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

1. Minimum lot size: 5,400 square feet;
2. Open space: 15 percent (15%) of the development's buildable total land area shall be designed to accommodate its use for passive or active recreation.
3. Setbacks:



- a. Street: 20 feet (with the garage portion of the home no less than 20 feet from the back of the curb.
- b. Interior Side: Minimum 10 feet between structures
- c. Rear: 20 feet
- d. Maximum Impervious Surface: 60%

H. Additional Requirements Applicable for Household Living Uses

1. A continuous pedestrian circulation system is required throughout new residential developments. Systems shall link to all planned or developed recreational open space, transit facilities, or existing public sidewalks or public rights-of-way that are located adjacent to the development.
2. All internal sidewalks shall be least five (5) feet in width on any public or private street or drive.
3. Lots shall provide at least two (2) trees in the front, side, or rear yards for shade and enjoyment. Trees may be counted toward minimum lot tree density requirements in Section 73-14 Tree Ordinance. To be accepted, plantings shall be located outside any drainage or utility easements applicable to the property.
4. Vinyl and EIFs are prohibited external building materials.
5. Garage doors shall not take up more than 40 percent of the linear width of any street facing façade.
6. 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.
7. Utility Requirements.
  - a. Individual systems for water, fuel/gas, and HVAC shall be required for each unit.
  - b. Individual metering shall be provided for water, electric, and fuel/gas utilities.
  - c. Easements for utility lines shall be provided in the common ownership area where lateral service connections shall take place.

**73-7.1.3 Group Living**

Group living is residential occupancy of a building or any portion of a building by a group other than a household. Tenancy is arranged on a long-term (at least 30-day) basis. Buildings or spaces occupied by group living uses contain individual rooms with private or shared bathroom facilities and may also contain shared kitchen facilities, and/or common dining and living areas for residents. Residents may or may not receive any combination of care, training, or treatment, but those receiving such services shall reside at the site. The following describe sub-categories of Group Living uses:

- A. **General Requirements:** The following regulations apply to all Group Living and accessory uses, except Personal Care Homes (6 or fewer residents):
  1. Applicable Group Living uses are allowed only on lots with frontage on an arterial or collector street.
  2. Uses require a minimum lot area of three (3) acres with a minimum public street frontage of 100 feet.
  3. Occupancy is limited to one bed per 250 gross square feet of heated building space.
  4. The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.
  5. The operator obtains certification from the appropriate state licensing body.
  6. No other such facility is located within 1,000 feet as measured from property line to property line.
- B. **Assisted Living.** An establishment registered with the State of Georgia as an assisted living home.
- C. **Convent or Monastery.** Group dwellings for members of religious orders
- D. **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.

E. **Nursing Home.** An establishment providing inpatient, skilled nursing and rehabilitative services to patients who require health care but not hospital services. Care is ordered by and under the direction of a physician.

F. **Personal Care Home.** The use of a dwelling unit to provide or arrange for the provision of housing, food service, and one or more personal services, including watchful oversight, for two (2) or more adults who are not related to the owner by blood or marriage. "Personal services" include assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, and dressing. Personal care homes do not provide skilled nursing or other medical services or admit and retain residents who need continuous medical or nursing care.

1. The personal care home shall be operated in a manner compatible with the neighborhood and must not be detrimental to adjoining properties as a result of traffic, noise, light, refuse, parking or other activities.
2. In residential districts, the resident manager or caretaker is counted as part of any limit on persons.
3. For all building permitting procedures, personal care homes will be considered commercial uses.
4. The maximum number of beds permitted shall be limited to one per 250 gross square feet of heated floor space within the principal structure.
5. The principal structure contains a residential facade architecturally similar to adjacent buildings.
6. To prevent the institutional atmosphere created by concentrating or clustering of personal care homes, thereby defeating the goal of integrating individuals into the community, each personal care home must be located a minimum of ¼-mile from any other personal care home when located in a Residential Zoned district.

G. **Temporary Shelter.** The provision of overnight housing and sleeping accommodations for persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services.

H. **Transitional Housing.** The provision of long-term but not permanent living accommodations for persons who have no permanent residence and are in need of long-term housing assistance.

## **73-7.2 Institutional Uses**

### **73-7.2.1 General**

The institutional use category includes supplemental use regulations for public, quasi-public, civic and institutional uses.

### **73-7.2.2 Cemeteries and Mausoleums**

- A. Minimum lot size: 5 acres.
- B. A 25-foot undisturbed buffer shall be established around the perimeter of the use with a solid fence or wall no less than six (6) feet in height.
- C. All buildings must be set back at least 25 feet from the buffer.

- D. All graves shall be set back 10 feet from the buffer.
- E. No graves may be placed within any required setback.
- F. Funeral homes and mausoleums shall have 20,000 square feet dedicated solely to their use.

**73-7.2.3 Places of Assembly (religious institutions, neighborhood recreation centers and swimming pools, or non-commercial club houses and lodges)**

Buildings or sites used for conducting organized events and service. Examples include places of worship (such as synagogues, temples, mosques, and churches). Typical accessory uses include schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, day care centers, kindergartens, cemeteries, funeral/mortuary services, occasional seasonal sale of goods with or without outdoor display of merchandise, and similar uses. Crematoriums are not permitted, unless the place of worship is located within a district that permits a crematorium as a principal use or the activity is defined as a funeral/mortuary service.

- 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 shall be set back no less than 50 feet from any property line.
- C. All pools shall adhere to the standards of the Standard Swimming Pool Code, as amended.
- D. All parking areas shall include a 30-foot landscaped buffer when abutting any property used for single family residential purposes.

**73-7.3 Commercial Uses**

**73-7.3.1 General**

The commercial use category includes supplemental use regulations for uses that provide a business service or involve the selling, leasing, or renting of merchandise to the general public. The commercial use sub-categories are listed below.

**73-7.3.2 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.

**73-7.3.3 Automotive Maintenance Shops including 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.

**73-7.3.4 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 out 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 shall be located in the rear of the principal structure and enclosed by an opaque fence no less than eight (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.

**73-7.3.5 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.

**73-7.3.6 Automobile, Trailer, and Boat Sales**

- A. Minimum one (1) 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 (6) feet in height shall be maintained to provide a visual screening between the residential and commercial properties.

**73-7.3.7 Brewery, Brew Pubs, or Distilleries**

- A. All manufacturing activities shall be conducted within a wholly enclosed building.

**73-7.3.8 Day Care Centers and Nursery Schools**

- A. Such use shall obtain certification from the proper State of Georgia Regulatory Agency.
- B. Any outdoor play area shall be enclosed by a fence not less than four (4) feet in height and shall be located in the rear yard area of the principal building with a self-closing, self-latching gate.

**73-7.3.9 Financial Services**

Uses related to the exchange, lending, borrowing and safe keeping of money. Automatic teller machines, kiosks, and similar facilities that do not have on-site employees or amplified sound are not classified as financial service uses if they meet the criteria for classification as a drive-thru or accessory use. Typical examples of financial service use types are federally chartered banks, credit unions, convenient cash businesses, and pawnshops. The following describe the sub-categories of financial service uses:

- A. **Banks, Credit Unions, Brokerage, and Investment Services.** Financial institutions, including, but not limited to banks and trust companies, credit agencies, holding (but not primarily operating) companies, and other investment companies.
- B. **All Other Financial Service Types.** Financial service providers which include the following:
  1. **Check Cashing Establishment.** An establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq.
  2. **Precious Metal Broker.** An establishment engaged in whole or in part in the business of buying gold, precious metals or jewelry.
  3. **Pawnshop.** An entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or

in conjunction with the business activities described in this definition.

4. **Conditions:** All Other Financial Service Types are subject to the following supplemental regulations:
  - a. Lots on which Other Financial Services are located shall have frontage on an arterial street.
  - b. All Other Financial Services are prohibited within 1,000 feet of an existing check cashing establishment, precious metal broker, or pawnshop.
  - c. Check cashing establishments shall operate as an independent principal use and not be combined with any other use.

#### **73-7.3.10 Golf Courses and Driving Ranges**

- 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.

#### **73-7.3.11 Lodging**

Uses that provide temporary overnight sleeping accommodations or lodging for guests paying a fee or other form of compensation for a period of less than 30 consecutive days. The 30-day period is applied to the consecutive term of stay, regardless of the length of any individual agreement. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Sub-categories of lodging include bed and breakfast, extended stay facilities, hotels, motels, and short-term rentals.

- A. Notwithstanding Section 73-7.3.13.B of this section, occupation of a hotel or motel room in excess of 30 consecutive days during a 180 (one hundred eighty) day period may occur at a lodging facility where the following circumstances are present:
  1. A specific business entity desires such occupation for an employment-related purpose which requires temporary occupancy, including but not limited to relocation service, or
  2. A government, charity, or insurance agency desires such occupation to house persons or families as a result of a Natural Disaster.

#### **73-7.3.12 Bed and Breakfast**

A type of lodging use in a detached house in which the resident owner/ operator offers accommodations and meal service to overnight guests for compensation.

- A. The facility is operated by the resident-owner with a maximum of five (5) guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
- B. Such use shall 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. Food service shall be limited to breakfast only and be served to guests taking lodging in the facility.
- D. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
- E. No catering, parties, weddings, or special events shall be permitted.
- F. The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes shall be approved by City staff. The architectural integrity of the existing interior spaces shall be maintained.
- G. All bed and breakfast uses shall meet all applicable health and safety codes.
- H. Maximum length of stay shall not exceed 14 days.
- I. A minimum of 1 parking space per rental room is provided in addition to those required for the resident.

#### **73-7.3.13 Extended Stay Facilities**

A type of lodging use as a hotel or motel in which thirty percent (30%) 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.

- A. Extended Stay Hotels and Motels 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. 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 prior to development to ensure that all applicable safety specifications and standards are met
  3. No permanent business license shall be issued for the conduct of any business from any guest room of the facility.
  4. No hotel or motel under this section is to be converted to or used as an apartment or condominium.
  5. Each guest room must be protected with a sprinkler system approved by the fire marshal or their designee.
  6. 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.
  7. A hard-wired smoke detector shall be provided and installed in each guest room.
  8. No outside storage or permanent parking of equipment or vehicles shall be allowed.
  9. 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.
  10. No building may be placed within 100 feet of any residentially zoned property, inclusive of the required buffer.
  11. All extended stay facilities shall have a maximum density of 75 guest units per gross acre of development.
- B. In addition, any hotel or motel which offers or otherwise permits more than three percent (3%) of its rooms to be rented by guests staying on the premises for longer than 30 consecutive days shall also be defined as an extended stay facility, regardless of whether the units provide facilities for the storage and preparation of food.

**73-7.3.14 Hotel**

A building in which lodging or boarding and lodging facilities are provided for transient guests and offered to the public for compensation. Ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours.

**73-7.3.15 Motel**

One or more buildings in which board and/or lodging are provided for transient guests for compensation. Ingress and egress to and from all rooms are made primarily directly from an exterior walkway rather than from an inside lobby.

**73-7.3.16 Outdoor storage facilities, excluding junk and salvage yards**

- A. Such use shall be enclosed by an opaque fence or wall no less than eight (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.

**73-7.3.17 Special Events**

A special event use is a designated location, structure, or property used for the hosting of special events, including but not limited to weddings, conferences, receptions, parties, and other similar occasions.

- A. Special Event Home. A type of Special Event use located in a former Household Living use or similar low-scaled structure.
  1. Establishment shall be on a minimum of a two (2) acre site.

2. A maximum of 3,000 square feet may be dedicated to the reception floor area.
3. 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.
4. All applicants shall comply with the City of Acworth noise Ordinance.
5. 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.
6. Capacity of the Special Events Home will be limited to three hundred (300) persons.
7. There shall be no retail sale of food or alcohol.
8. The commercial operations of the facility shall not operate between 12 am. And 9 am.
9. Facility should only be located in appropriate areas of the City and not have a negative impact on surrounding properties.

B. Special Event Facility. A type of Special Event use located in commercial districts.

### **73-7.4 Industrial Uses**

#### **73-7.4.1 General**

The industrial use category includes supplemental use regulations for industrial uses. It also includes uses that store or distribute materials or goods in large quantities and uses involved in basic industrial processes.

#### **73-7.4.2 Adult Entertainment and Sexually Oriented Businesses**

Adult entertainment and sexually oriented businesses are adult bookstores, adult video stores, adult dancing establishments, adult mini-motion picture theaters, adult motion picture arcade, adult video store, erotic dance establishment, or escort service, or other provided in Chapter 10, Article II, Acworth City Code.

- A. *Purpose.* It is a purpose of this Ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.
- B. *Findings and Rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Mayor and Board of Aldermen, the City finds:
  1. Sexually oriented businesses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
  2. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
  3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this Section, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing

future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this Section are reasonably believed to be relevant to said secondary effects.

4. The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.
- C. *Prohibited Locations.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the City that is located:
1. Within 1,000 feet, measured property line to property line, from a school (public or private), day care, community center, recreational facility, park, place of worship, hospital, or other similar uses where children regularly gather.
  2. Within 1,000 feet, measured property line to property line, from another sexually oriented business.
- D. *Measurements.*
1. Measurement of the required spacing between sexually oriented businesses shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two (2) sexually oriented businesses.
  2. Measurement of the required spacing between a sexually oriented business and a residential district, place of worship, park, or public library shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on the boundary line of the residential district or the closest point on the property line of the place of worship, park, or public library.

#### **73-7.4.3 Cryptocurrency Mining Operations, Server Farms, and/or Data Centers**

A facility or portion of a facility housing networked computer systems and telecommunications equipment used for remote storage, processing, and distribution of data, including facilities where commercial cryptocurrency transactions are verified and added to the public ledger, through the use of server farms employing data processing equipment. Such facilities shall comply with the following:

- A. *Fire Safety Requirements*
1. *Fire Suppression.* An active clean agent fire protection system shall be provided and maintained in good working order within any structure. High sensitivity smoke detectors shall be installed and operational in order to activate this clean agent fire suppression system.
  2. There shall be an emergency electricity termination switch installed outside of any containment structure.
  3. *Containment Space.* The equipment used shall be housed in an individually metered, electrically grounded and metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that will automatically close in the event of fire independent of a possible electric system failure.
  4. All building requirements required by this section, including but not limited to heat transfer apparatuses, fire detection/suppression systems, or containment structures shall be designed by a Georgia licensed engineer and in accordance with all applicable codes and standards.
- B. *Heat Safety Requirements.*
1. The ambient temperature inside of a containment space shall not exceed 120 degrees Fahrenheit at any time. No person shall be permitted to regularly inspect and work within the containment area if the ambient temperature within the containment area exceeds 90 degrees Fahrenheit.
  2. No more than 20% of the heat dissipated by the mining activity shall be released directly to the outside when the average daily temperature is less than 40 degrees Fahrenheit.
- C. *Nuisance Abatement.*
1. No adverse or detrimental effects shall impact adjoining properties, owners, or residents that diminish the quality of life or increase the costs of serving their business or maintaining their homes.



2. A noise level exceeding ninety decibels (90 dB) from a distance of twenty-five feet from the exterior of the containment structure is prohibited.

#### **73-7.4.4 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.

#### **73-7.4.5 Manufacturing Establishments, Light**

- A. Maximum lot size of five (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.

#### **73-7.4.6 Recycling Collection Centers (may also be defined by the State as a construction and demolition transfer station)**

- 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 shall be a minimum of 100 feet from any non-industrial-zoned property.
- D. There shall only be a transfer of construction and demolition debris.
- E. There shall be no transfer of household solid and liquid waste.
- F. The facility shall be located on an arterial or higher classified public road.
- G. The site shall be a minimum of two (2) acres.
- H. Shall be approved and permitted by the State of Georgia and meet all local, state, and federal laws.

### **73-7.5 Agricultural Uses**

#### **73-7.5.1 Agriculture and Forestry**

- 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.

#### **73-7.5.2 Cottage Food Operators**

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.

#### **73-7.5.3 Livestock, Poultry, and Non-commercial Riding Stables**

- 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.

### **73-7.7 Wireless Communications Uses**

#### **73-7.7.1 General**

- A. The supplemental wireless communication facility regulations of this Section shall be applied within the

constraints of state and federal law, the federal Telecommunications Act of 1996 and Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, as well as all applicable rulings of the FCC and the Streamlining Wireless Facilities and Antennas Act of 2019, as codified in title 36, chapters 66B and 66C.

**B. 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 nonconforming and shall not be required to meet any additional requirements of this ordinance other than those in place prior.

**73-7.7.2 Wireless Communication Types**

The wireless communication use category includes definitions and, in some cases, supplemental use regulations, for wireless communication facilities and wireless support structures. The location of wireless communication facilities/structures may be permitted under the provision of this Section. The intent of this Section is to provide for the appropriate location and development of communication towers to serve the residents and businesses of the city; minimize adverse visual impacts of towers through careful design, siting, landscape and innovative camouflaging techniques; and to encourage and concentrate the location of new communication towers in areas which are not zoned for residential use. The following are regulations for wireless communication facilities:

- A. **Wireless Communication Facility.** The equipment and network components necessary to provide wireless communications service, excluding the underlying wireless support structure. The term includes antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless communications services.
  1. Carrier on Wheels (COW). A portable, self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
  2. Co-location. The placement or installation of wireless communication facilities on existing structures, including electrical transmission towers, water towers, buildings and other structures customarily used for and capable of structurally supporting the attachment of wireless communication facilities in compliance with all applicable codes and regulations.
  3. Concealed Wireless Facility. Any wireless communication facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the facility or wireless support structure is not apparent to a casual observer.
- B. **Wireless Support Structure.** A freestanding structure, such as a monopole or tower, designed to support wireless communication facilities.

**73-7.7.3 Standards for All Wireless Communications Uses**

- A. Wireless communication facilities are allowed in accordance with Section 73-4.4 Use Table. In addition, the following activities are permitted as of right in all districts:
  1. Removal or replacement of transmission equipment on an existing wireless support structure that does not result in a substantial modification of the wireless communication facility; and,
  2. Ordinary maintenance of existing wireless communication facilities and wireless support structures; and,
  3. Distributed antenna systems when located within a building or on the exterior of a building.

- B. Removal of Abandoned Antenna and Towers. Any wireless support structure that is not actively used by wireless carriers for a continuous period of six (6) consecutive months will be considered abandoned, and the owner of the wireless support structure shall remove it within 60 days of receiving written notice from the City. The City shall ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.
- C. Existing Towers and Antennas. Wireless telecommunication facilities lawfully existing on or before the effective date of this Zoning Ordinance are allowed to remain in place and continue in use and operation. Ordinary maintenance and co-location is permitted, provided that any substantial modification requires review and approval in accordance with the special use procedures of Section 73-11.7 Special Use Permits.
- D. Safety standards. To ensure the structural integrity of communication structures, the owner of a structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower owners shall conduct periodic inspections of communication towers at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in the State.
- E. Regulatory compliance. All structures and facilities shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate communications towers and antennas. If such standards and regulations are changed then the owners of the communications towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- F. Lighting. No illumination is permitted on an antenna or tower unless required by the FCC, FAA, or other State or federal agency of jurisdiction, in which case the Development Director shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
- G. Signage. No signage is permitted on a facility or structure, except Official Signs as defined in the Sign Ordinance.
- H. Visual impact.
  - 1. Structures shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA or other applicable federal or state agency, or be painted a neutral color, so as to reduce visual obtrusiveness.
  - 2. At a structure site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- I. Decisions.
  - 1. The environmental effects of radio frequency emissions may not serve as a basis to approve, deny, or otherwise regulate a telecommunication facility to the extent that emissions comply with Federal Communications Commission regulations.
  - 2. All decisions denying a request to place, construct, or modify a wireless communication use must be in writing and be supported by a written record documenting the reasons for the denial and the evidence in support of the decision.
- J. The placement of additional buildings or other supporting equipment necessarily required in connection with an otherwise authorized wireless communication use is specifically authorized.

**73-7.7.4 Co-locations and Concealed Wireless Facilities**

The requirements of this Section apply to installments on existing buildings and structures on private property.

- A. Antennas that are attached or affixed to existing wireless support structures or alternative telecommunication support structures are permitted as of right in all zoning districts, provided that the antenna does not substantially change the physical dimensions of such structure.
- B. Co-locations and concealed facilities in Residential Zoned districts shall be visually screened from view of all abutting lots. Facilities in other zoning districts must be screened or designed and installed so as to make the antenna and related equipment as visually unobtrusive as possible.
- C. If a facility is installed on a structure other than a tower, the facility and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- D. Co-location antennas or concealed facilities that substantially change the physical dimensions of such structure require special use permit approval. For the purpose of this Section, “substantial change” shall mean:
  1. Increases height by more than ten percent (10%) or 20 feet, whichever is greater, as measured from facility as it existed prior to enactment of this Section.
  2. Appurtenances added protrude from body of structure more than 20 feet in width.
  3. If it involves installing more than the standard number of cabinets for the technology involved, not to exceed four cabinets; or if it involves installation of any cabinets if there are no pre-existing cabinets or involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other associated ground cabinets.
  4. Involves excavation or deployment outside the current “site.” “Site” shall be defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements.
  5. For concealed or stealth-designed facilities, if a modification would defeat the concealment elements of the wireless tower or base station.
  6. The modification would not comply with other conditions imposed on the applicable wireless support structure or base station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the above thresholds.

**73-7.7.5 Wireless Support Structures**

The requirements of this Section apply to stand-alone towers and structures.

- A. **Height requirements.**
  1. For a single user, maximum height is 70 feet.
  2. For two users, maximum height is 100 feet.
  3. For three users, maximum height is 150 feet.
  4. Towers clustered at the same site shall be of similar height and design.
  5. Towers shall be erected a minimum height necessary to provide parity with existing similar tower supported antenna and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.
- B. **Setbacks.** Wireless support structures shall be set back from all property lines a distance that is at least equal to its engineered fall zone.
- C. **Security.** Communication towers shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device that meets the fencing and wall requirements of this Zoning Ordinance.
- D. **Landscaping.** Landscaping shall be used to effectively screen the view of the tower compound from adjoining public rights-of-way, public property, and residential property and shall be as follows:
  1. A buffer area no less than six (6) feet wide shall commence at the base of the tower.
  2. The buffer zone shall consist of materials of a variety and spacing which can be expected to grow

to form a continuous hedge at least five (5) feet in height within two (2) years of planting.

3. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities staff and maintenance.
4. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be replanted to replace that lost.

### **73-7.7.6 Application Requirements**

In the case where a special use permit is required, the information required herein shall be required for the special use review process. Regardless, the information shall be provided with a permit for the construction or a facility or support structure.

- A. Each applicant requesting approval of a wireless communication use must provide as a part of the application, an inventory of its existing facilities that are either within the City and/or within one-quarter mile of the City boundaries, including information regarding the location, height, and design of each facility.
- B. No new wireless support structure may be permitted unless the applicant demonstrates that no existing facility or structure can accommodate the applicant's proposed antenna. Evidence must be submitted at the time of application demonstrating that no existing facility or structure can accommodate the applicant's proposed antenna and may consist of one or more of the following:
  1. No existing facilities or structures are located within the geographic area required to meet applicant's engineering requirements.
  2. Existing facilities or structures are not of sufficient height to meet applicant's engineering requirements.
  3. Existing facilities or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing facilities or structures, or the antenna on the existing facilities or structures would cause interference with the applicant's proposed antenna.
  5. The fees, costs, or contractual provisions required by the owner in order to share an existing or structure or to adapt an existing facility or structure for sharing are unreasonable; or
  6. There are other limiting factors that render existing facilities and structures unsuitable.

### **73-7.8 Accessory Uses**

#### **73-7.8.1 Accessory Structures**

- A. All such structures shall be located upon the same lot and to the side or rear of the principal use at least five (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 building.
- B. 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.
- C. No accessory building shall be constructed upon a lot before the principal building.
- D. There shall be a maximum of two (2) accessory structures on a lot.
- E. No accessory structure may exceed twenty (20) feet in height.
- F. The aggregate area of all accessory buildings shall not exceed 50% of the area of the principal structure.

#### **73-7.8.2 Accessory Dwelling Unit**

- A. An accessory dwelling unit is a smaller, secondary home on the same lot as a primary, single-family detached dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two (2) types of ADUs:
  1. Garden cottages. Detached structures where examples include converted garages, second story garage apartments, or new construction.

2. Accessory suites. Portions of structures or buildings attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- B. General provisions applying to all Accessory Dwelling Units (ADUs):
  1. A maximum of one (1) ADU use or structure is permitted on the lot at a time.
  2. The area of the ADU shall not exceed 50% of the area of the principal structure or use.
  3. No windows shall be permitted on the sides of an accessory dwelling unit that faces an adjacent property.
  4. An ADU may be used as a Short-Term Rental pursuant to Section 73-7.8.3.
- C. Garden cottages shall meet the following additional requirements:
  1. Such structure shall be located to the rear of the principal structure and no less than 10 feet from any property line and 5 feet from the principal building.
  2. Accessory dwelling units detached from the primary structure shall comply with Accessory Structure regulations in Section 73-7.8.1 Accessory Structures.

### **73-7.8.3 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.
- B. General Provisions. 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 Development Director. 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. 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.
  7. 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 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.

8. All home occupations shall be subject to periodic inspections.

C. Required Notice and Permits

1. The City Clerk must approve all business licenses which shall be recertified annually.
2. 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 City Clerk of any concerns regarding the application. The City Clerk shall not approve the application until ten (10) consecutive days have passed from the first day posting the sign. The City Clerk 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.

D. Prohibited Uses

1. Any type of assembly, cleaning, maintenance, or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators); and,
2. Group instruction, assembly or activity shall not be permitted (day care excluded); and,
3. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations; and,
4. Equipment or supply rental businesses; and,
5. Taxi, limo, van, or bus services; and,
6. Tow truck services; and,
7. Firearms sales establishment; and,
8. Eating or drinking places; and,
9. Funeral or interment services; and,
10. Animal care, grooming, or boarding businesses; and
11. Any use or activity which may create noise, dust, glare, vibration, smoke, smell, electrical interference or any fire hazard; and,
12. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.

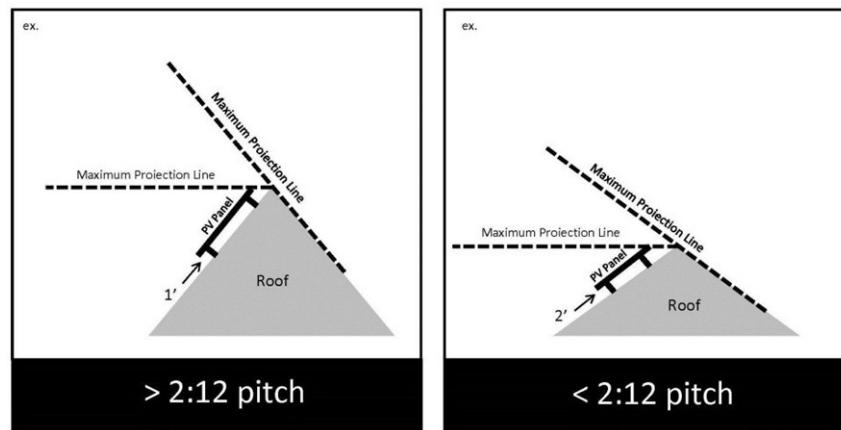
**73-7.8.3 Short-Term Rental**

The use of a residential dwelling unit or portion of such dwelling unit for lodging.

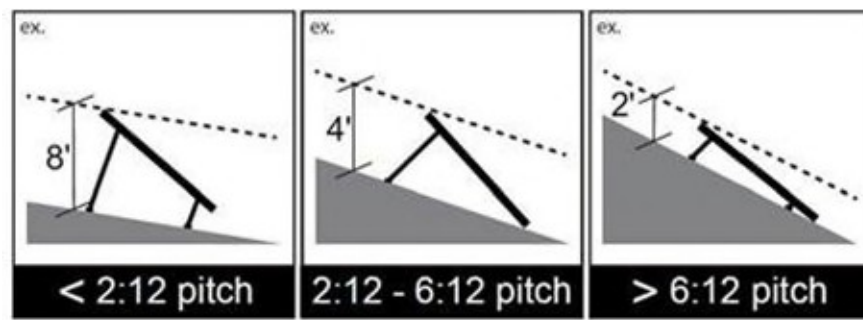
- A. A maximum of one (1) rental agreement is permitted for each structure on the lot at any one time.
- B. A 24-hour contact shall be identified and accessible for any complaints.
- C. A maximum of two (2) people per bedroom are permitted at the property at any time during the rental period.
- D. All short-term rentals shall be owned and operated by someone having primary residence in Cobb County.
- E. All short-term rentals shall register on a platform that collects hotel/motel tax as a condition of usage agreement (e.g.: Airbnb or VRBO).
- F. Any person conducting a short-term rental shall apply for and receive an occupational tax certificate prior to operating. Proof of compliance with all supplemental use regulations herein shall be provided with the application.

**73-7.8.4 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:
    - a. 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 dwelling):
  - a. 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).
  - b. 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.
  - c. 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.



**73-7.8.5 Unmanned Retail Structure**

An unmanned retail structure stores or dispenses items for sale, rent, or customer pick-up/drop-off that are accessible from the exterior of a building. This use includes the outdoor placement of soft drink or similar vending machines, propane gas storage racks, ice storage bins, automated teller machines (ATMs), donation bins, and other similar machines. This use may be freestanding or attached to a principal structure.

- A. General
  1. Up to one (1) unmanned retail structure is allowed per acre of a lot or fraction thereof, not to exceed a maximum of three (3) total on lots three (3) acres or larger.
  2. An unmanned retail structure shall not exceed a footprint of 50 square feet and eight (8) feet in height.
  3. An unmanned retail structure shall not encroach on any required site elements such as landscaping, buffers, setback areas, parking, or pedestrian access.
- B. Building signs may be applied to the unmanned retail structure, provided that they follow the sign requirements in this chapter for signage and do not cause the lot to exceed its allocation of sign area.
- C. All unmanned retail structures and dumpsters shall be delivered and maintained in good condition. It shall be the responsibility of the property owner or occupant and the supplying company to maintain the structures in accordance with the provisions of this section.

**73-7.8.6 Vending Machine Fulfillment Center**

A Vending Machine Fulfillment Center is a structure often affiliated with vehicle sales for the display of products, where products are displayed in a single- or multi-story tower, whether attached to another structure or standalone. Products may be displayed for sale, pick-up, or otherwise.

- A. Vending Machine Fulfillment Centers are only permitted as accessory structures to otherwise compliant principal uses occupying a principal structure.
- B. Whether the structure is attached to the principal structure or not, signage shall only be permitted on all associated structures as if only a single structure exists.

**73-7.9 Temporary Uses****73-7.9.1 Mobile Food Vendor (Food Truck)**

A retail food establishment that is readily moveable in a motorized wheeled vehicle or a towed wheeled vehicle designed and equipped to serve food.

- A. Applicability. The regulations of this subsection apply to any mobile food vendor soliciting to the general public.
- B. Mobile food vendors are required to own or lease a commissary kitchen (base of operation) in the corporate limits of the City of Acworth.
- C. One mobile food vendor is permitted per 20,000 square feet of land area or fraction thereof on any site where a mobile food vendor operates.
- D. Mobile food vendors shall be located at least 500 feet from the main entrance of any eating or drinking establishment and at least 500 feet from any outdoor dining area serving a non-mobile food vendor eating or drinking establishment.
- E. Operators are responsible for ensuring that all waste is disposed of in accordance with City regulations and for maintaining all areas used for food vending and customer activity in a safe and clean condition.
- F. Any person conducting business as a mobile food vendor shall apply for and receive an occupational tax certificate. The following is required to secure a permit:
  1. Written approval from the property owner.
  2. Site plan identifying a working restroom is within 200 feet; including a written restroom agreement from the business that allows employees and customers to have access during operation.
  3. Site plan of any proposed equipment like signage and tables.
  4. Proof of commissary kitchen in the corporate limits of the City of Acworth.

**73-7.9.2 Outdoor Display of Products that are Actively Available for Sale or Lease**

- A. Outdoor display is only allowed with a permitted non-residential land use.
- B. For Properties located within the Character Overlay District (COD), outdoor display materials shall 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 shall 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 shall not exceed six (6) feet in overall height;
- D. Outdoor display materials shall 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 shall not encroach upon any public right-of-way or sidewalk. Outdoor display shall not impair the ability of pedestrians to use the sidewalk. There shall be a minimum of six (6) feet of clear distance of sidewalk at all times.

**73-7.9.3 Temporary Construction Structures**

- A. Construction Dumpsters. Temporary refuse containers to store trash and recycling during affiliated construction activities, which are not enclosed.
- B. Portable Storage Containers. Designed for the temporary storage of fixtures, furnishings, equipment, or other household goods and materials (also known as PODs). Portable storage containers exclude structures designed for the occupancy by any individual or domestic animal or used as a place of business. When not associated with a valid permit, portable storage containers or temporary dumpsters shall not be parked or stored for more than 15 consecutive days or a total of more than 30 days during any calendar year.
- C. Construction Trailers. Occupiable structures used for temporary management of construction activities and related services.
- D. Standards applying to all Temporary Construction Structures:
  1. Temporary structures shall not be allowed in any district except when utilized for construction in accordance with this section.
  2. Utility hookups shall be screened from view through fencing or landscaping.
  3. Temporary Construction Structures may be parked or stored on any lot when used in conjunction with a valid, unexpired building or development permit.
  4. All Temporary Construction Structures shall be completely removed from the premises within 30 days of issuance of the final Certificate of Occupancy or project close-out pertaining to the building(s)/development associated with the construction.

**73-7.9.4 Temporary Outdoor Sales of Merchandise**

- A. Any applicant for a permit for temporary outdoor sales of merchandise shall demonstrate compliance with the regulations of this Section through an annual permit obtained by the Development Department as an occupational tax certificate.
- B. Temporary sales activities are subject to the following regulations:
  1. No such temporary outdoor sales of merchandise may be conducted on public property, within any public right-of-way, and no display or sales area may block safe pedestrian movement.
  2. Tents may be used in conjunction with temporary sales activities for a maximum of five (5) days over a one (1)-month period.
  3. No operator, employee, or representative may solicit directly to the motoring public.
  4. No temporary outdoor sales may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, required parking spaces, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum sidewalk width within private sidewalks or other areas intended for pedestrian movement.

**73-7.9.5 Temporary Stage or Tent**

- A. Temporary stages require the review and approval of a building permit.
- B. Tents over 400 square feet require the review and approval of a building permit.

**SECTION 73-8 SITE DEVELOPMENT****73-8.1 Sidewalk Requirements**

- A. 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. Where new streets are proposed, sidewalks shall be installed on both sides of the street. 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, outparcels, and between on-site and perimeter pedestrian systems shall be planned and installed unless otherwise excepted.
- B. All paths and sidewalks shall be a minimum of five (5) feet wide and paved. A minimum two (2) foot wide landscape strip should separate paths and sidewalks from the edge of pavement or curbs along public roadways. An additional landscape area shall be planted in the inside of the sidewalk a minimum of four (4) feet deep 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. This landscape area may be on public or private property.
- C. No certificate of occupancy shall be issued for any new building construction, new parking lot, or other permanent use unless streetscapes are constructed or deferred in accordance with this section.
- D. 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. If the inspection shows the sidewalk is deficient or does not exist along the entire frontage, the owner shall construct or repair the sidewalk as required.

**73-8.2 Fences and Walls**

- A. In all cases, the finished side of any fence shall be directed to the exterior of the property.
- B. No fence or free-standing wall in a required yard other than a retaining wall shall be more than 8 feet in height, nor shall it be constructed within two (2) feet of a public right-of-way. Fences located within the established front setback of residential property shall not exceed four (4) feet in height. When this article requires a fence to be constructed, such fence shall be completed prior to occupancy of the primary structure.
- C. A fence equipped with or having barbed wire, spikes, or similar device, or electric charge shall locate said devices greater than six (6) feet above ground level.
- D. All swimming pools shall be enclosed by a fence having a height of not less than five (5) feet with a self-closing, self-latching gate.
- E. All fences shall be maintained and corrected of any defects including damage, missing portions, or other defects deemed a nuisance.

- F. 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.

### **73-8.3 Landscape and Open Space**

#### **73-8.3.1 Purpose and Requirements**

- A. **Purpose.** The landscaping and screening regulations of this section are intended to advance the general purposes of this Ordinance and to help:
1. Maintain and enhance the City's appearance;
  2. Maintain and improve air quality;
  3. Protect surface water quality and reduce the negative impacts of stormwater run-off by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;
  4. Moderate heat by providing shade;
  5. Encourage preservation and replacement of existing trees and landscaping; and
  6. Augment the tree protection and preservation requirements of Section 73-14 Tree Ordinance.
- B. **Landscape Plan Requirements.** The location and description of landscape materials, treatments, decorative paving, amenities, sidewalk furniture or other decorative elements, if any, shall be indicated on a landscape plan to demonstrate compliance with all required provisions.

#### **73-8.3.2 Parking Lot Perimeter Landscape**

- A. The parking lot perimeter landscape regulations of this Section are intended to help mitigate the visual and operational impacts of surface parking lots when such areas are adjacent to public streets or Residentially-zoned districts. Unless otherwise expressly stated, the parking lot perimeter landscape regulations of this section apply to the construction or expansion of any surface parking area except those on lots occupied by residential buildings containing fewer than four (4) dwelling units.
- B. Parking lots subject to these regulations shall be screened from view of public streets using buildings, landscaping, or a combination of buildings and landscaping. Landscaping provided to meet this requirement shall include comply with one of the following options:
1. A landscape strip at least five (5) feet wide containing shrubs planted to provide a solid visual screen at least three (3) feet in height at the end of the first growing season, with the remainder of the landscape strip covered with groundcover plants or annual or perennial vegetation; or
  2. A landscape strip at least three (3) feet in width containing a solid masonry or stone wall at least two (2) feet in height, with the remainder of the landscape strip covered with groundcover plants, sod, or annual or perennial vegetation; or
  3. A strip at least three (3) feet wide containing paving for an expanded sidewalk zone with tree wells bounded by seat walls at least two (2) feet in height. Tree wells shall have a minimum area of 25 square feet.
- C. Shade trees shall be provided within required parking lot perimeter landscape strips at the rate of at least one tree per 30 feet on center of parking lot frontage adjacent to a street or sidewalk. A minimum of one tree is required if the length of the frontage is less than 30 feet. The rate can be increased to 60 feet on-center for overstory trees.
- D. Parking lots shall be screened from any adjacent or abutting Residentially-zoned lots using buildings or one of the following options:
1. An opaque fence at least six (6) feet in height and at least one tree per 30 linear feet of fence;

2. A masonry wall with a minimum height of six (6) feet;
3. A dense evergreen hedge with a minimum height of five (5) feet at the time of planting; or
4. A row of evergreen trees with a minimum height of six (6) feet at the time of planting;

**73-8.3.3 Interior Parking Lot Landscape**

- A. Unless otherwise expressly stated, the parking lot interior landscape regulations of this Section apply to the construction or expansion of any surface parking area containing more than 20 motor vehicle parking spaces. In the case of a parking lot expansion triggering compliance with these regulations, the minimum requirements for landscape area and plant material are calculated solely on the expanded area.
- B. Parking lots subject to these interior parking lot landscape regulations shall include at least 35 square feet of landscape area per motor vehicle parking space within the parking lot. When at least 50% of the interior parking lot landscape area consists of depressed bioretention areas used for stormwater management, the minimum interior parking lot landscape requirement is reduced from 35 square feet per parking space to 25 square feet per parking space. To receive this bioretention credit, the ponding area shall be at least 6 inches and not more than 18 inches in depth and planted with native wildflowers/herbs, grasses, shrubs, or other appropriate plant material.
- C. Plant material shall be provided within the interior of parking lots in accordance with the table below.

|              |   |
|--------------|---|
| Shade Trees  | 1 per 8 motor vehicle spaces                  |
| Shrubs       | 3 per 10 motor vehicle spaces                 |
| Ground Cover | Complete coverage of required landscape areas |

- D. Interior parking lot landscaping shall be reasonably distributed throughout the parking lot and provided in landscape islands or medians that comply with all of the following requirements:
  1. Each island shall be at least 200 square feet in area, not including any curb and gutter;
  2. Each island shall include at least one shade tree per island and be covered with ground cover plants or mulch;
  3. Each island shall be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape; and,
  4. Parking rows that abut a paved driving surface shall have a landscape terminal island (end cap) at that end of the parking row. All other parking lot landscape islands shall be located to comply with all applicable regulations of this Section.

**73-8.3.4 Landscaping for Parking Garages**

A landscape strip at least ten (10) feet in width shall be provided around the immediate perimeter of all parking garages, except along sides lined by habitable/occupiable floor space. Such required landscape strips shall contain at least one tree and 10 shrubs per 20 linear feet, with the remainder of the landscape strip covered with groundcover plants, sod, or annual or perennial vegetation.

**73-8.3.5 Open Space**

- A. Intent. To provide open space as an amenity that promotes physical and environmental health and access to a variety of active and passive recreation options in support of the vision for the character the City of Acworth.
- B. Applicability.
1. On-site open space shall be provided for all development sites except single-family detached dwellings that are single-lot developments.
  2. Single-family attached and detached projects do not have to comply with the amenity requirements in Section 73-8.3.5.D.5.
- C. Minimum Open Space Ratio. A minimum of ten percent (10%) on-site open space shall be provided for each applicable development site.
- D. General Requirements. On-site open space shall be provided on all sites in accordance with these regulations:
1. Access.
    - a. Open spaces shall have unobstructed access from the nearest right-of-way or adjacent building.
    - b. Each open space shall be adjacent to a public sidewalk, or other public space, or directly accessible with a connected path.
    - c. When a building or individual ground-story commercial establishment adjoins an open space, pedestrian access (both ingress and egress), operable to residents or customers, shall be provided.
  2. Private Open Space. Rooftop patios, rooftop decks, shared tenant amenity spaces, green roofs, or any other controlled access or private open spaces are permitted and encouraged but shall not be used to satisfy open space requirements.
  3. Landscape Requirements. Other landscape requirements of this code (e.g.: parking lot landscaping) shall not be counted to meet minimum open space requirements.
  4. Measuring Size. The size of the open space is measured to include all landscape and paving, not including required streetscape sidewalks or other non-pedestrian paving surfaces.
  5. Required Amenities
    - a. Each required open space shall accommodate seating for a minimum of three (3) people per 2,500 sf of open space area.
    - b. One additional amenity from the following list shall be provided for every 10,000 sf of open space area:
      - i. Incorporation of tree planting, to include a minimum of six (6) caliper inches per 2,500 square feet of open space. The tree density used for this credit shall not count toward any other minimum planting requirements.
      - ii. Bioretention facilities engineered to store and treat stormwater with the combination of soils and plant material and designed to be dry within 24 hours of storm event.
      - iii. Decorative water feature.
      - iv. Community garden.
      - v. Playground/recreational equipment.
      - vi. Plaza.
      - vii. Putting green.
      - viii. Climbing wall.
      - ix. Picnic shelter.

- x. Fire pit.
  - xi. Public outdoor dining area.
6. Stormwater. Stormwater management practices, such as normally dry storage and retention facilities or ponds that retain water, may be integrated into open spaces, subject to the following:
- a. Stormwater features in required open spaces shall be designed by a qualified professional as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a permanent pond or pool as part of the landscape design.
  - b. Stormwater features may not be fenced or enclosed by retaining walls over 24 inches in height. Any walls shall be a minimum of ten (10) feet apart for terraces.
- E. Certificate of Occupancy. All open space requirements shall be fully met before issuance of a Certificate of Occupancy for the development. Bonds may be submitted in lieu of a landscape installation per Section 73-12 Guarantees and Sureties.
- F. Alternative Compliance. Requirements of this Section shall be met by open space provided on the subject development site, unless an off-site open space provision is approved in accordance with these standards:
- 1. Off-Site. In lieu of open space dedication on site, a developer or property owner may transfer the required land area to be dedicated to open space to a receiving site.
    - a. The purpose of the off-site open space program is to transfer required quantities of open space area from eligible sending sites (subject lots) to eligible receiving sites through a voluntary process that supports usable greenspaces of adequate scale and spacing without compromising efficient and sound land planning practices. This alternative compliance is anticipated to be used primarily in multi-lot projects being developed on similar construction schedules.
    - b. To count toward the subject site's required open space, the following shall be met:
      - i. The area counted toward the subject lot's open space shall be newly planned. It may not be already planned, under permit review, permitted, under construction, or completed at the time the open space is requested to be counted to the off-site alternative compliance provisions.
      - ii. The area on the receiving site shall be under construction within six (6) months of the sending site (subject lot) receiving a Certificate of Occupancy.
      - iii. If the previous standard is not met, the sending site (subject lot) shall submit a bond equal to 150% of the value of the open space. The bond shall not be released until such a time that the open space is completed on the receiving site. The value of the open space shall be determined based on an independent appraisal paid for by the subject applicant or developer.
      - iv. The receiving site shall be located within 1,500 feet of the sending site.
      - v. All other Open Space standards shall be met for the combined open space.
  - 2. Maximum Area. A maximum of 50 percent (50%) of the required open space is permitted to be fulfilled by this Alternative Compliance Section. However, if the subject lot is less than one (1) acre, 90 percent (90%) of the open space may be fulfilled by this Alternative Compliance Section.

### **73-8.3.6 Buffers**

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

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

- B. 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.
- C. 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.
- D. Up to 40% of the required buffer may be cleared for utilization as a slope easement where required to prevent soil erosion.
- E. 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.
- F. 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.
- G. Buffer area shall not be counted in addition to the setback requirement.
- H. Buffers need not be established in those instances in which a street separates zoning districts. However, landscaping requirements shall apply.

#### **73-8.3.7 Plant and Landscape Material**

- A. Deciduous trees used to satisfy the landscaping and screening regulations of this Ordinance shall have a minimum caliper size of two (2) inches at time of planting. Evergreen trees shall have minimum height of six (6) feet at time of planting. Trees shall have a minimum mature height of 30 feet. Tree varieties shall be selected from Section 73-14.14 Tree Species List.
  - 1. Required street tree plantings and landscape zones shall not count toward the minimum open space tree plantings and vice versa.
  - 2. On-site tree plantings shall be spaced a minimum of 30 feet on-center for understory trees and 60 feet on center for overstory trees.
- B. Shrubs used to satisfy the landscaping and screening regulations of this Division shall have a minimum container size of three (3) gallons. Shrubs shall have a minimum mature height of two (2) feet.
- C. Ground cover plants or landscape material shall consist of shrubs, pine straw, mulch, or other similar landscape material.
- D. Landscaped Areas.
  - 1. All landscaped areas shall be protected by wheel stops, curbs, or other physical barriers where adjacent to vehicle use areas and shall be covered with grass, organic mulch or low maintenance ground cover.
  - 2. Landscaped bioretention areas are encouraged for natural drainage channels to reduce runoff and increase infiltration of water into the soil.

#### **73-8.3.8 Maintenance**

- A. Required landscaping and screening shall be continuously maintained, including necessary watering; weeding; pruning; pest control; litter and debris clean-up; and replacement of dead, diseased or damaged plant material.
- B. Trees shall be limbed to at least ten (10) feet in height above the sidewalk or any transportation route.
- C. Failure to comply with an approved landscaping plan, including failure to maintain required landscaping and screening and failure to replace dead, diseased or damaged landscaping, constitutes a violation of this Ordinance and is subject to penalties and enforcement under Section



**73-8.4 Fire Safety Requirements**

- A. 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.
- B. Minimum width of private access driveways within a development, excluding parking, shall be 20 feet and the minimum turning radius shall be 35 feet.
- C. Fire hydrants and water service shall be installed to within 300 feet of units under construction before proceeding with framing.

**73-8.5 Dumpsters**

**73-8.5.1 Dumpster Screening**

- A. A solid fence on three sides shall enclose all dumpsters.
- B. The height of the fence shall be equal to or higher than the height of the dumpster and in accordance with Section 73-8.2 Fences and Walls.
- C. The operable side of the dumpster shall be concealed with a gate equal to or higher than the height of the dumpster. The gate shall be opaque and constructed of durable materials.

**73-8.5.2 Location**

- A. Dumpsters shall be placed in the rear yard and shall be located a minimum of five (5) feet from property lines.
- B. In no case, shall loading activities hinder or obstruct the free movement of vehicle, and pedestrians over a street, sidewalk, alley, or to interrupt parking lot circulation.
- C. Service activities within 300 feet of residential uses, including single-family detached, single-family attached, multi-unit buildings, and mixed-use development with a residential component shall only be permitted Monday through Friday from 7:00 a.m.—10:00 p.m. and on Saturdays from 9:00 a.m.—9:00 p.m. This measurement shall be the shortest distance between the dumpster enclosure and any point on the property line of the residentially used property. These restrictions shall also apply to any service activities within a mixed-use development located within 300 feet of any residential unit within that development. In this case, the measurement shall be the shortest distance between the dumpster enclosure to the exterior wall of a residential unit.
- D. Access to dumpsters shall be provided via a paved, dust-free surface.
- E. Trash collection, trash compaction, recycling collection, and other similar service areas shall be located to the side or rear of buildings and must be screened from view from adjacent property or street (not including an alley).
- F. Service areas that are fully integrated into a building shall be screened with a roll down door or other opaque screen.

**73-8.6 Reserved**

**73-8.7 Disabled Vehicles**

**73-8.7.1 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.

**73-8.7.2 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.

**73-8.7.3 Standards**

All junked or disabled vehicle lots shall comply with the following standards:

- A. A six (6) to eight (8) foot privacy fence shall be erected. 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 or private road.
- F. Fencing shall be maintained at all times, at the owner's expense.
- G. Under no circumstances shall coiled barbwire be visible from a public road or from surrounding properties.
- 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 four (4) weeks, unless the business is approved to specifically be a storage or junk yard.

**73-8.7.4 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).

**73-8.9 Site Plan Review Process****73-8.9.1 Site Plan Approval**

- A. Commercial developments and some residential developments, such as apartment complexes require Site Plan approval as a function of the permit review process. Should the application not have had a prior review process by the Mayor and Board of Aldermen (e.g.: variance, rezoning, etc), the site plan shall be reviewed by the Mayor and Board of Aldermen. Site plans are necessary for any change of use, new construction, or exterior alteration requiring abuilding permit of any building whether or not Board review is required.
- B. 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 commercial and Industrial buildings façade's (front, sides and rear) shall be composed of primarily (60% of greater) of masonry (brick, stone, architectural split faced block only) with accents of hard coast stucco (EFIS), glass, fabric, (for awnings only), and metal (only for awnings, window frames and accent molding details). Any alternate design, shall be reviewed

and approved by the Mayor and Board of Aldermen with a recommendation from the Planning and Zoning Commission.

- C. All decisions shall be based on site information only.
- D. 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.
- E. Site plan decision shall be based on demonstration of compliance with the requirements of the City's Code of Ordinances.
- F. Once all City standards have been found to be in compliance, the development may be issued applicable permits.
- G. 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.
- H. If a permit has been issued and a development remains for more than six (6) 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.

### **73-8.9.2 Site Plan Requirements**

- A. Site plans must be submitted in a digital form using either an AutoCAD designation (.dwg), Portable Documents Format (PDF), or similarly accepted standard.
- B. The legal description of the parcel(s) for which the approval is sought.
- C. A map(s) of the subject property should provide the following data and information:
  - 1. All certifications and dedications appropriately indicated;
  - 2. Boundaries of site;
  - 3. 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;
  - 4. The location, width and names of existing or previously platted streets, railroads and utilities rights-of-way, and easements;
  - 5. Total acreage or square footage;
  - 6. The location, grades and sizes of utilities (water, manholes, sanitary sewer, storm drainage, and power), and the dimension and location of easements;
  - 7. Previous topography and proposed profiles of site;
  - 8. 100 yr. Floodplain, Wetlands and State Waters information. Including all necessary buffers.
  - 9. Zoning information, including zoning district, setbacks, lot size, density, greenspace/open space, etc.
- D. Regarding the proposed use of each parcel:
  - 1. The size, arrangement and orientation of all buildings proposed to be used for dwelling purposes or any other purpose as indicated.
  - 2. The location, height, configuration, and material of all walls, fences, or other structures proposed, including dumpsters.
  - 3. 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.
  - 4. Landscape plan showing all existing and proposed plantings.
- D. Any applicable covenants or restrictions.
- E. 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.
- F. 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.

1. 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.
  2. Fencing shall be, at a minimum, chain link with black vinyl coating (or similar approved by staff).
  3. Applicant shall have the option to install a pressure treated wood or cedar screen fence in place of the black coated fence.
  4. Should the applicant decide to make the retention pond as a water quality amenity, staff shall have the flexibility to alter the fencing requirements.
- G. 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.
- H. 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.
- I. Any stream crossings shall require review and approval from the Mayor and Board of Aldermen.
- J. Landscape plan.
- K. Architectural elevations, including proposed materials.

### **73-8.10 Screening**

All developments shall adhere to the screening requirements outlined herein:

#### **A. Mechanical Equipment**

1. **Exemptions** Free-standing or roof-mounted renewable energy systems such as solar panels are exempt from these screening requirements.
2. **Roof-Mounted Equipment**
  - a. Roof-mounted equipment shall be screened from ground level view from adjacent property or adjacent street (not including an alley).
  - b. New buildings shall provide a parapet wall or other architectural element that screens roof-mounted equipment from view.
  - c. For existing buildings with no or low parapet walls, roof-mounted equipment shall be screened on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material, and color.
3. **Wall-Mounted Equipment**
  - a. Wall-mounted equipment shall not be located on any surface that directly faces a street (not including an alley).
  - b. Wall-mounted equipment located on any surface that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque screen compatible with the principal building in terms of texture, quality, material and color.
4. **Ground-Mounted Equipment**
  - a. Ground-mounted equipment screening shall be as high as the highest point of the equipment being screened.
  - b. Screening shall consist of landscaping or an opaque screen compatible with the principal building in terms of texture, quality, material, and color.

#### **B. Utility Service Areas**

1. Utility service areas located outside of the right-of-way that exceed 42 inches in height and 42 inches in any other dimension must be screened from the street.
2. Screening shall consist of landscaping or a wall or fence compatible with the principal building in terms of texture, quality, material, and color.
3. Utility service areas must be located an adequate distance from the street to allow for any required screening to be installed without encroaching into the public right-of-way.
4. Screening is not required for utility service areas located more than 50 feet from a street.

**73-8.11 Maintenance Provisions**

All properties 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.

*Section 77.C.: Minimum design requirements*

**73-8.12 Permitting****73-8.12.2 Review of Development Permit Applications**

- A. A review shall be required for any proposed use of land before any building or development permit is issued or any improvement, grading, or alteration of land or building commences to determine compliance with all provisions of this Chapter.
- B. 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.
- C. Development permit applications shall be reviewed by the Director 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. House plans, elevations and house materials.
  8. A lighting plan. 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.
  9. Parking plan for all but individual single-family residential uses.
  10. Any additional information required to assess compliance with the Code of Ordinances.
  11. All such information required by Section 73-8.9 Site Plan Review Process.
- D. All building and development 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, 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.
- E. 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, the structure must meet all the zoning standards of the district in which the structure will be located. The Public Works Director shall represent the City

**73-8.12.3 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; development permits; and rezoning, variance, and other similar applications authorized by this Chapter. The schedule of fees shall be made available to the general public 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.

**73-8.12.4 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 ensure 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.

**73-8.12.5 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.

**SECTION 73-9 STREETS AND TRAFFIC**

**73-9.1 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 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.
  1. Curb cuts constructed for new driveways to developments on arterial and collector streets shall be aligned directly across from existing curb cuts.
  2. The Public Works Director may approve other locations when it is determined that alignment with an existing curb cut is not appropriate.
  3. 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.
  4. 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.

### **73-9.2 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.

### **73-9.3 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.

### **73-9.4 Private Streets**

- A. Private streets within any district shall not be used to satisfy the off-street parking requirements of this article.
- B. Private streets within any district shall be assigned names and locations and names of such streets shall be shown on plans required for the issuance of building and development permits.
- C. All private street names shall be approved by the City to avoid conflicting street names.

### **73-9.5 Access management**

- A. All off-street parking lots shall have access to a paved public or private street and be served by a paved access drive.
- B. Interparcel access is required between all abutting parking lots and sites based on site conditions and provide a cross access drive and pedestrian access to allow circulation between sites.
  - 1. Interparcel access is not required between non-residential uses and single-family residential uses.
  - 2. This shall be accomplished by stubbing a connection to each adjacent the property line. The property owner shall grant an access easement granting public access through the lot. This easement shall be submitted and recorded by the applicant or property owner with the Clerk of the Superior Court of Cobb County.
  - 3. If full access between or among lots is implemented after initial site development, any deficiencies created to formalize the connection are permitted without need for any formal relief through the variance process (e.g.: removing a required parking space to accommodate the connection will render it nonconforming but is permitted to prioritize the connectivity).
  - 4. Joint driveways between properties shall be established wherever feasible along a major thoroughfare or arterial or collector street.
- C. All developments shall have access to a public right-of-way. The number of access points shall be in accordance with Table 73-9.5.C.

| <b>Table 73-9.5.C - Minimum Number of Access Points</b> |  |
|---|--|
| <b>Type of Development</b>                              | <b>Minimum Number of Access Points</b> |
| Residential, 30 or fewer units                          | 1                                      |
| Residential, 31—150 units                               | 2                                      |
| Residential, 151—300 units                              | 3                                      |
| Residential over 300 units                              | 4                                      |
| Nonresidential, 50,000 sf or less gross floor area      | 1                                      |
| Nonresidential, 50,001-200,000 sf gross floor area      | 2                                      |
| Nonresidential, 200,001 sf or more gross floor area     | >2                                     |

- D. The separation of access points on a thoroughfare, arterial, or collector street shall be determined by the speed limit of the road with the following minimum spacing requirements in accordance with Table 73-9.5.D.
1. The distance between access points shall be measured from the centerline of the proposed driveway or street to the centerline of the nearest existing adjacent driveway or street.
  2. Driveway spacing at intersections and corners shall provide adequate sight distance, response time, and permit adequate queuing space.
  3. No driveway, except driveways providing residential access, shall be allowed within 100 feet of the centerline of an intersecting thoroughfare or arterial or collector street.
  4. No nonresidential access except right in/right out channelized access shall be allowed within 100 feet of the centerline of any other thoroughfare or arterial.
  5. The requirements of this Section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this Section.

| <b>Table 73-9.5D – Driveway Separation</b> |                                    |
|--|------------------------------------|
| <b>Posted Speed Limit of Road</b>          | <b>Minimum Driveway Separation</b> |
| Less than 35 mph                           | 125 feet                           |
| 36 to 45 mph                               | 245 feet                           |
| Greater than 45 mph                        | 440 feet                           |

- E. All street design and other development activities, including landscaping, shall be arranged on site so as to provide safe and convenient access for emergency vehicles.
- F. Along thoroughfares, arterials, or collector streets, a deceleration lane, a turn lane, larger or reduced turning radius, traffic islands or other devices or designs, including traffic calming devices and designs, may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location. The submission of a traffic analysis based on the scale and scope of the project to determine required improvements.



G. Deceleration lanes are required for access to residential uses containing 20 or more units that provide less sight distance (in feet) than ten (10) times the posted speed limit (in miles per hour) in accordance with Table 73-9.5.G.

1. The minimum deceleration lengths shall be as specified below.
2. Deceleration lanes located within 75 feet of an intersection radius may be extended to the intersection.

| <b>Table 73-9.5.G - Deceleration Lanes</b> |                                     |
|--|-------------------------------------|
| <b>Operating Speed</b>                     | <b>Deceleration Lane Dimensions</b> |
| Subdivision streets                        | Not required                        |
| 35 mph                                     | 150'+50' taper                      |
| 40 mph                                     | 150'+50' taper                      |
| 45 mph                                     | 150'+50' taper                      |
| 55mph                                      | 200'+150'taper                      |

**73-9.6 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.
- B. If a user within a planned shopping center is unable to meet the required parking spaces, no more than 10 percent (10%) 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 places of assembly 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. 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.
- E. 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.
    - a. Such screening may consist of a wall or solid fence no less than five (5) feet in height and/or a vegetative row of hedges and trees sufficient in nature to provide continuous visual screening.
    - b. Such screening improvements shall be located upon a non-paved surface at least 5 feet in width and are subject to approval.
- F. 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.
- G. 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.
- H. 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.
- I. No street parking spaces may be allowed as meeting the parking requirement except in the Character Overlay District
- J. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick up services.
  1. Stacking shall begin at the window or communication/mechanical device (e.g. order board) first encountered by the vehicle user.
  2. 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.
  3. No more than 10 percent (10%) of the total parking spaces required for a user may be counted as stacking spaces.
- K. 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.
- L. No parking area may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicle or equipment.
- M. Required spaces. Table 73-9.6 enumerates the minimum off-street parking provision standards for all properties within the City.
- N. 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.
- O. 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).
  1. At least 30% of required parking spaces shall be in the side or rear yard of all lots in commercial (C- 1, C-2, OP), industrial (LI, HI), residential-medium density cluster-type housing such as condominiums (R-5) and multi-family (RM-6, RM-8) zoned districts.

- P. 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.
- Q. 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.
- R. 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 73-9.6.
  1. Overflow parking spaces shall be relegated to the rear or side yards in all zoning categories.
  2. Parking areas shall be constructed entirely of pervious paving materials.
  3. These may include pervious asphalt, permeable pavement blocks, or grass (sod).

| <b>Table 73-9.6 – Parking Spaces Required</b>         |   |
|---|---|
| Use   | Required Spaces   |
| <b>Residential</b>                                    |   |
| Dwelling  | 2 per dwelling unit.  |
| Dwelling (senior restricted)                          | 0.5 per dwelling unit.  |
| Group living/boarding/rooming houses                  | 1 per employee, plus 1 per bedroom.   |
| Independent, assisted living, retirement home         | 1 per 4 beds, plus 1 per 2 employees.   |
| <b>Commercial—Retail</b>                              |   |
| Automobile, boat, and truck sales & service           | 1 space per 250 square feet of sales floor area, plus 2 spaces per service bay. |
| Furniture, home furnishing and equipment store        | 1 per 500 square feet GFA, 2 space minimum.                                     |
| Retail sales  | 1 per 200 square feet GFA.  |
| Restaurant, high turnover / fast food                 | 1 space per 125 square feet of GFA.   |
| Restaurant or other eating and drinking establishment | 1 per 150 square feet GFA.  |
| Shopping center                                       | 5 per 1,000 square feet GLA.  |
| <b>Commercial—Service and entertainment</b>           |   |
| Entertainment   | 1 per 200 square feet GFA.  |
| Automobile repair and body shop                       | 1 per 150 square feet GFA.  |
| Personal services                                     | 1 per 400 square feet of GFA.   |
| Bed and breakfast home                                | 1 per guest room, plus 2 per owner dwelling unit.                               |
| Brewery/pub/distillery/winery                         | 1 per 200 square feet GFA.  |
| Dry cleaning/laundromat                               | 1 per 200 square feet GFA.  |
| Funeral home/mortuary                                 | 0.25 per seat.  |
| Gas station, full service                             | 2 per fuel pump plus 3 per service bay.   |
| Gas station, self serve (fuel only)                   | 2 per fuel pump.  |
| Health club and facilities                            | 1 per 200 square feet GFA.  |
| Hotel/motel   | 1 per sleeping room or suite, plus 1 additional space per 2,000 GFA.            |
| Offices (business, medical, dental, and professional) | 1 per 225 square feet GFA .   |

|   |   |
|---|---|
| Pet shop and dog grooming shop                            | 1 per 400 square feet GFA.  |
| Printing, publishing and engraving                        | 1 per 300 square feet of sales space.   |
| Repair, service, general merchandise                      | 1 per 300 square feet of sales space.   |
| Shooting range, indoor                                    | 1 per 400 square feet of GFA.   |
| Studio for art, photograph and similar uses               | 1 per 400 square feet GFA   |
| Theater, movie or drama                                   | 1 per 3 seats.  |
| Truck terminal  | 1 per 1,000 square feet GFA.  |
| Veterinary clinic   | 1 per 225 square feet GFA .   |
| <b>Industrial—Storage, warehousing, wholesale trade</b>   |   |
| Mini-warehouse (self-service storage facilities)          | 1 per 9 storage units.  |
| Warehouse and storage buildings                           | 1 per 500 square feet of GFA.   |
| Junkyard, salvage yard                                    | 2 per employee.   |
| Wholesale, trade establishments                           | 1 per 500 square feet of GFA.   |
| <b>Industrial—Manufacturing establishment, processing</b> |   |
| Manufacturing and industrial uses                         | 1 per 1,000 square feet of GFA.   |
| Contract construction                                     | 1 per 250 square feet of gross office space.  |
| Mineral extraction and processing                         | 1 per 2 employees on maximum working shift.   |
| <b>Institutional</b>                                      |   |
| Art gallery/museum  | 1 per 250 square feet GFA.  |
| Places of assembly  | 1 per 4 seats or bench seating spaces.  |
| Cemetery, mausoleum                                       | 1 per employee.   |
| Childcare facilities                                      | 1 per each 1.5 employees, plus 1 per 4 pupils.  |
| Convent and monastery                                     | 1 per 2 beds.   |
| Hospital, health, and medical institution                 | 3.3 per 1,000 square feet of GFA.   |
| Library   | 1 per 400 square feet GFA.  |
| Recycling center  | 1 per employee.   |
| School, public or private: elementary and middle          | 2 per classroom, but not less than 5 spaces   |
| School, public or private: high school                    | 4 per classroom, but not less than 15 spaces  |
| School public or private: college                         | 10 per classroom.   |
| School public or private: vocational/technical            | 20 per classroom.   |
| <b>Transportation, communication, utilities</b>           |   |
| Bus, rail terminal  | 4 per each loading and unloading bay.   |
| Radio, TV and communication transmission tower            | 1 per 2 employees on premises, plus 1 per 300 square feet of sales or customer space. |
| Utility facilities  | 1 per employee, plus 1 per stored vehicle.  |
| Water treatment facilities                                | 1 per employee.   |
| <b>Park, recreation, conservation</b>                     |   |
| Golf courses and club houses                              | 6 per hole, plus additional spaces for each accessory facility.                       |

|   |   |
|---|---|
| Golf driving range                                  | 2 per each driving tee.   |
| Shooting range, outdoor; skeet range and trap range | 1 per employee, plus 1 for each shooter.  |
| Shooting range, outdoor: target range               | 1 per employee, plus 1 per shooting lane.   |
| Skating rink, roller and ice                        | 1 per 200 square feet of GFA.   |
| <b>Agriculture</b>                                  |   |
| Agricultural services                               | 2 per 3 employees or 1 per 400 square feet GFA.                                     |
| Kennel  | 1 per 1,000 square feet GFA.  |
| Nursery/greenhouse                                  | 1 per 400 square feet of GFA, plus 1 per 2,000 square feet of exterior nursery area |
| Sawmill/stockyard/lumberyard                        | 1 per employee.   |

Notes:

1. Unless otherwise provided, square feet measurements are based on gross floor area (GFA) 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.

**73-9.7 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. Properties shall be limited to concrete, asphalt, or brick surfaces.
  2. Properties 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.

**73-9.8 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 City Engineer.

**73-9.9 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.
  1. 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.

2. Daylight hours shall mean 30 minutes after dawn to 30 minutes before sunset.

- B. 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.
- C. The parking and storage of trailers and recreational vehicles is prohibited outside of an enclosed building in the following areas on R-zoned lots:
  - 1. The front or street side yard;
  - 2. Within ten (10) feet of an interior side lot line; or
  - 3. Within 20 feet of the rear lot line.
- D. Recreational vehicles and trailers shall not be parked on an R-zoned lot that does not contain a permanent dwelling unit or other structure intended for permanent human habitation.
- E. Recreational vehicles and trailers may be parked, for the limited purpose of storage between travel, on unpaved surfaces including gravel or a similar material that prevents the vehicle’s or trailer’s tires from making direct contact with the earth, soil, sod or mud so long as the unpaved surface prevents tracking of earth, soil, sod or mud onto public streets when the vehicle or trailer is moved from the property.
- F. Recreational vehicles may only be occupied for human habitation in the C-2 district. Habitation may occur for a maximum of 14 days in any 30-day period.
- G. Exemptions. Restrictions on vehicles regulated by this Section shall not apply when:
  - 1. Vehicle/trailer is located within a completely enclosed building or structure;
  - 2. Vehicle/trailer is temporarily parked for the purpose of active loading/unloading;
  - 3. The subject lot is occupied by a permitted non-residential use.
  - 4. Vehicle is designed or intended for the transport of the physically impaired; or
  - 5. Vehicle is being used for active construction, or other professional service being performed on the subject property.

**73-9.10 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 Character Overlay District in which case designated loading zones may also be utilized. Loading areas must be adequately screened from residentially zoned properties, subject to approval.

| <b>Table 73-9.10 – Off-Street Parking Requirements by Use</b>                 |  |
|---|--|
| 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) |

**SECTION 73-10 VIOLATIONS, PENALTIES, AND ENFORCEMENTS**

**73-10.1 Inspections**

Inspections and enforcement authority outlined herein applies to the Development Director, or other administrator authorized by the City Manager.

**73-10.1.1 Right of Entry**

- A. Upon presentation of City identification to the developer, contractor, owner, owner’s agent, operator or occupants, City employees authorized by the Development Director shall be

- permitted to enter during all reasonable hours, or outside reasonable hours, in the event of any emergency threatening life or property, any public or private property for the purpose of making inspections to determine compliance with the provisions of this Ordinance during the open period of any land disturbance, building permit, or other open quasi-judicial or zoning decision.
- B. Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the Development Director may seek to enter, during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property, any public or private property for the purpose of making inspections to determine compliance with the provisions of this Ordinance. Where consent is not given to entry, such City employees may seek a warrant to secure entry to the premises.
  - C. If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the Development Director.
  - D. The owner or operator shall allow the Development Director ready access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling and testing, photography, and videotaping for ensuring compliance with the provisions of this Ordinance. The owner or operator shall allow the Development Director to examine and copy any records that are required under the conditions of any permit granted under this Ordinance.
  - E. The Development Director shall have the right to set up on any premises, property, or facility such devices as necessary to conduct any monitoring and/or sampling procedures.
  - F. The Development Director may require the owner or operator to install monitoring equipment and perform monitoring as necessary and make the monitoring data available to the City. The owner shall maintain this sampling and monitoring equipment at all times in a safe and proper operating condition or operator at their own expense.
  - G. Any temporary or permanent obstruction to safe and easy access to the premises, property, or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Development Director and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
  - H. Unreasonable delays in allowing the Development Director access to a facility, property, or premises shall constitute a violation of this Ordinance.
  - I. If the Development Director has been refused access to any part of a premises, property, or facility and the Development Director is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, environment, and welfare of the City, then the Development Director may seek issuance of an inspection warrant from the municipal court.
  - J. The Development Director may determine inspection schedules necessary to enforce the provisions of this Ordinance.

### **73-10.1.2 Inspection Warrants**

- A. The Development Director, in addition to other procedures provided, may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of this Ordinance or observation, measurement, sampling, or testing with respect to the provisions of this Ordinance.
- B. Inspection warrants may be issued by the municipal court when the issuing judge is satisfied that the department has established by oath or affirmation that the property to be inspected is to be



inspected as a part of a legally authorized program of inspection that includes the property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.

C. An inspection warrant shall be issued only if it meets the following requirements:

1. The warrant is attached to the affidavit required to be made in order to obtain the warrant;
2. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection;
3. The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal; and
4. The warrant refers, in general terms, to the code provisions sought to be enforced.

### **73-10.2 Enforcement**

Inspections and enforcement authority outlined herein applies to the Development Director or other administrator authorized by the City Manager.

- A. It is the duty of the Development Director enforce the provisions of this this Section.
- B. In addition, it is the duty of all officers and employees of the City, especially members of the Code Enforcement, Police and other departments, to assist the Development Director by reporting any seeming violations, including violations in new construction, redevelopment, or land use.

#### **73-10.2.1 Responsibility for Enforcement**

- A. If the Development Director determines that any violation of this Ordinance is taking place, or that a condition of zoning, variance, or other permit or administrative approvals are not complied with, Development Director shall present to the owner, owner's agent, occupier, or party responsible for such use or activity, a notice of violation and order the use or activity to cease immediately.
- B. The written notice of violation shall at least contain the following information:
  1. The name and address of the owner or responsible person;
  2. The address or other description of the site upon which the violation is occurring;
  3. A description of the nature of the violation;
  4. A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this Ordinance;
  5. The deadline or completion date of any such remedial actions or measures, to consist of not less than ten days, except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient; and
  6. A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the notice of violation is directed.
  7. The name and contact information of the enforcement officer who drafted the Notice of Violation.
- C. If the violation has not been corrected within a reasonable length of time, as noticed in the violation, the owner of the property on which such violation has occurred or the owner's agent, occupier, or other party responsible for the violation shall be subject to the penalties set forth in this chapter, provided that the Development Director may, at their discretion, extend the time for compliance with any such notice.
- D. The Development Director also shall have authority to issue a warning notice prior to issuance of a notice of violation. A warning notice shall be discretionary when circumstances warrant such action in the opinion of the Development Director and shall, under no circumstances, be required prior to



issuance of a notice of violation or other enforcement action. If issued, a warning notice shall include all of the requirements set forth in Section 10.2.1.B. If a warning notice has not resulted in corrective action within the time specified in the notice, or within any time limit as extended by the Development Director, the Development Director may proceed with a notice of violation or other authorized enforcement action.

- E. The Development Director also shall have the authority to extend the originally issued deadline for compliance by up to six (6) months, if it is established to the Development Director's satisfaction that the responsible party is:
  - 1. Acting in good faith to comply with the notice by taking incremental action to remedy the situation; and
  - 2. Is unable to comply with the original deadline presented due to financial, medical, or legal hardship or another extenuating circumstance.
- F. Appeals of notices of violation shall be made pursuant to the process outlined in Section 11.11 Appeals.

### **73-10.2.2 Stop work Orders and Revocations**

The Development Director may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

### **73-10.2.3 Other Enforcement**

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of, any one or more of the following actions may be taken against the person to whom the notice of violation was directed. Before taking any of the following actions, the Development Director shall first notify the applicant or other responsible person in writing of its intended action as provided Section 10.2.1.B. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Development Director may take any one or more of the following actions or impose any one or more of the penalties provided in Section 10.2.4 Penalties for Violations:

- A. Withhold certificate of completion/occupancy. The Development Director may refuse to issue a certificate of completion/occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- B. Suspension, revocation, or modification of permit. The Development Director may suspend, revoke or modify the permit authorizing the project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Development Director may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

### **73-10.2.4 Penalties for Violations**

- A. Civil penalties. Where authorized by statute, in the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described by the specified deadline or completion date, the City may impose a penalty not to exceed \$1,000.00 (for each day the violation is not remedied after the specified deadline or completion date).
- B. Criminal penalties. The Police Department or Development Director may issue a citation to the applicant or other responsible person, requiring such person to appear in the municipal court of the City to answer

charges for such violation. Upon conviction, a fine not to exceed \$1,000.00 or imprisonment for 60 days or both shall punish such person. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

### **73-10.3 Nonconformities**

#### **73-10.3.1 Purpose**

Within the districts established by the City of Acworth Zoning Ordinance and in other provisions and amendments thereto, there exist lots, uses of land, structures, and development features that were lawfully established before the Ordinance was adopted or amended, but that would be prohibited under the terms of this Ordinance or future amendment. They are collectively referred to herein as “nonconforming situations.”

#### **73-10.3.2 Determination of Nonconforming Situations**

- A. Nonconforming structures include nonconforming buildings. An example of a nonconforming structure would be a building that was legally permitted prior to the enactment of this ordinance or prior to annexation that now fails to meet the regulations established in this Ordinance.
- B. An example of a nonconforming use of land would be a food processing plant that is located in a OP district. It was legally permitted in the OP district in 1982; however, the use is not permitted in the current OP district.
- C. Common examples of nonconforming development features are off-street parking areas that contain fewer spaces than required by current regulations and sites that do not comply with current landscaping or screening requirements.
- D. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses and regulations within the district(s) involved. It is the intent of the City to require the cessation of certain of these nonconforming situations and to allow others to continue on a limited basis until they are otherwise removed or cease. Furthermore, the City intends that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this Ordinance, and that such nonconforming situations not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.
- E. The ability to maintain nonconforming situations pursuant to this section shall only apply to existing features. For any new or altered development features or building additions, the provisions of each applicable section of this code apply, unless otherwise in this chapter. For example, additional parking spaces shall comply with all parking lot landscaping requirements, and a new dumpster shall comply with all dumpster setback and screening requirements.
- F. Any replacement of a preexisting manufactured home or mobile home with a new manufactured or mobile home shall be permitted in accordance with O.C.G.A § 36-66-7 et seq.

#### **73-10.3.3 Increase of Nonconformity Prohibited**

Unless otherwise specifically authorized, no nonconforming situation shall be enlarged, expanded, moved, or otherwise altered in any manner that increases any aspect of the existing degree of nonconformity.

#### **73-10.3.4 Burden of Nonconforming Status**

- A. The burden of proving a nonconformity was lawfully established rests entirely with the subject landowner.
- B. A preponderance of evidence shall be provided by the subject landowner and be sufficient to show that the nonconformity was lawfully established before adoption of the subject regulations. Evidence shall also indicate that the nonconformity has been continuous and that the situation has not lost its nonconforming status. Examples of reliable evidence include: occupational tax certificates; building permits; zoning verification letters; County billing records; utility billing records; assessment, tax or rent records; and directory listings.

- C. The evidence of non-conforming status is subject to review and approval.

**73-10.3.5 Nonconforming Lots of Record**

- A. An undeveloped lot that has an area, frontage, or other characteristic that does not conform to the requirements of the district in which it is located but was legally subdivided as a lot of record at the time it was permitted may be used for any use allowed in the zoning district in which it is now located; however, any use or structure built on this lot subsequent to the enactment of this Ordinance and any further subdivision of this lot or combination of this lot with another lot shall conform to all other standards of this Ordinance.
- B. Where land is taken for public purposes from a lot of record that was conforming at the time of such taking but becomes nonconforming due to said taking, the lot remaining shall be construed as a nonconforming lot of record.
- 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 frontage 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 frontage 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.

**73-10.3.6 Nonconforming Uses**

- A. A nonconforming use of land may be continued so long as it is and remains otherwise lawful, subject to the following provisions:
1. No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land or floor area than was occupied prior to the date of adoption or amendment of the Ordinance making such use nonconforming.
  2. Unless otherwise specifically authorized, no nonconforming use of land shall be moved, enlarged, or extended, in whole or in part, onto any portion of the lot or parcel other than that portion occupied by such use prior to the date of adoption or amendment of the Ordinance making such use nonconforming.
  3. If any nonconforming use of land is discontinued for any reason for six (6) months, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- B. Vacancy or non-use shall constitute discontinuance regardless of the intent of the owner, tenant, or lessee. Such restriction shall not apply for any period of time that such a nonconforming structure may be continued so long as it is and remains otherwise lawful subject to the following provisions:
1. No nonconforming structure may be enlarged or altered in a way which increases any aspect of its existing degree of nonconformity, but any structure or portion thereof may be enlarged or altered if the degree of its nonconformity remains the same or is decreased, provided such structure is used for a permitted use.
  2. Should any nonconforming structure or nonconforming portion of structure be destroyed by any means except through a willful act of the owner or tenant, to an extent of more than 50 percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Should such structure or portion thereof be so destroyed to an extent of 50 percent (50%) or less of its replacement cost at the time of destruction, it may be reconstructed, provided said reconstruction does not increase any aspect of the previously existing aspect of nonconformity; said reconstructed structure is used for a permitted use.
  3. A nonconforming structure may be moved on its own lot only if such movement reduces the degree of nonconformity or eliminates such nonconformity.

4. Where a nonconforming structure is moved off its previous lot, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
  5. In cases where land is taken for public purposes from lots of record that are conforming at the time of such taking in such manner as to reduce setback(s) previously provided in relation to a portion of a structure below setback requirements applicable within the district, the portion of the structure involved shall be construed to be nonconforming.
- C. Unsafe buildings. Nothing in this Ordinance shall prevent the maintenance, strengthening, or restoring to a safe condition of any part of any building or structure declared unsafe by the proper authority.

**73-10.3.7 Nonconforming Development Features**

- A. Nonconforming development features may remain except as otherwise expressly stated in this Ordinance, but the nature and extent of nonconforming site features shall not be increased except as otherwise expressly stated in this Ordinance.
- B. No change to any nonconforming development feature shall be made which increases the degree of nonconformity with the requirements of the Ordinance, but changes may be made which result in the same or a lesser degree of nonconformity. In cases where land is taken for public purposes in such a manner as to reduce existing off-street parking, loading or other development features that is required by the regulations for the current district, the deficiency thus created shall be construed as a nonconforming development feature.

**73-10.3.8 Improvements Required for Redevelopment**

**A. Applicability**

1. Renovations, alterations, adaptations, additions, restorations, repairs, or other redevelopment of a structure, portions of a structure, or site, that was in existence prior to the adoption of this Zoning Ordinance, shall be subject to this Section.
  2. Redevelopment projects require compliance with the current Zoning Ordinance sections based on the scope of work triggers outlined in Table 10.3.8 Redevelopment Improvements.
  3. Notwithstanding the above applicability, the added cost to construct the improvements shall not exceed 125 percent (125%) of the fair market value of the structure immediately prior to such redevelopment or \$20,000.00, whichever is greater. In such cases, the provisions requiring completion shall be applied in the order listed in the table below until the 125 percent (125%) cap is met.
- B. **Exemptions.** This Section shall not apply to single-family attached or detached uses.
- C. section, the applicant shall incorporate the following additional improvements, identified by the cited code section, into the proposed (discretionary) scope of work:

**Table 73-10.3.8 - Redevelopment Improvements based on Proposed Scope of Work**  
**● = Mandatory Compliance with indicated section.**

|  | <b>Exterior Materials<br/>(Sec. 73-7/73-6.2)</b> | <b>Parking Lot Design<br/>(Sec. 73-9.6/9.7)</b> | <b>Trees and Landscaping<br/>(Sec. 73-8.3)</b> | <b>Sidewalk installation<br/>(Sec. 73-8.1)</b> | <b>Dumpster enclosure<br/>(Sec. 73-8.5)</b> |
|--|--|---|--|--|---|
| Building addition (greater than 25% of existing building area) | ●  | ●   | ●  | ●  | ●   |
| Parking improvements   | –  | ●   | ●  | ●  | ●   |
| Exterior improvements to the structure                         | ●  | –   | ●  | ●  | ●   |
| Interior improvements (greater than 50% of floor area)         | –  | –   | ●  | –  | ●   |
| New use (no construction otherwise outlined in this chart)     | –  | ●   | ●  | –  | ●   |
| New construction   |  |   | ●  |  | ●   |

**SECTION 73-11 REVIEW AND APPROVAL PROCEDURES**

**73-11.1 Purpose**

The purpose of this Section is to provide the procedures and general standards for review of applications that are submitted to review bodies with the City of Acworth under this Zoning Ordinance.

**73-11.1.1 Application Requirements**

- A. The requirements of this Section shall apply to all applications unless otherwise provided in this Zoning Ordinance.
- B. Concept plan illustrating proposed improvements, facilities, structures, amenities, lots, and applicable dimensions to demonstrate compliance with zoning regulations.
- C. Conceptual landscape plan to show proposed landscaping along project boundaries, in buffer areas, in the streetscape zone, and landscape as a component of any amenity requirements, at a minimum.
- D. Area calculations and description of proposed amenities articulated on concept and/or landscape plan.
- E. Typical elevations that articulate the following:
  - a. General architectural style.
  - b. Proposed materials, colors, and other details to demonstrate compliance with any minimum design requirements.
  - c. Architectural elements proposed to meet any minimum design elements.

**73-11.1.2 Pre-Application Conference**

Before submitting an application for a petition that requires a public hearing before a review body, the applicant shall schedule a pre-application conference to discuss procedures, standards, and regulations required for approval in accordance with this Zoning Ordinance. The pre-application meeting may be in person or via conference call. A pre-application meeting may be waived. City initiated petitions are exempt from the pre-application meeting requirement.

**73-11.1.3 Forms and Fees**

- A. Applications required under this Zoning Ordinance shall be submitted on standardized forms approved by the City of Acworth. All applications shall be filed and completed as specified on the application form.
- B. All fees associated with a review must be paid in full before any application will be processed or reviewed.
  - 1. Filing fees are established and reviewed periodically to defray the cost of processing the application. Fees shall be adopted by the Mayor and Board.
  - 2. An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to Public Notice advertising will be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request. Once advertising has been sent, no refunds are available.
  - 3. City-initiated petitions are exempt from pre-application meeting requirements.

**73-11.1.4 Determination of Completeness****A. Completeness Determination**

Applications will be submitted and checked for completeness. An application is determined to be complete if all required information and documents have been prepared in accordance with the specific application requirements outlined in this Section and noted in the application materials.

**B. Complete Application**

Once an application has been deemed to be complete, the application shall be transmitted to the appropriate reviewing body for review and recommendation. The applicant shall be notified that the application is complete. If an application requires a public hearing, the application shall be placed on the next available agenda of the appropriate reviewing body.

**C. Effect of Incomplete Application**

Incomplete applications will not be accepted for review. If an application is determined incomplete, the applicant shall be notified of the additional information that is required to process and review the application.

**73-11.1.5 Application Deadline**

Applications shall be submitted in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public, upon request.

**73-11.1.6 Concurrent Applications**

Related applications may be filed and reviewed simultaneously. Applications submitted simultaneously are subject to individual approval. Any application that is contingent upon the approval of another application shall not be eligible for final approval until the contingent application is approved.

**73-11.1.7 Application Withdrawals, Deferrals, Continuances****A. Withdrawals**

- 1. The applicant may withdraw an application in writing at any time prior to the final decision by the appropriate reviewing body on said application.
- 2. If a request to withdraw an application is made in a public hearing, the applicant may do so by

**B. Deferrals at Applicant Request (Postponement to a Certain Time)**

The applicant may request a deferral to a future scheduled meeting by requesting the deferral in writing in advance of the meeting or by stating the request on the record at the meeting. In either case, the applicable review or governing body shall vote in a properly advertised meeting to postpone to a certain time. If the date and time of the meeting are not indicated at the time of the originally scheduled public hearing, the application shall be readvertised pursuant to the Public Notice requirements.

**C. Deferrals by Reviewing or Governing Body (Postponement to a Certain Time)**

**1. Mayor and Board of Aldermen**

The Mayor and Board of Aldermen shall have the authority to postpone to a certain time the review of an application scheduled for public hearings to any future date chosen by the governing body.

**2. Planning and Zoning Commission**

The Planning and Zoning Commission shall issue a recommendation to approve or deny an application or petition within 45 days after the close of the public meeting or comment period. Failure of the Planning and Zoning Commission to act within the 45-day period shall constitute a recommendation that the application be forwarded to Mayor and Board of Aldermen for final decision.

**73-11.2 Public Notices**

**73-11.2.1 Applicability**

All meetings or hearings of the Mayor and Board of Aldermen or Planning and Zoning Commission which involve annexation, rezonings, zoning map amendments, zoning text amendments, special use permits, and variances are public and subject to the notification requirements under the State Zoning Procedures Law, O.C.G.A 36-66-1 et seq., where applicable.

**73-11.2.2 Types of Public Notice**

A. Forms of notice required for public hearings may include mailed notice, published notice, provided via a newspaper of general circulation, and posted notice by signs as required by Table 73-11.2.2 below.

| <b>Table 73-11.2.2: Types of Public Notice for Applications</b>               |        |           |
|---|--------|-----------|
| <b>Legend: Y means required; "--" means not required</b>                      |        |           |
| Proposal  | Posted | Published |
| Comprehensive Plan Amendment  | Y      | Y         |
| Rezoning (Map Amendment)  | Y      | Y         |
| Modifying Conditions of Approval (Major Modifications for Rezonings and SUPs) | Y      | Y         |
| Zoning Text Amendment   | --     | Y         |
| Special Use Permit  | Y      | Y         |
| Appeals   | Y      | Y         |

**73-11.2.3 Content of Posted and Published Notices**

All mailed, posted, and published notices shall include, at a minimum, the information listed below. For Text Amendments, Section 73-11.2.3.B and C below shall not be required, as such amendments are not property specific. In the adoption of this Zoning Ordinance, any amendment to this Ordinance by the Mayor Board of Aldermen, and any amendments to any zoning map initiated by the Mayor and Board of Aldermen, posted notice shall not be required, notwithstanding any other provision of this Ordinance.

**A. Public Hearing Location, Time, and Date**

The location, time, date, and purpose of all scheduled public hearings for the application shall be required.

**B. Location of the Subject Property**

The location of the property involved by street address, or if there is no street address, by the reference to the closest intersection of public streets.

**C. Zoning Classifications**

The information provided shall include the zoning district(s) of the property subject to the application. If the application is for a rezoning (map amendment), the proposed zoning district(s) shall also be provided.



**73-11.2.4 Published Notices**

- A. When required, as shown on Table 11.2.2, public notice shall be published in accordance with the standards established in O.C.G.A 36-66-1 et seq., and this Zoning Ordinance.
- B. The application shall be prepared, and notice shall be published in the local newspaper of general circulation within the boundaries of the City of Acworth.

***C. Timing of the Published Notice for Public Hearings***

For all applications that require published notice, notice shall be published at least 30 days but not more than 45 days prior to the public hearing.

**73-11.2.5 Posted Notice**

**A. Posting of Notice**

Posting of property shall comply with the requirements listed below.

**1. Responsibility for Posting**

Signs shall be posted by the applicant, except applications initiated by the Mayor and Board shall be exempt from this requirement.

**2. Form of Required Signs**

Notice shall be posted on weather resistant signs.

**3. Preparation of Signs**

Signs shall be prepared.

**B. Timing of Posted Notice**

For any application requiring posted notice, signs shall be posted not less than 30, but no more than 45 days before the public hearing.

**C. Location of Signs**

**1. Subject Property**

Signs shall be placed in a conspicuous place on the subject property.

**2. Installation**

Signs shall not be posted onto any tree.

**D. Removal**

The applicant shall remove the sign within 30 days after final action on the application.

**73-11.2.6 Additional Notice Required**

When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. 36-66-1 et seq., for additional notice requirements.

- A. City-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for

property owners to deviate from the existing zoning requirements of a single-family residential zoning;  
or,

- B. Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or,
- C. Annexations.

### **73-11.3 Development(s) of Regional Impact**

#### **73-11.3.1 Applicability**

This Section shall apply to any proposed development that meets or exceeds the minimum threshold established for specified uses or activities as identified by the Rules of the Georgia Department of Community Affairs, §110-12-3 (“Developments of Regional Impact”), as amended. The Development Department shall serve as the submitting agency on behalf of the applicant.

#### **73-11.3.2 Project Threshold**

See the Rules of Georgia Department of Community Affairs, §110-12-3 (“Developments of Regional Impact”) for DRI thresholds to determine applicability.

### **73-11.4 Comprehensive Plan Amendment**

#### **73-11.4.1 Purpose**

An application for a Comprehensive Plan amendment, text, or map, may be initiated by the Mayor and Board of Aldermen, or City Manager. Any person owning property within the City, or agent for such property owner, may initiate an application for a Comprehensive map amendment to change the Future Land Use Map category for their own property only. Updates to the text or Future Land Use Map of the Comprehensive Plan shall occur every five years based on O.C.G.A. §110-12-1.

### **73-11.5 Rezoning (Map Amendment)**

#### **73-11.5.1 Applicability**

The provisions of this Section apply to amendments of the official Zoning Map of the City of Acworth.

#### **73-11.5.2 Initiation of Rezoning**

- A. An application for rezoning may be initiated for any property within the City of Acworth by any of the following:
  1. The Mayor and Board of Aldermen
  2. The City Manager
  3. Any person, or agent for such person, who seeks to rezone their own property.
- B. For rezoning applications filed by other than those initiated by the City of Acworth governing body or staff, where properties are held in ownership by multiple persons or entities, it shall be the responsibility of the applicant to ensure they have obtained proper consent to the rezoning from all persons or entities with an ownership stake in the rezoning.
- C. If the applicant is the agent of the owner, the agent shall file authorization that the agent may file on their behalf. No application shall be accepted which does not meet these requirements.

#### **73-11.5.3 Application Procedures**

- A. Prior to the submittal of an application for rezoning, the applicant shall have participated in the pre-application meeting.
- B. Applications shall, at minimum, include the following information:
  1. Application Form
  2. Property Owner Authorization

3. Contribution Disclosure Forms
4. Site Survey
5. Site Plan, showing the proposed concept for redevelopment of the property, if applicable.
6. Existing Site Resources Map, showing changes in elevation, topographical conditions, and existing structures upon the tract.
7. Traffic Study for any project with an estimated ADT of 1,000 or more trips as estimated by the area dedicated to each land use.
8. Letter of Intent, which outlines the details of the request, the reason for requesting an amendment to the zoning map, and addresses the criteria in Section 73-11.5.7 Review Standards for Rezoning Application.

C. Supplemental or alternative materials may be required during the review process.

#### **73-11.5.4 Required Public Notice**

Public notice shall be provided in accordance with procedures in Section 73-11.2 Public Notices.

#### **73-11.5.5 Review by Planning and Zoning Commission**

A. Consideration by Planning and Zoning Commission

All rezoning applications shall be considered by the Planning and Zoning Commission at a public meeting prior to a public hearing before the Mayor and Board of Aldermen. The public meeting before the Planning and Zoning Commission is not a public hearing and does not require compliance with Public Notice provisions in Section 73-11.2.

B. Standards and Criteria

The Planning and Zoning Commission shall review and make recommendation on the proposed rezoning based upon the standards in Section 73-11.5.7 Review Standards for Rezoning Applications.

C. Planning and Zoning Commission Recommendation

A recommendation shall be prepared and forwarded to the Mayor and Board. The recommendation shall indicate if the proposed rezoning should be:

1. Approved;
2. Approved with conditions;
3. Approved with an alternative zoning district that is lesser intensity than that which was advertised; or
4. Denied.

#### **73-11.5.6 Action by Mayor and Board of Aldermen**

Upon receipt of the recommendations from the reviewing bodies, the application shall be forward to the Mayor and Board of Aldermen for final action.

A. Public Hearing

The Mayor and Board shall hold a minimum of one (1) public hearing to consider the proposed rezoning after receiving a recommendation from the applicable review body.

B. Standards

The Mayor and Board of Aldermen shall evaluate the proposed rezoning based upon the standards in Section 73-11.5.7 Review Standards for Rezoning Applications.

C. Actions by the Mayor and Board of Aldermen

Following the public hearing, the Mayor and Board of Aldermen shall take one of the following actions:

1. Approve;
2. Approve with Conditions;
3. Approve with Alternative Zoning District;
4. Deny;
5. Any other action within the scope of the Mayor and Board's authority as outlined elsewhere in this Ordinance, the Acworth Municipal Charter, or State Law.

**73-11.5.7 Review Standards for Rezoning Applications**

The following are the standards which govern the exercise of zoning power by the City:

**A. Suitability and Community Need**

1. Whether the range of uses permitted by the proposed zoning district is more suitable than the range of uses that is permitted by the current zoning district.
2. Whether the proposed zoning district addresses a specific need in the County or City.

**B. Compatibility**

1. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
2. Whether the zoning proposal is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.
3. 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.

**C. Consistency**

Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan and other adopted plans, such as a redevelopment plan or small area plan.

**D. Reasonable Use**

Whether the property to be affected by the zoning proposal has a reasonable use as currently zoned.

**E. Adequate Public Services**

Whether adequate school, public safety and emergency facilities, road, ingress and egress, parks, wastewater treatment, water supply and stormwater drainage facilities are available for the uses and densities that are permitted in the proposed zoning district.

**73-11.5.8 Annexation Criteria**

When a rezoning request is accompanied by an annexation request, the following criteria shall be considered when reviewing the annexation request:

- A. Compliance with applicable sections of O.C.G.A 36-36 for lawful Annexation of Territory and 489 Agreement, as adopted and amended over time;
- B. Adequacy of access to the site;
- C. Consistency of the proposal with the City's adopted Comprehensive Plan, including but not limited to goals and policies for urbanization, housing, cultural, historic and natural resources, infrastructure, and provision of public infrastructure and community services;
- D. Adequacy and availability of the following public facilities and services at the time of development;
  1. Transportation. The urbanization of the site can be accommodated with existing transportation infrastructure in conjunction with proposed improvements.
  2. Sewer. The urbanization of the site can be accommodated based on current sewer capacity.

3. Water. The urbanization of the site can be accommodated based on current water capacity.
  4. Stormwater. The urbanization of the site can be accommodated based on current stormwater capacity.
  5. Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;
  6. Parks. The urbanization of the site can be accommodated based on current parks resources.
  7. Schools. The urbanization of the site is analyzed for school capacity in a school forecast approved by the Cobb County School District.
- E. The annexation is in the best interest of the City. Generally, the Mayor and Board may consider the annexation is in the best interest of the City if it meets two (2) or more of the following criteria:
1. It provides a needed solution for existing problems resulting from insufficient sanitation, water service, public safety, code enforcement, or other urban service-related problems;
  2. It provides land for development to meet urban needs including jobs and/or housing in an orderly and logical growth pattern;
  3. It fills in gaps in existing islands or other types of non-contiguous boundaries;
  4. It provides needed routes for utility and transportation networks.

**73-11.5.9 Successive Applications for Rezoning**

If the Mayor and Board deny an application for the rezoning of property, a successive application shall not be submitted to rezone on any part or all of such property for a period of six (6) months from the date of the vote by the Mayor and Board.

**73-11.5.10 Rezoning Applications initiated by the City of Acworth**

- A. One purpose of a rezoning initiated by the City of Acworth may be to rezone areas in conformance with the principles of Comprehensive Plan and staged development as reflected by established plans and policies, as well as planned public facilities.
- B. Notwithstanding any other provision in this ordinance to the contrary, any rezoning initiated by the City of Acworth shall not be required to be considered by the Planning and Zoning Commission unless specifically requested by the Mayor and Board of Aldermen.
- C. The same review criteria shall apply to rezonings initiated by the City of Acworth as to all other rezonings as set forth in Section 73-11.5.7 Review Standards for Rezoning Applications.

**73-11.6 Zoning Text Amendment**

**73-11.6.1 Applicability**

The provisions of this section shall apply to all amendments of the text of this Ordinance. This section does not pertain to amendments of conditions of zoning approval tied to any specific property. Revisions made through this process affects to the City of Acworth at large.

**73-11.6.2 Initiation of Text Amendment**

- A. An application for a text amendment may be initiated by the following:
  1. The Mayor and Board of Aldermen; or
  2. The City Manager.
- B. Because these amendments affect the City of Acworth at large, proof of ownership of a specific property is not applicable.

**73-11.6.3 Application Procedures**

- A. Applications shall include the following information:
  1. Section of the code to amend;
  2. New text to be added, or text to be removed; and

## 3. Reasons for the text amendment.

**73-11.6.4 Required Public Notice**

Published Notice shall be required before the first public meeting prior to a public hearing before the Mayor and Board. The public meeting before the Planning and Zoning Commission is not a public hearing and does not require compliance with Public Notice provisions in Section 73-11.2.

**73-11.6.5 Review by appropriate Review Body****A. Consideration by Review Body**

Text amendment applications shall be considered by the Planning and Zoning Commission at a public meeting prior to the scheduled hearing before the Mayor and Board.

**B. Standards and Criteria**

The appropriate review body shall review and make recommendation on the proposed text amendment based upon the standards in Section 73-11.6.8 Review Standards for Text Amendment.

**C. Review Body Recommendation**

A recommendation shall be prepared and forwarded to the Mayor and Board. The recommendation shall indicate if the proposed rezoning should be:

1. Approved as recommended by the recommendation body
2. Approved with modifications; or
3. Denied.

**73-11.6.6 Action by the Mayor and Board of Aldermen**

After consideration of the review standards set forth in Section 73-11.6.8 Review Standards for Text Amendment, the Mayor and Board of Aldermen shall:

- A. Approve and adopt the proposed text amendment as submitted by staff;
- B. Approve and adopt the proposed text amendment as recommended by the applicable review authority;
- C. Approve and adopt the proposed text amendment with modifications;
- D. Return the proposed text amendment to the review authority for further study and recommendation; or
- E. Deny the proposed text amendment.

**73-11.6.7 Additional Hearings Required**

When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional hearing requirements:

- A. City-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning;
- B. Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or
- C. Annexations.

**73-11.6.8 Review Standards for Text Amendment**

When reviewing an application for a text amendment, all of the criteria listed below shall be considered.

**A. Consistency**

The extent to which the proposed text amendment is consistent with the remainder of the Zoning Ordinance, including any purpose and intent statements.

**B. New or Changing Circumstances**

The extent to which the proposed text amendment represents a new idea not considered in the existing Zoning Ordinance or represents a revision necessitated by changing circumstances over time.

**C. Error or Inappropriate Standard**

Whether or not the proposed text amendment corrects an error in the Zoning Ordinance, or otherwise improves upon existing requirements or standards.

**D. Compliance with Higher Law**

Whether or not the proposed text amendment revises the Zoning Ordinance to comply with state or federal statutes.

**73-11.7 Special Use Permits****73-11.7.1 Applicability**

All applications for a special use permit approval shall comply with the requirements of this Section.

**73-11.7.2 General Provisions**

- A. Special Uses within each zoning district are uses that would not be appropriate generally or without restriction but which, if controlled as to number, area, location or relation to other uses, may be appropriate in a particular zoning district.
- B. A Special Use permit shall be required for all special uses (identified with an “S” designation) as set forth in the permitted use table in Section 73-4.4 Use Table or as part of a use condition.
- C. Specific use standards may be applicable to the approved special use.
- D. Any use or activity on the property not specifically permitted by Section 74-4 Use Standards, or the special use permit, as modified, shall be deemed unlawful and subject to Section 73-10 Violations, Penalties, and Enforcements.

**73-11.7.3 Review by the Planning and Zoning Commission****A. Consideration by Planning and Zoning Commission**

An application for a special use permit shall be considered by the Planning and Zoning Commission at a public meeting, prior to a public hearing by the Mayor and Board of Aldermen. The public meeting before the Planning and Zoning Commission is not a public hearing and does not require compliance with Public Notice provisions in Section 73-11.2.

**B. Criteria**

The Planning and Zoning Commission shall evaluate the proposed special use permit based upon the standards in Section 73-11.7.6 Review Standards for Special Use Permit.

**C. Planning and Zoning Commission Recommendation**

A recommendation shall be prepared and forwarded to the Mayor and Board after consideration of the review criteria required by Section 73-11.7.6. The recommendation which shall indicate if the Special Use Permit should be:

1. Approved as submitted by the applicant;
2. Approved as recommended by the recommending body
3. Approved with modifications and/or conditions; or

**73-11.7.4 Action by the Mayor and Board of Aldermen**

Upon receipt of the recommendations from the reviewing bodies, the application and recommendation(s) shall be forward to the Mayor and Board for final action.

A. Public Hearing

1. The Mayor and Board shall hold a minimum of one (1) hearing to consider the proposed special use permit after receiving the Planning and Zoning Commission recommendation.

B. Standards

The Mayor and Board of Aldermen shall evaluate the proposed special use permit based on the standards in Section 73-11.7.6, Review Standards for Special Use Permit.

C. Actions by the Mayor and Board of Aldermen

After consideration of the review criteria required by Section 73-11.7.6, the Mayor and Board of Aldermen shall make one of the following decisions:

1. Approve Special Use Permit as submitted by the applicant;
2. Approve Special Use Permit as recommended by the Planning and Zoning Commission;
3. Approve Special Use Permit with modifications and/or conditions; or
4. Deny the Special Use Permit.

**73-11.7.5 Additional Hearings Required**

A. When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional hearing requirements:

1. City-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning;
2. Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or
3. Annexations.

**73-11.7.6 Review Standards for Special Use Permit**

When reviewing an application for a Special use permit, all of the criteria listed below shall be considered.

A. **Compatibility**

1. Whether the subject property is adequate in shape and size to accommodate the special use;
2. Whether adequate public facilities are available to serve the proposed use, including, but not limited to: water; sanitary sewer; stormwater drainage facilities; public safety and emergency facilities; roadway capacity; vehicular ingress and egress; or, that the applicant will provide adequately for such services and for placement in an appropriate location.
3. Whether specific use standards for the special use, if any, as provided in Section 73-7 Use Types



and Supplemental Regulations, can be achieved;

4. Whether the special use will result in the destruction, loss, or damage of any feature determined by the review authority to be of natural, cultural, scenic or historic importance.

**B. Consistency**

1. Whether the special use is consistent with the intent, goals, strategies, policies, guiding principles and programs of the Comprehensive Plan and other adopted plans;
2. Whether the special use is detrimental to the public interest, health, safety, welfare, function, and appearance of the adjacent uses or general vicinity by reason of any one or more of the following: the number, area, location, height, orientation, intensity (such as traffic, noise, odor, hours of operation), or relation to the neighborhood or adjacent uses.

**73-11.7.7 Successive Applications for Special Use Permit**

If the Mayor and Board of Aldermen deny an application for a special use permit, a successive application shall not be submitted for the same property for a period of six (6) months from the date of the decision by the Mayor and Board of Aldermen.

**73-11.8 Variance**

**73-11.8.1 Purpose**

Certain requirements of this Zoning Ordinance that will not be contrary to the public interest may be varied by the applicable review authority, where, owing to special conditions, a literal enforcement of such requirements will, in an individual case, result in practical difficulty or unnecessary hardship.

**73-11.8.2 Applicability**

- A. Certain requirements may be achieved through alternative compliance. Where alternative compliance is possible, it is specified elsewhere in this Zoning Ordinance.
- B. Certain requirements shall not be variable. Such requirements are specified in this Section and may be specified elsewhere in this Zoning Ordinance. Any application for a variance that is not permitted by this Zoning Ordinance shall not be processed.
- C. Pre-application conference required before a variance application is submitted.

**73-11.8.3 Public Notice Required**

Once the application has been determined complete, the application shall be scheduled for a public hearing, as applicable and public notice will be provided in accordance with Section 73-11.2 Public Notices. Mailed notice shall be sent to the applicant and the owner of the affected site (if different).

**73-11.8.4 Burden of Proof**

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow an informed decision to be made as regards the request.

**73-11.8.5 Action by Planning and Zoning Commission and Mayor and Board of Aldermen**

- A. The Planning and Zoning Commission shall hold a public meeting on the proposed variance and has the authority to recommend that the petition be approved, approved with conditions or denied.
- B. The Mayor and Board of Aldermen shall hold a public hearing on the proposed variance and has the authority to take final action the variance petition.
- C. In granting any variance, the Mayor and Board of Aldermen may prescribe reasonable and appropriate conditions and safeguards.

**73-11.8.6 Limitations on Power to Grant Variances**

- A. No variance shall be granted that would allow a use not permitted by this Zoning Ordinance or not permitted in the zoning district in which the property affected by the variance is located.
- B. No variance shall be granted to permit a lot area that is less than the minimum lot area permitted by

the zoning district in which the property affected by the variance is located.

- C. No variance shall be granted to permit a height greater than the maximum height established by the zoning district in which the property affected by the variance is located.
- D. No variance shall be granted to any condition of approval that has been set upon a property by another review process.

### **73-11.8.7 Criteria for Variances**

Planning and Zoning Commission, and Mayor and Board of Aldermen shall consider and find in the affirmative that *all* the criteria below is met in determining whether a variance shall be approved.

#### **A. General Consistency**

The variance shall be consistent with the intent of this Zoning Ordinance and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

#### **B. Special Conditions**

1. Special conditions and/or circumstances exist which are peculiar to the land, buildings or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.
2. The special conditions and/or circumstances do not result from the actions of the applicant.
3. The special conditions and/or circumstances are not purely financial in nature so as to allow the applicant to use the land, buildings or structures involved more profitably or to save money.

#### **C. Literal Interpretation**

Literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would result in unnecessary and undue hardship on the applicant.

#### **D. Minimum Variance**

The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings or structures.

#### **E. Special Privilege Not Granted**

The variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings or structures in the same zoning district.

### **73-11.8.8 Time Limits for Variances**

Approval of a variance pursuant to the provisions of this Zoning Ordinance shall run with property.

### **73-11.8.9 Successive Applications for Variance**

If the Mayor and Board of Aldermen deny an application for a variance request, a successive application shall not be submitted for the same previously requested variance on any part of all such property for a period of six (6) months from the date of the decision by Mayor and Board of Aldermen.

### **73-11.8.10 Appeals**

Final action on a variance may be appealed in accordance with Section 73-11.11 Appeals.

## **73-11.10      Written Interpretations**

### **73-11.10.1      Applicability**

The Development Director is authorized to make interpretations concerning the provisions of this Zoning Ordinance, in consultation with the City Manager or other department directors, as best applicable. These interpretations are subject to the approval of the Mayor and Board of Aldermen. Interpretations include but are not limited to:

1. The text of this Zoning Ordinance;
2. Zoning District boundaries upon the official zoning map; and,
3. Any land use not explicitly authorized in this Zoning Ordinance.

### **73-11.10.2      Zoning Confirmation Letters**

A Zoning Confirmation Letter (ZCL) that verifies the factual information relative to a specific property shall be considered an official interpretation of this Zoning Ordinance.

### **73-11.10.3      Appeals**

Interpretations may be appealed in accordance with Section 73-11.11 Appeals.

## **73-11.11      Appeals**

### **73-11.11.1      Application Requirements**

- A. A notice of appeal shall be filed within thirty (30) calendar days of a final decision.
- B. A An appeal shall be made by filing a written notice of appeal specifying the grounds for the appeal.
- C. A notice of appeal shall be considered filed when a complete notice of appeal is delivered.

### **73-11.11.2      Effect of an Appeal**

- A. The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed.
- B. Proceedings shall not be stayed if it is determined that a stay would cause imminent peril to life or property, or that the violation is transitory in nature, or that a stay would interfere with the enforcement of this Zoning Ordinance or other related ordinances.
- C. An appeal shall stay only those proceedings that involve the subject of the appeal.
- D. The filing on an appeal does not stop the accruing of assessed civil penalties, if any.

### **73-11.11.3      Record of Decision**

Upon receipt of a notice of appeal, the administrative official, commission, or board whose final decision is being appealed shall transmit all records, including all documents and electronic data, constituting the entire record of the proceedings from which the appeal is taken.

### **73-11.11.4      Public Notice Requirements**

Published and posted notice shall be required in accordance with the procedures in Section 73-11.2, Public Notice. Mailed notice shall be sent to the appellant and the owner of the affected site (if different).

**73-11.11.5 Action by the Mayor and Board of Aldermen**

- A. An appeal shall be sustained only upon a finding by the Mayor and Board of Aldermen that the administrative official, commission, or board whose final decision is being appealed was based on an erroneous finding of a material fact or that they acted in an arbitrary manner.
- B. The Mayor and Board of Aldermen may reverse or affirm (wholly or in part) or may modify the final decision appealed and shall make a final decision that in its opinion ought to be made in the case before it unless otherwise specified by this Zoning Ordinance. To this end, the Mayor and Board of Aldermen shall have all of the powers of the administrative official, commission or board from whom the appeal is taken.
- C. A motion to reverse, affirm or modify the final decision appealed shall include a statement of the specific reasons including the proposed findings of fact that support the decision. The findings of fact shall be based on the same evidence received by the first decision maker.
- D. If a motion to reverse or modify is not made, or such motion fails to receive the affirmative vote of a majority of the members present, then the appeal shall be denied.
- E. The appellant shall have the burden of proof.

**73-11.11.6 Appeal of Final Action Taken by the Mayor and Board of Aldermen**

- A. An appeal of the final decision of the Mayor and Board of Aldermen under this Section may be taken by the applicable processes as stated in O.C.G.A. § 36-66-5.1.
- B. If an appeal is being made by way of petition for review to the superior court where the property lies, in accordance with both O.C.G.A. § 36-66-1 et seq and as provided for in Chapter 4, Title 5 of the Official Code of Georgia Annotated, any petition may be served through Mayor on behalf of the lower judiciary body being appealed. The Mayor may be served with the petition on behalf of the City.

**73-11.12 Modifying Conditions of Approval**

Conditions attached to previously approved rezonings, special use permits, variances, and any other zoning or quasi-judicial decisions may be modified in accordance with the following:

**73-11.12.1 Minor Modifications****73-11.12.2 Major Modifications**

- A. Any modification request that exceeds the thresholds for a minor modification, any variation to an approved phasing plan in timing or sequencing.
- B. Any major modification shall be processed as a new amendment application in accordance with the procedures of this Article, including the requirement for fees, notices, and hearings.
- C. Any future alterations of conditions shall be processed as a new amendment application in accordance with the procedures of this Article, including the requirement for fees, notices, and hearings.

**SECTION 73-12 GUARANTEES AND SURETIES****73-12.1 Generally****73-12.1.1 Surety Required.**

Before plat recordation, land disturbance permit, building permit, or other project close-out, it shall be verified that the developer/subdivider/applicant has obtained the necessary bonds, other sureties, and/or agreements that ensure completion of all required public and private improvements on the subject property.

**73-12.1.2 Sureties Accepted.**

Three types of guarantees and sureties shall be provided for as a part of the Final Plat approval and/or development permitting processes in accordance with the provisions herein:

- A. Performance guarantees
- B. Maintenance guarantees
- C. Maintenance agreements/inspections.

**73-12.2 Performance Guarantees****73-12.2.1 Purpose**

Performance guarantees shall be allowed for required site improvements (public or private) not yet completed at the time a Final Plat or project closeout is desired. Instead of requiring the completion, installation, and dedication of any and all improvements prior to approval of a Final Plat or certificate of occupancy or certificate of completion, the City of Acworth may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to complete all required improvements prior to the release of the performance guarantee.

**73-12.2.2 Performance Guarantee Amounts.**

The performance guarantee shall be payable to the City of Acworth and shall be in an amount equal to 1.5 times the entire cost, as estimated by the developer or subdivider and verified by the City, of installing all outstanding required improvements.

**73-12.2.3 Duration**

The duration of the performance guarantee shall be for no longer than twelve (12) months, or until such lesser time that the improvements are accepted by the City.

**73-12.2.4 Forfeiture**

Performance Guarantee funds are forfeited if the improvements are not completed and accepted by the City within twelve (12) months.

**73-12.3 Maintenance Guarantees****73-12.3.1 Purpose**

Maintenance guarantees shall be allowed for all improvements to be publicly dedicated and/or maintained (e.g.: streets, sidewalks, landscaping) to guarantee the quality and ongoing performance of the installations. Prior to approval of a final plat or final certificate of occupancy/completion (CC/CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and living condition all applicable improvements prior to the release of the maintenance guarantee.

**73-12.3.2 Maintenance Guarantees Amounts**

The maintenance guarantee shall be payable to the City of Acworth and shall be in an amount equal to 60 percent of the construction value for all public improvements, as estimated by the developer or subdivider and verified by the City.

**73-12.3.3 Duration**

The duration of the surety shall be for a period of 24 months following the date of approval of a Final Plat or final certificate of occupancy or certificate of completion.

**73-12.3.4 Forfeiture**

Maintenance Guarantees shall be forfeited if the improvement fails to be kept in good repair and condition prior to the release of the maintenance guarantee.

**73-12.4 Maintenance Guarantees (Stormwater)****73-12.4.1 Purpose.**

Stormwater maintenance guarantees shall be provided for the ongoing maintenance of stormwater management facilities and features. Prior to approval of a final plat or final certificate of occupancy/completion (CC/CO), the City may enter into a written agreement with the developer or subdivider whereby the developer or subdivider shall agree to maintain in good repair and working order all applicable improvements prior to the release of the maintenance guarantee.

**73-12.4.2 Maintenance Guarantee for Stormwater Facilities Amount**

The stormwater maintenance guarantee shall be payable to the City and shall be in an amount equal to \$5.00/cubic foot of storage provided by the stormwater management facility, as estimated by the developer or subdivider and verified by the City. The guarantee shall be accompanied by the appropriate agreements outlined in Section 12.5 Maintenance Agreements/Inspections (Stormwater).

**73-12.4.3 Duration**

The duration of the surety shall be for a period of 24 months following the date of the approval of a final plat or final certificate of occupancy or certificate of completion.

**73-12.5 Maintenance Agreements/Inspections (Stormwater)****73-12.5.1 Required for Private Stormwater Facilities**

Prior to the issuance of any project close-out, final plat, or certificate of completion/occupancy requiring a stormwater management facility or practice hereunder and for which the City requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

**73-12.5.2 Agreement, generally**

- A. Recordation Required.** The inspection and maintenance agreement, if applicable, shall be approved by the City prior to approval, and recorded in the deed records of the office of the Clerk of the Superior Court of Cobb County, Georgia.
- B. Inspector Required.** The inspection and maintenance agreement shall identify, by name or official title, the person(s) responsible for carrying out the inspection and maintenance.
- C. Owner Responsibility.**
  1. Responsibility for the operation and maintenance of a stormwater management facility shall remain with the property owner and shall pass to any successor owner, unless an agreement with the City is made whereby the City takes ownership of the facility. Immediately pay to the City the funds estimated to complete the improvements, up to the full otherwise made payable in full to the City.
  2. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

**D. Schedule Required.**

1. As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice, including their associated landscaping measures.
2. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

**E. City Enforcement.**

In addition to enforcing the terms of the inspection and maintenance agreement, the City may also enforce all of the provisions for ongoing inspection and maintenance.

**F. City Acceptance of Dedications.**

The City, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

**73-12.6 Authorized Guarantee Types****73-12.6.1 Mixture of Guarantees is Allowed**

The developer or subdivider shall provide either one, or a combination, of the following guarantees in the amounts and durations specified in this Section 12.6 Authorized Guarantee Types. Any expenses associated with the cost verification by the City shall be paid entirely by the applicant.

**73-12.6.2 Bond**

Bonds shall be secured from a surety bonding company authorized to do business in the state. The bond shall be payable to the City.

**73-12.6.3 Cash or equivalent security.**

The developer or subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as an official depository of the City. For any Letter of Credit, the applicant shall have complied with all subdivision and development regulations of the Code of the City of Acworth and shall have passed all inspections and received all approvals. The development shall have been constructed in full compliance with all previous approvals. Any Letter of Credit shall be irrevocable and with an institution approved by the City of Acworth with any, and all conditions contain in the Letter of Credit, having been approved by the City of Acworth. Further, the Letter of Credit shall be irrevocable, and shall be delivered to the City of Acworth and retained until all development standards have been fully met. An agreement regarding the terms and conditions shall be signed by both parties in a form satisfactory to the City of Acworth. The developer shall pre-pay all expenses related to such Letter of Credit. Upon compliance with this provision, and upon the execution of the Letter of Credit by the approved lender with the approved terms and conditions, the development department, Director may issue approval of the conditions which are the subject matter of the Letter of Credit. The City of Acworth shall retain possession of the Letter of Credit, until such time as all conditions of the Development Department are met, and all conditions of the letter containing the Letter of Credit shall have been fully satisfied.

**73-12.6.4 Escrow**

Cash or other instrument is deposited in escrow with a financial institution as provided above, then the applicant shall file with the City of Acworth an agreement between the financial institution and the

- A. That said escrow amount will be held in trust until released by the Development Director and may not be used or pledged by the applicant in any other transaction during the term of the escrow; and
- B. That in case of a failure on the part of the developer or subdivider to complete said improvements/maintenance, the financial institution shall, upon notification of the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

### **73-12.7 Default**

#### **12.7.1 Failure to Complete Improvements**

Upon default, meaning failure on the part of the applicant to complete the required improvements in the time allowed by this Ordinance, or as spelled out in the performance or maintenance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the City, pay all or any portion of the bond or escrow fund to the City up to the amount needed to complete the improvements or maintenance based on an estimate by the City.

#### **73-12.7.2 Notification of Default**

Notification may take place following abandonment of the project for more than 90 continuous days. Upon payment, the City, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the applicant any funds not spent in completing the improvements.

### **73-12.8 Release of Surety**

#### **73-12.8.1 Inspection and Acceptance Required**

The City may release a portion of any security posted as the improvements are completed or the maintenance period completed and approved. When approved said improvements shall be inspected, and if work is found to be completed and satisfactory in accordance with ordinance regulations and approved plans, the portion of the security posted which covers the approved cost of the improvements and maintenance of satisfactorily completed work that was subject to the security shall be released. It shall be the responsibility of the applicant to petition the City for release of guarantees and sureties and to warrant that all improvements subject to the guarantee or surety have been completed to fulfill the requirements of this Ordinance.

## **SECTION 73-13 SUBDIVISION REGULATIONS**

### **73-13.1 Subdivisions**

#### **73-13.1.1 Purpose**

- A. It is declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the City's official Comprehensive Plan in order to promote the orderly, planned, efficient and economical development of the City.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- C. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in adopted City plans and maps.



**73-13.1.2 Intent**

- A. To protect and provide for the public health, safety, and general welfare of the citizens of the city; and,
- B. To guide the future growth and development of the City in accordance with the Comprehensive Plan; and,
- C. To protect and conserve the value of land and the economic stability of all communities in the city and to encourage the orderly and beneficial development of the City through appropriate growth management techniques, including consideration of the timing and sequencing of development, consideration of infill development in existing neighborhoods and nonresidential areas with adequate public facilities; and,
- D. To guide public policy and both public and private actions in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and public services and support facilities; and,
- E. To provide for the safe and efficient circulation of motorized and non-motorized traffic throughout the city; and,
- F. To ensure the adequate provision of safe and convenient traffic access and circulation, both motorized and non-motorized, in new land developments; and,
- G. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions to further the orderly layout and use of land, and to ensure proper legal descriptions and proper installation of monuments upon subdivided land; and,
- H. To ensure to the extent legally possible that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision; and,
- I. To protect and restore the highest quality of the City's air and water resources, to ensure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the city and the value of the land; and,
- J. To preserve the natural beauty, environment, and topography of the city and to ensure appropriate development with regard to these natural features.

**73-13.1.3 Applicability**

No person may record any subdivision unless it has been approved and accepted. The recording of a plat shall be based on an approved plat and may not be recorded solely on the basis of a metes and bounds description.

**73-13.1.4 Exemptions from Preliminary Plat Procedures**

- A. **General Requirements.** For the purpose of this Ordinance, the types of activities contained in this Section shall be considered subdivisions but exempt from the preliminary plat requirements of this Division, except as noted. Each such exempt subdivision shall be drawn in accordance with Final Plat standards and shall be submitted with the appropriate fees for review and approval. Upon approval, the applicant shall be authorized to record the Exemption Plat with the Clerk of Superior Court of Cobb County and grant the issuance of permits pursuant to the Codes and Ordinances of the City.

**B. Re-combinations.** The combination or recombination of two (2) or more lots of record, where the total number of lots is not increased and the resultant lots or parcels are in compliance with this Ordinance.

**C. Minor Subdivisions.**

1. Residential: The division of a buildable lot of record into five (5) or fewer lots; or
2. Non-residential/mixed use: Lots for the purpose of sale within a non-residential/mixed-use development, provided:
  - a. Each proposed lot complies with all requirements of this Ordinance and is limited to commercial or non-single-family detached residential uses.
  - b. The subdivision does not include the installation of any public infrastructure.
  - c. Each proposed lot abuts an existing public street or previously approved private street.
  - d. All project-related slope and utility easements as well as necessary street right-of-way, as determined by the Department, are provided at no cost to the City.
  - e. Platted open space or common areas that are not a part of an individually owned lot are not created.
  - f. The subdivision does not create any unbuildable lots, unless permitted pursuant to Section 73-10.3 Nonconformities.
  - g. Each proposed lot shall comply with the requirements of the Cobb County Watershed Protection Department or the Environmental or Board of Health Department, as appropriate, whose certification of approval shall be required prior to approval of the Exemption Plat by the Department.
  - h. Each lot thus created may not be re-subdivided pursuant to the provisions of this Subsection for a period of one (1) year. Such re-subdivision prior to one (1) year shall be accomplished only through the procedures contained in this Division.

**A. Minor revised final plat.** When it becomes necessary to revise an original recorded final plat due to some error, required adjustment, or desired adjustment, that is minor in scope and scale of change, including the adjustment of lot lines for single-family attached units after as-builts have taken.

**73-13.1.5 Plat Procedures.**

- A. **Applicability.** This section is applicable to all subdivisions of land involving any:
  1. Street dedication;
  2. Public infrastructure;
  3. Utility extensions;
  4. Platted open space or common areas that are not part of an individually owned lot; or
  5. All other subdivisions not exempt in Section 73-13.1.4 Exemptions from Plat Procedures.
- B. **Effect of approval.** The preliminary plat does not constitute nor provide assurance of approval of the final plat or building or development permits but is to be used as the development design for the subdivision and for the acquisition of a development permit as provided for in the Ordinance.
- C. **Lapse of approval.** The preliminary plat expires 24 months from the date of its approval. If more than 50 percent (50%) of linear feet of total road in the entire development shown on the preliminary plat is complete at the expiration of 24 months from the date of the approval of the preliminary plat, then the applicant petition for a one-time, one-year extension of the approval of the preliminary plat. An expired preliminary plat is null and void and is of no effect. An expired preliminary plat shall not be renewed.

- D. **Improvements prior to Final Plat.** No final plat shall be approved unless and until the subdivider has installed all improvements required by this chapter, or appropriate sureties have been secured pursuant to Section 73-12 Guarantees and Sureties.

**73-13.1.6 Approval Authority**

All plats are approved by the Mayor and Board of Aldermen.

**73-13.1.7 Review Process**

- A. Applicants shall submit documentation that establishes they are the owner or the owner's representative of the property for which the plat review application is being submitted.
- B. A complete application form and any required attachments, along with the required review fee is due to the Development Department. Incomplete applications shall not be accepted for review.
- C. Upon determination of receipt of a complete application, the Development Director will distribute the application for review by internal City Departments. If external agency review is required, the applicant shall be required to submit application to all applicable external review agencies directly.
- D. If, after the internal and external review, the Preliminary Plat or Final Plat does not meet all the applicable requirements of the Ordinance or that the Final Plat submission does not substantially conform with the approved Preliminary Plat, the applicant will be notified in writing of the specific provisions that have not been met and offer the applicant the opportunity to make changes to their application.
- E. If, after the internal and external review, a Preliminary Plat or Final Plat does meet all applicable requirements of this Ordinance and that the Final Plat filed substantially conforms with the approved Preliminary Plat, the application will be certified as complying with all applicable requirements of this Ordinance and may proceed to final review by the Mayor and Board of Aldermen. A recommendation by Planning and Zoning Commission is not required.
- F. Approved Final Plats shall be recorded by the applicant in the Clerk of the Superior Court of Cobb County following approval. A copy of the recorded Final Plat shall be returned for City records.
- G. Before project close out, it shall be certified that the applicant has obtained the necessary bonds, sureties, and/or agreements to ensure completion of all required public and private improvements upon the property, per Section 73-12 Guarantees and Sureties.

**73-13.1.8 General Checklist for Preliminary Plat**

The preliminary plat shall be prepared by a licensed surveyor, landscape architect, or civil engineer. The plat shall be drawn at a scale no smaller than one hundred (100) feet to an inch and at minimum include the following information:

1. Any conditions of approval set upon the property by the Planning Commission, Historic Preservation Commission, or Mayor and City Council;
2. Proposed subdivision and street names;

3. Name and address of subdivider;
4. Preliminary plat certificates;
5. Graphic scale, north point, date, total acres being subdivided and zoning district;
6. Location map showing the lot pattern of surrounding development located within three hundred (300) feet of the proposed development;
7. Location and dimensions of all exterior boundaries lines, existing rights-of-way, easements, streams, drainage structure, buildings, lakes, etc.;
8. Topography by contours;
9. For land that slopes less than two (2) percent, show spot elevations at all breaks in grade along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions;
10. For land that slopes more than approximately two (2) percent, show contours with an interval of not more than five (5) feet;
11. The proposed layout and dimensions of lots, street, recreation areas, easements (whether public or private);
12. The calculations used in determining the drainage area and size of each drainage tile shall be submitted as an attachment to the plat; and
13. Labeling of utilities and all public infrastructure for dedication to the city.

**73-13.1.9 General Checklist for Final Plat**

The final plat shall be prepared by a surveyor, landscape architect, or civil engineer who is licensed to practice in Georgia, affixing the respective seal, signed, and dated. The plat shall be drawn at a scale no smaller than one hundred (100) feet to an inch and shall include:

1. Name of subdivision and street names;
2. Name, address and license number of surveyor;
3. Be drawn in permanent ink on reproducible material to a scale of not less than one (1) inch equals one hundred (100) feet on a sheet or sheets not exceeding seventeen (17) by twenty (20) inches;
4. Date of plat drawing, graphic scale, north point, notation as to the reference of bearings and indication whether bearing shown are calculated from angles turned or taken from compass readings;
5. Location of tract (land district and land lot) giving total acreage;
6. Location sketch;
7. Index map where more than one (1) sheet is required to present plat;
8. Courses and distances to the nearest existing street intersections or bench marks or other recognized permanent monuments (not less than three (3) which shall be accurately described on the plat;
9. Exact boundary lines of the tract, to be indicated by a heavy line giving distances to the nearest one-hundredth (0.01) foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one (1) to five thousand (5,000). The error of closure shall be stated on the plat;
10. City, County, or land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse the subdivision;
11. Street center lines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data, width of roadway, right-of-way width, and easement width and whether public or private;
12. Lot lines with dimensions to the nearest one-hundredth (0.01) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners;

13. Building setback lines, any zoning buffers, with dimensions, or note indicating none required, as applicable;
14. Lots or sites numbered in numerical order and blocks lettered alphabetically;
15. Location, dimensions and purpose of all drainage structures and of any easements; including slope easements, and public service utility right-of-way lines, and any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserve by deed covenant for common uses of all property owners;
16. Accurate location, material description of monuments and markers;
17. Places for final plat certificates and statements;
18. Declarations of covenants and restrictions applicable to the subdivision; and
19. A copy of the deeds for dedication of public areas to the appropriate public agency(s), if applicable;
20. Zoning information including the current zoning district and all applicable zoning conditions, variances, and/or special use permits. The adopted ordinance, or final letter in the case of variances, shall be provided on the final plat;

#### **73-13.1.10 Review Criteria**

The following criteria shall be used to review plats:

- A. The inclusion of the minimum information listed on the General Checklist for Preliminary Plat (Section 73-13.1.8 General Checklist for Preliminary Plat) and General Checklist for Final Plat (Section 73-13.1.9 General Checklist for Final Plat);
- B. Recommendations from internal City Departments and external agencies;
- C. Compliance with all applicable requirements of this Ordinance, including installation of improvements as required for Final Plats; and
- D. Substantial conformance with the City's applicable adopted plans and policies.

#### **73-13.1.11 Permit Issuance after Plat Approval**

- A. Building permits shall not be issued until a final plat is recorded, except as provided for model homes.
- B. Final plats shall not be approved until all infrastructure is completed or bonded in accordance with Section 73-12 Guarantees Sureties.

#### **73-13.1.12 Appeals**

Appeals will be processed in accordance with Section 73-11.11 Appeals.

#### **73-13.1.13 Expiration**

- A. An approved preliminary plat expires two (2) years after the approval date, unless the applicant has filed a complete application for a final plat.
- B. An approved Final Plat does not expire.

#### **73-13.1.14 Preliminary Plat Revisions**

- A. Minor revisions to an approved Preliminary Plat that reflect the same basic street and lot configurations as the original approval may be approved.
- B. Any request for a revision to an approved Preliminary Plat that increases the number of building lots, decreases the amount of common open space, or alters a street or block pattern, shall be initiated and processed as a new Preliminary Plat application.

#### **73-13.1.15 Final Plat Revisions**

- A. Once a Final Plat is recorded, any improvements dedicated to the City of Acworth thereon may not be withdrawn. Upon final acceptance at the end of the maintenance period, all dedicated

improvements shall be deemed accepted by the City without further action.

- B. Final Plat revisions are permitted and shall be processed in accordance with this Chapter based on the nature of the revision, including Minor Revised Final Plats exempt from preliminary plat procedures as per Section 73-13.1.4 Exemptions from Plat Procedures.

### **73-13.1.16 Covenants Required**

- A. All new subdivisions (or condominium/single-family attached developments) proposing common property, including amenity space, greenspace, stormwater features, private roads, etc. shall establish a mandatory homeowners association. The developer shall execute, record, and maintain documents for the homeowners or condominium association, which establish dues, fees, and responsibilities related to maintenance of units and common facilities in perpetuity.
- B. Turn-Over from the Declarant:
1. The developer shall turnover the subdivision as the declarant once a maximum of 50 percent (50%) of the units in a subdivision have been conveyed to other owners, including builders that will perform vertical construction. The proportion of conveyed lots required for condominium units is 80 percent (80%), pursuant to O.C.G.A. 44-3.
  2. Sixty (60) days after the required proportion of units are conveyed, the Declarant is required to hold a “transition meeting” to allow for the election of the new homeowner board.
  3. The Declarant is required to turn over to the new homeowner board all of the records of the Association, including minutes, stormwater management, deeds to common areas, insurance documents, and owner rosters. All of this must take place within 30 days of the Transition Meeting.

### **73-13.2 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.

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. 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   |

2. 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-sacs shall 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:

- i. **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.**
- ii. **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.
- iii. **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.
- vi. **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 Development Director:

| <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.
- 3. Cross drains require approval.
- 4. Vertical curves shall be such as to prevent abrupt change require approval.

H. Alignment and Visibility.

- 1. Minimum radii of horizontal curvature of the centerline shall be not less than 100 feet.
- 2. Tangent lengths between reverse curves require approval. 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 require approval.
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.

**73-13.3 Alleys**

- A. Alleys may be required in commercial and industrial districts.
- B. Alleys are not permitted in residential.

**73-13.4 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 approval.
- B. Subdivision names shall not duplicate or be confused with existing names in the county. Subdivision names are subject to approval.

**73-13.5 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.

**73-13.6 Lots**

**73-13.6.1 Street Access**

- A. Each lot shall abut on a publicly dedicated street or a publicly approved street. All such streets shall conform to the design requirements of this Chapter.

**73-13.6.2 Lot Configuration**

- A. Lot Lines. Side lot lines shall be as nearly as practical at right angles to straight street lines and radial to curved street lines. Irregularly shaped lots shall be prohibited.
- B. Corner Lots. Corner lots for residential uses shall be provided with sufficient width and depth to permit the establishment of appropriate building setback lines from both streets. A minimum 20-foot radius shall be provided at the corner next to the intersection.
- C. Double-frontage Lots. Double-frontage lots shall only be permitted where it shall be found necessary to separate a development from major arterials or to overcome specific disadvantages of topography and orientation. Vehicular access is prohibited from the more major street frontage.

- D. Flag Lots. Flag lots shall be prohibited.
- E. Spite Strips. Spite strips shall be prohibited.
- F. Minimum lot elevation. No lot shall be approved that does not contain a suitable building site of sufficient elevation to permit construction utilizing a lowest floor elevation of at least the level of the 100-year flood. The entire lot shall be properly drained. Special emphasis will be placed on requirements as given in the City's flood damage prevention ordinance.
- G. City limits and lot lines. Lots shall not be divided by corporate boundary lines except where unavoidable.
- H. Lot width and lot area requirements. Lots hereafter established within subdivisions shall conform to the lot area and lot width requirements set forth in this Ordinance. No substandard lot may be developed.
- I. Common lots. Substandard lots may be created for the purposes of siting common amenities like pools, clubhouses, greenspaces, detention ponds, etc., provided appropriate access easements are properly recorded to facilitate ongoing maintenance and operations of the facilities. In no case shall a common amenity share a lot with an individual single-family residential lot.

#### **73-13.6.3 Principal Structures**

- A. In all districts, other than properties located in Central Business District, no more than one structure may be erected on a single lot.
- B. Only uses allowed pursuant to this Chapter shall be permitted to occupy any structure or lot.

#### **73-13.6.4 Water and Sewer**

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.

#### **73-13.7 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. 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.
- 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.

#### **73-13.8 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 it is 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
  - 3. Minimum floor elevations may be established to prevent damage to buildings and structures.

- D. The developer or his agent may be required to provide 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.
- 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.

### **73-13.9 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 required and shall meet the following specifications:

- A. 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.
- B. Lot monuments shall be iron pins not less than 12 inches long and one-half inch in diameter set flush with the ground.
- C. Other monuments. Where existing monuments have been located and are accurately represented, they may be permitted to remain in position.

### **73-13.10 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. Plans for 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, are required to be submitted, checked and approved.
  - 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 are subject to approval.
  - 2. Either rolled concrete curbs or integral concrete curbs and gutters, except as noted in paragraph (8) below, shall be installed on all streets. 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 applicant may be required to install 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 73-13.2 Street Design 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 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.

### **73-13.11 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. 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, reviewed, and subject to final approval 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.

### **73-13.12 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 approval. 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.
- D. Installation, backfilling and compaction shall be in accordance with the state highway specifications. 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, 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.
- 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. 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.
- H. Storm drainage system plans shall be submitted, checked and are subject to final approval prior to installation. Said system shall be designed in accordance with the State of Georgia 1983 State

**73-13.13 Green Infrastructure/low impact development (GI/LID)**

- A. Demonstrate use of any GI/LID techniques as follows:
1. Vegetated Filter Strip – are uniformly graded and densely vegetated sections of land that provide “biofiltering” of stormwater runoff as it flows across the surface.
  2. Bioretention Areas - are shallow stormwater basins or landscaped areas with well-draining soils, generally composed of sand, fines, and organic matter, and vegetation to capture and treat stormwater runoff.
  3. Dry Wells – consist of shallow excavations, typically filled with stone, that are designed to intercept and temporarily store post-construction stormwater runoff until it infiltrates into the underlying and surrounding soils.
  4. Permeable Paver System – is a pavement surface composed of structural units with void areas that are filled with pervious materials such as gravel, sand, or grass turf. The system is installed over a gravel base course that provides structural support and stores stormwater runoff that infiltrates through the system into underlying permeable soils.
  5. A developer may request a different type of GI/LID practice from the GSMM upon the review and approval by the City.
- B. Provide documentation of at least one of the following infeasibility criteria for cases where GI/LID applications cannot be applied in a feasible or sustainable manner:
1. The use of GI/LID application will impact threatened or endangered species habitat.
  2. The use of GI/LID application will significantly damage a community resource, such as a historical area, a park, a wildlife refuge, a nature trail, riparian zone, or a school facility.
  3. The use of GI/LID would result in the violation of a Federal or State Law.
  4. Steep Slopes < 6% for Dry Wells, Permeable Pavers, Vegetative Filter Strips; steep slopes < 20% for Bioretention Areas.
  5. Inadequate Land Area < 2,500 ft<sup>2</sup> for Dry Wells, < 5 acres for Bioretention Areas and Vegetative Filter Strips.
  6. Depth to Water Table < 2 ft for Dry Wells, Bioretention Areas, Permeable Pavers, and < 1-2 ft for Vegetated Filter Strips.
  7. Conflict with subsurface utilities.

**73-13.14 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 Development Director prior to installation. Said system shall be designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II.

**73-13.15 Coordination of Installation**

All underground work such as sewers and water lines shall be installed and each backfill compacted before street pavement is laid.

**73-13.16 Experimental Subdivisions**

**SECTION 73-14 TREE ORDINANCE****73-14.1 Applicability**

- A. The provisions of this section shall apply to any activity that requires the issuance of a land development or building permit.
- B. For new development projects that contain more than one building site or lot, such as a subdivision, tree ordinance requirements apply to the entire site and to each individual lot.
- C. **Exemptions.** The following activities are exempt from permitting:
  - 1. Activities on existing single-family and duplex residential properties when there is an existing structure on the property, unless the activity expands the footprint of the structure. If the property is vacant, this exclusion shall not apply.
  - 2. Construction or maintenance of public utilities within utility easements.
  - 3. Detention ponds and drainage easements.
  - 4. Agricultural operations, including land clearing for legitimate agricultural purposes.
  - 5. Tree nursery and horticultural operations.
  - 6. Forestry operations, including land clearing for legitimate timber harvesting purposes.
  - 7. Removal, as recommended by a certified arborist or registered forester, of any tree that has become a public nuisance or danger to human life or property or any tree found to be diseased, hazardous, dying, dead, or infested with insects.
  - 8. Activities subject to a building permit where the footprint of the existing building is not being expanded and no land disturbance is being performed.

**73-14.2 Tree Density Requirements**

- A. The applicant shall provide a development plan demonstrating both responsible canopy preservation and tree replacement inches on sites submitted for development in accordance with this section.
- B. Any non-single-family residential developments shall provide a minimum of one hundred (100) inches per acre. Any single-family residential developments shall provide a minimum of fifty (50) inches per acre. Each of these holds as a requirement whether or not a site had trees prior to development.
- C. All trees designated for replacement shall be on an inch-for-inch basis. The density may be achieved as follows:
  - 1. Counting existing trees (inches measured at DBH) to be preserved with no impact to CRZ.
  - 2. Planting new trees (minimum two-inch caliper) for lots that do not meet the required densities as designated herein.

Formula example for a non-single-family residential development:

Acreage x 100 inches = required inches per acre

Example: 3.2 acres x 100 inches = 320 inches required

The minimum required inches per acre shall be calculated and established pursuant to the formula as shown above and calculations shall be in a prominent location on the tree preservation and replacement plan. Street trees and/or parking lot trees planted after

the minimum required inches per acre for the site has been satisfied can be counted toward specimen tree recompense.

3. Shrubs shall not be given credit.

### **73-14.3 Preservation of Existing Trees**

An emphasis of this Ordinance is the preservation of as many existing trees as possible. Thus, inch-for-inch credit will be given for preserving existing trees.

- A. All trees to be counted toward meeting the required tree density requirements shall be inventoried. Existing tree inventory information (caliper at DBH and genus) shall be shown on the tree protection plan and must be provided by an ISA certified arborist, forester, surveyor, or landscape architect along with a statement that the provider conducted the inventory in the field. If the plan is unclear, tree survey shall be required.
- B. To aid preservation efforts, applicants shall have the option of moving existing trees to prevent their damage or destruction by development activities. To receive credit for transplanted trees, the following standards shall be adhered to:
  1. Trees shall be less than ten (10) inches caliper measured six (6) inches above grade;
  2. Trees shall remain within the planting areas of the parcel;
  3. Trees shall not be moved to or from stream buffers or wetlands.
- C. Tree protection areas for subdivisions shall be located in common areas, or in buffers required to be undisturbed by zoning or other regulations, or within building setbacks. If tree protection areas must be located on individual lots, the lots shall be of sufficient size to reasonably expect the trees to be preserved at the completion of the building process.
- D. Every lot in a subdivision shall have trees, either preserved or planted for which an LDP is obtained after the adoption of this Ordinance. These trees may be counted as part of the required one hundred (100) inches per acre for the development. All planted trees shall be a minimum of two (2) caliper inches and shall be shown on the required House Location Plan (HLP). This requirement shall apply to the developer or homebuilder, whoever is the responsible party at the issuance of the certificate of occupancy for the individual lot.

### **73-14.4 Specimen Tree Removal and Preservation**

- A. A specimen tree is any tree which qualifies for special consideration for preservation due to its size, type, and condition. The following criteria are used by the City to identify specimen trees. Both the size and condition criteria must be met for a tree to qualify.
  1. Minimum Size Criteria:
    - a. Twenty-four-inch (24-inch) caliper at DBH—Oak, Beech, Ash, Black gum, Sycamore, Hickory, Maple (does not include Silver Maple), Pecan, Walnut, Magnolia (does not include Bigleaf Magnolia), Persimmon, Sourwood, Cedar, Cypress, Redwood.
    - b. Thirty-inch (30-inch) caliper at DBH—Tulip Poplar, Sweet Gum, River Birch, Silver Maple.
    - c. Ten-inch (10-inch) caliper at DBH—American Holly, Dogwood, Redbud.
  2. Condition Criteria:
    - a. Life expectancy greater than fifteen (15) years.



- b. Relatively sound and solid trunk with no extensive decay or significant structural deficiencies.
  - c. No more than two (2) major and/or several minor dead limbs (excluding pine for minor limbs).
  - d. A radial trunk dieback of no more than twenty percent (20%) or a canopy dieback of no more than thirty percent (30%).
3. Small trees can be classified as specimen if of a rare or unusual species, of exceptional quality, or socio-historical significance. Small trees may also qualify as specimen if used in a landscape as a focal point of the design. In order to claim this credit, the applicant shall submit a letter from a certified arborist stating that the tree(s) meet these qualifications.
4. An arborist report for each specimen tree impacted by a proposed development requiring an LDP shall be submitted to the City to determine whether that tree meets the condition criteria for specimen status. The report must be prepared and signed by a certified arborist or a registered forester. The report shall contain the following information:
  - a. Site plan showing an accurate surveyed location of the tree;
  - b. Identification/verification of the tree's size, genus and species;
  - c. Description of the surrounding site conditions;
  - d. Detailed description of the tree's condition; and
  - e. Digital photographs to illustrate any defects which would disqualify the tree from specimen status.
5. The final determination of specimen tree status will be made by City staff after reviewing the report.
  - a. If a specimen tree is to be removed, a plan or written documentation indicating the reason for removal must be submitted to the City.
  - b. The removal of any specimen tree impacted by a proposed development shall be mitigated by replacing the removed specimen tree with minimum four (4) caliper inch trees of comparable species on an inch-for- two (2) inch replacement basis.

Example: Twenty-four-inch Oak would require replanting twelve (12) four (4) caliper inch trees [ $24 \times 2 = 48$  replacement inches required;  $48 / 4 = 12$  trees]. These recompense trees are in addition to the minimum one hundred (100) inches per acre for a particular site.
  - c. Any person who removes a specimen tree in violation of this Ordinance shall be assessed a fine. In regard to specimen trees removed after being designated for preservation on an approved plan, the removed tree must also be replaced on an inch-for-inch basis with tree species with potential for comparable size and quality, regardless of the one hundred (100) inches per acre requirement. If a tree is removed without approval and there is no evidence of its condition, size alone shall be the determining factor for replacement. In regard to specimen trees removed on a residential lot that is not currently being developed, the fine shall be paid as referenced; however, there shall be no requirement for replacement of the specimen tree.
6. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of new development projects, the following incentive is offered: Preserved specimen trees shall receive one and one-half (1.5) x inches DBH.

**73-14.5 Tree Protection Standards**

Allowing enough space for a tree's root system is a critical factor in tree protection throughout the development process. Disturbance within this critical root zone (CRZ) can directly affect a tree's chances for survival. In order to protect trees, the following standards shall apply:

- A. Site layout should be designed to accommodate tree protection areas.
- B. Construction activities shall be arranged to prevent encroachment into tree protection areas. Encroachment of up to twenty (20) percent into the CRZ area of individual preserved trees shall be allowed. Encroachment beyond twenty (20) percent into the CRZ area of individual preserved trees shall be prohibited.
- C. No disturbance whatsoever shall occur within tree protection areas without prior written approval. Disturbance permitted with approval from the City shall be limited to general maintenance (i.e., removal of dead trees and/or cleaning of underbrush by hand). Use of machinery shall not be allowed within the tree protection area.
- D. Active protective tree fencing shall be installed along the outer edge of and completely surrounding the CRZs of all specimen trees or stands of trees designated for preservation prior to land disturbance.
- E. Tree protection fencing shall be minimum four (4) feet high and made of orange laminated plastic netting with wooden posts and rail fencing or other equivalent material as approved by the City.
- F. All protection zones shall include signage in English and Spanish that identifies the areas as tree protection and preservation zones and include the name and phone number of the developer or designated agent.
- G. All tree protection fencing shall be installed prior to any clearing, grubbing, or grading and shall be maintained in functioning condition throughout all phases of development and construction.
- H. Once tree protection areas are established and approved, any changes are subject to review and approval.
- I. Applicants shall notify any adjacent property owner a minimum of fourteen (14) days prior to construction dates (copy of notification to be provided to City for permit file) if visual assessment identifies boundary tree root plates are potentially within the proposed limits of disturbance. Any and all subsequent tree matters shall be a civil matter between the property owner and the applicant.

**73-14.6 Tree Replacement Standards**

- A. The replacement of trees shall occur within the required yards, buffers, open space, parking lots, and landscape areas, as specified in this Zoning Ordinance. The following standards for replacement will be used to evaluate proposed tree planting plans:
  - 1. Existing tree coverage, size, and type;
  - 2. Number of trees to be removed from the lot or parcel;
  - 3. Area to be covered with structures, parking, and driveways;
  - 4. Grading plan and drainage requirements; and,
  - 5. Character of the site and its environs.
- B. Replacement trees shall be ecologically compatible with the intended growing site, contribute to the diversity of the urban forest, and add to the aesthetic quality of the City.
  - 1. The spacing of replacement trees shall be compatible with spatial site limitations with responsible consideration towards species sizes when mature. Typical spacing for

- overstory/street trees is forty (40) feet on center, with no overstory tree being planted less than twenty-five (25) feet on center from any other tree. Spacing of understory trees and/or trees in parking lots shall be subject to approval of the City and within accepted horticultural standards.
2. In the event that existing overhead power lines prohibit the planting of required overstory trees, an appropriate understory tree species may be selected and approved for required inches according to accepted horticultural standards and as approved by the impacted utility.
- C. Trees selected for planting may be a species from the recommended tree species list. Use of a species not shown on these lists is subject to approval, according to accepted horticultural standards.
- D. Planting of replacement trees within utility, storm drainage, or sanitary sewer easements is not acceptable, and no credit will be allowed toward the required inches per acre. City staff shall determine whether or not the applicant will be required to install root barriers to prevent future conflicts for trees planted directly adjacent to proposed easements or utility locations.
- E. Trees and plants selected for planting must meet the minimum requirements as provided in the "American Standard for Nursery Stock" (ANSI Standards latest edition).
- F. Each development site (parcel) shall contain trees of sufficient number, size, and type to achieve the minimum required tree density, which is determined according to the size of the parcel and is intended to be consistent across uses and underlying zoning categories. Total replacement units shall be gathered by using as diverse a palette of species of trees as possible. However, a minimum of sixty (60) percent of the total replacement units required for any parcel shall be achieved in the form of overstory trees. When fewer than ten (10) trees are shown to be planted on a project, one (1) genus may be specified. When ten (10) to fifty (50) trees are shown, a minimum of three (3) genus of trees are required. When more than fifty (50) trees are shown, a minimum of five (5) genus of trees are required.
- G. When ten (10) or more trees are to be planted:
1. No single genus shall represent more than thirty (30) percent of the required inches per acre.
  2. Native vegetation shall be used to satisfy the replacement requirements of this chapter to the greatest practical extent.
- H. Transitional Buffer planting standards are as follows:
1. An opaque buffer is a designated area along a property line that is required to be planted for the purpose of screening. Buffers may be required as a condition of zoning or in areas where incompatible land uses exist (i.e., commercial adjacent to residential).
  2. The opaque buffer shall consist of evergreen plant materials that must form an eighty (70) percent visual barrier within three (3) years and a one hundred (100) percent visual barrier within five (5) years. Trees must be minimum five (5) feet height at installation, and shrubs must be minimum 30-inch height at installation.
    - a. **Existing buffer to remain undisturbed:** Sparsely vegetated or previously disturbed portions of this undisturbed, existing buffer must be replanted to comply with the definition above.
    - b. **Buffer width twenty (20) feet or less:** This buffer shall consist of a minimum of one (1) row of evergreen trees and one (1) row of evergreen shrubs.
    - c. **Buffer width twenty-one (21) to thirty-five (35) feet:** This buffer shall consist of a minimum of two (2) rows of evergreen trees and one (1) row of evergreen shrubs.

- d. **Buffer width greater than thirty-five (35) feet:** This buffer design shall be subject to approval.
- 3. Evergreen trees planted within buffer areas may be counted for inch credit toward the minimum tree replacement requirements. For planted evergreen trees, the following conversions shall apply:

| <b>Table 7.3.6.H.3.-Planted Evergreen Conversion</b> |                                |
|--|--------------------------------|
| Evergreen Tree Inches:                               | Evergreen Tree Sold by Height: |
| 2 inches   | 6 feet minimum                 |
| 3 inches   | 8 feet minimum                 |
| 4 inches   | 12 feet minimum                |
| 5 inches   | 16 feet minimum                |
| 6 inches   | 18 feet minimum                |

**73-14.7 Alternative Compliance**

If trees to replace removed trees will not fit on the site based on industry accepted spacing requirements, alternative compliance is available by recompense to the City of Acworth Tree Bank Fund or planting the remainder of trees at a location remote from the project site.

- A. A maximum of 40 percent (40%) of the required tree replacement density required by this section may be satisfied through these alternative compliance provisions.
- B. The amount of the recompense shall be based upon the size of DBH that cannot be planted at the site. Each DBH density unit that cannot be placed on-site shall be replaced or paid in recompense one-for-one in accordance with this section.
- C. **Alternate Site**
  - 1. Trees to be planted at another location will be planted at alternative sites. Alternative site must be submitted, reviewed, and approved.
  - 2. Each DBH density unit that cannot be placed on-site shall be replaced one-for-one off-site in accordance with the same provisions for tree replacement on-site.
  - 3. A tree replacement plan, meeting all applicable standards, shall be reviewed and approved for the alternate planting location.
- D. **Recompense**

1. The City of Acworth Tree Bank Fund shall be established for the purpose of accepting and tracking funds collected as authorized pursuant to this section. Such funds shall be used for tree plantings in public spaces, to purchase land where either specimen trees are located or where a suitable site exists for parkland, designated wildlife habitats, or for park-related landscaping and maintenance projects, as approved in the annual budgeting process or as directed by Mayor and Board of Aldermen.
2. If full or partial monetary recompense is to be paid to the City of Social Tree Bank Fund, the applicant shall pay \$200 per DBH inch to be replaced for non-specimen trees and \$400 per DBH inch to be replaced for specimen trees.

### **73-14.8 Permitting Requirements**

- A. **Application Requirements.** Except for exemptions in Section 73-14.1 Applicability, when a person applies for any type of permit that requires removal of existing trees, they shall file an application for a Tree Removal Permit providing the following:
  1. **Type 1 - Minor Development**
    - a. Minor Development projects or tree removals not exempted by Section 73-14.1 Applicability and not covered by a Type 2 removal require a detailed sketch showing proposed changes for review and are subject to final approval. In the event that any tree two (2) inches DBH or greater will be impacted or removed during development, the sketch shall contain the required elements of the Tree Survey Plan and Inventory as required in Section 73-14.9 and the Tree Replacement Plan as described in Section 73-14.10. In the event that the site cannot bear replanting of the required density of trees, then the applicant shall comply with the alternate guidelines under in Section 73-14.7 Alternative Compliance.
    - b. An application fee.
  2. **Type 2 - Major Development**
    - a. A complete Tree Survey and Inventory Plan, as described in Section 73-14.9 Tree Survey and Inventory.
    - b. A complete Tree Protection Plan as described in Section 73-14.19 Tree Protection and Replacement Plans.
    - c. An application fee.
- B. No person, firm, organization, public agency, or society shall directly or indirectly destroy or remove any trees situated on property applicable in this section without obtaining a permit as provided herein.
- C. All tree removal permit activity shall be conducted by a company properly licensed to do business in the State of Georgia carrying a minimum insurance coverage of up to \$500,000 per incident and general liability that covers the property for up to \$2,000,000 per incident.
- D. Permits shall be obtained by making application to the Development Department. The permit fee shall be as fixed from time to time by the Mayor and Board of Aldermen.

### **73-14.9 Tree Survey Plan and Inventory**

- A. The Tree Survey Plan shall be in the form of a to-scale map or a site plan prepared and sealed by a registered surveyor, certified engineer, or landscape architect noting the location of all specimen

trees or stands of trees plus all other trees which will be preserved and counted toward meeting site density requirements. It should also include the following information:

1. All specimen trees and their critical root zones shall be labeled and must be shown on the survey and inventoried by size and species. This includes those specimen trees that are to be preserved as well as those proposed for removal.
2. The critical root zone of boundary trees that are located on neighboring properties whose critical route zone extends on to applicant's property shall be shown.
3. All other trees that are to be counted toward meeting density requirements shall be shown on the survey and inventoried by size and species. Only trees with a DBH measurement of two (2) inches or greater are to be identified as eligible for density compliance. Existing trees less than two (2) inches DBH will not be counted toward the required density.
4. Trees that measure less than (2) inches DBH, and thus can't be counted toward the density requirements, do not have to be counted and shown individually on the plan.
5. Sampling methods may be used to determine tree densities for forested areas over five (5) acres. For the purpose of this Zoning Ordinance, a plot sample is defined as an area measuring fifty (50) feet by fifty (50) feet, for a minimum size of two thousand five hundred (2,500) square feet. Sampling areas shall be located within the limits of a tree protection area. The sample must be taken in a portion of the site that is representative of its cover-type. The tree protection plan must delineate all ground cover-types and provide a general description of the types of trees present within the tree protection area (i.e., hardwoods, pine/hardwood mix, etc.).
6. Show all areas of proposed land disturbance along with tree protection zones, tree save areas, and buffers with existing trees on the Survey.

#### **73-14.10 Tree Protection and Replacement Plans**

- A. **Tree Protection Plan—Required documents.** A Tree Protection Plan is a detailed plan designed to protect and preserve trees before, during and for a period of two (2) years after construction. This Protection Plan is a separate drawing that must be submitted at the same time as the Tree Survey Plan in order to qualify for a Tree Removal Permit. The Plan shall list the following specifications:
1. The identity of the tract of land upon which tree(s) sought to be removed are located.
  2. The name, address and phone number of the owner of the land and the name, address and phone number of any tenant of the property.
  3. The type, location and size as measured at the diameter breast height of the tree(s) constituting those to be protected. Only trees designated on the Tree Protection Plan will be counted toward density requirements.
  4. Locations of all specimen trees and their critical root zones (CRZ's). Indicate those specimen trees proposed for removal or for preservation. Removal of specimen trees is subject to approval. Any specimen tree proposed for removal is to be identified in terms of exact location, size, and species.
  5. All tree protection zones, natural areas, landscaped areas, buffers, and areas of re-vegetation. Include detailed locations and specifications for active and/or passive tree protection measures. Methods of tree protection should be indicated for all tree protection zones, including tree fencing, erosion control, retaining walls, tunneling for utilities, aeration systems, transplanting, staking, signage, etc.

6. Limits of clearing and land disturbance such as grading, trenching, etc., where these disturbances may affect tree protection zones.
7. The locations of all existing and proposed utility lines or easements. Include the location for any boring sites for underground utilities.
8. Indication of staging areas for parking, material storage, concrete washout, and other areas where tree protection may be affected.
9. A delineation of tree save areas in which trees have been inventoried for minimum site DBH calculation.
10. Calculations showing compliance with the required minimum site DBH density using existing trees, replacement/recompense trees, and/or alternative compliance methods. Site density compliance shall be demonstrated on both the Tree Protection and the Tree Replacement plans. Existing trees or stands of trees used in determining the minimum site DBH density requirement shall be indicated on the drawings.
11. Site area (roads, utility lines, detention ponds, etc.).
12. The locations of existing and proposed structures, paving, driveways, land disturbance, cut and fill areas, detention areas, etc.
13. Phase lines and/or limits of construction.
14. Location and details for all permanent tree protection measures (tree wells, aeration systems, permeable paving, retaining walls, bollards, etc.).
15. Additional information as required on a case-by-case basis or as requested.

**B. Tree Replacement Plan - Standards and vegetation.**

1. The last part of the Tree Removal Permit is the Tree Replacement Plan. This plan may be included as a part of the Tree Protection Plan or may be submitted as a separate drawing. The Tree Replacement Plan includes the planting schedules along with proposed tree names (botanical and common), quantity, size, spacing and any special planting notes. Unless otherwise approved, all trees selected for replanting must be in accordance with Section 73-14.14 Tree Species List.
2. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication Tree and Shrub Planting Manual or similar publication. Reference the American Association of Nurserymen publication American Standard for Nursery Stock (ANSI Z60, 1973) for plant material quality specifications. Reference the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books) or similar publication for information on tree species site requirements.
3. The Tree Replacement Plan shall also reflect the following requirements:
  - a. Replanted trees shall be of the same or similar species as those removed when practical unless a change in species is appropriate to achieve the requirements of this section.
  - b. The use of flowering ornamental trees or plants classified as large shrubs may be included in the Tree Replacement Plan but shall not be used for the purpose of meeting the density calculations for the site unless approved.

- c. All overstory trees shall be a minimum of eight (8) feet tall and have a trunk of not less than two (2) caliper inches. All understory trees shall be a minimum of six (6) feet tall and have a trunk of not less than two (2) caliper inches. In order to provide sufficient growing area for planted trees, the following minimum criteria shall be observed unless otherwise approved
  - i. Overstory Trees - 200 square feet of pervious root zone.
  - ii. Understory Trees - 75 square feet of pervious root zone.
  - iii. Up to 30% of root zone may be impervious area except for parking lot islands).
- d. All planting and staking details shall be provided on the plan.
- e. All debris from trees cut or substantially damaged should be removed from the site in a timely fashion including the removal of any portion of the tree stump above the original natural grade or elevation of land unless otherwise approved for a specific reason such as, but not limited to, unusually large size or age.

#### **73-14.11 Continuing Maintenance**

- A. **Installation.** All landscaping shall be installed in a sound workmanlike manner. Plant materials, installation and maintenance shall meet the standards incorporated in ANSI Z60.1, American Standard for Nursery Stock, most current edition, ANSI A 300, Standard Practices for Tree, Shrub and other Woody Plant Maintenance, most current edition, and as indicated in the project Design Professional's drawings and specifications. All landscaping is subject to inspection and no certificate of completion or certificate of occupancy shall be issued unless the landscaping meets the requirements provided in this Zoning Ordinance or performance surety requirements of Section 73-12 Guarantees and Sureties.
- B. **Maintenance.** The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the maintenance and protection of all required landscaping in perpetuity, in accordance with the following standards:
  - 1. Keep landscaping reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition;
  - 2. Mow or trim landscaping in a manner and at a frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Growth of plant material at maturity shall be considered where future conflicts such as view, signage, street lighting, utilities and circulation might arise;
  - 3. Maintain all landscaping to minimize property damage and public safety hazards, including removal of dead or decaying plant material, and removal of low hanging branches next to sidewalks and walkways obstructing street lighting; and
  - 4. Pruning is to be performed to maintaining healthy plant matter in accordance with the specifications set forth by the American Forestry Association, the National Arborist Association, or other professional arboricultural organizations.

#### **73-14.12 Appeals**

In the event an applicant disputes the decision of the City regarding tree removal and/or replanting, the applicant may file a written appeal with the Mayor and Board of Aldermen in accordance with Section 73-11.11 Appeals. The written appeal shall detail the reasons why the decision of the City staff should be vacated. Upon receiving the written appeal, the Mayor and Board of Aldermen shall hear arguments and decide whether to uphold the administrative decision, modify the administrative decision, or negate the administrative decision. The decision of the Mayor and Board of Aldermen shall be final.



**73-14.13 Other Landscaping Standards.**

See Section 73-8.3 Landscape and Open Space for other site landscaping standards.

**73-14.14 Tree Species List**

The tree species list is intended to support site planning and design for tree preservation and replacement and decision-making in general. Requests for exceptions to this list may be considered by the Development Director.

| Name                        | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|-----------------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Bald Cypress                | X                     |                        |                      | X                                      |  |         | X                        |
| Basswood, American (Linden) | X                     |                        |                      |  |  |         | X                        |
| Beech, American             | X                     |                        |                      |  |  |         | X                        |
| Birch, River                | X                     |                        | X                    |  |  | X       | X                        |
| Blackgum (Tupelo)           | X                     |                        | X                    |  |  |         | X                        |
| Boxelder                    | X                     |                        |                      |  |  |         | X                        |
| Catalpa, Southern           | X                     |                        |                      |  |  |         | X                        |
| Cedar, Deodar               | X                     |                        | X                    |  |  | X       |                          |
| Cedar, Lebanon              | X                     |                        | X                    |  |  |         |                          |
| Chastetree (Vitex)          |                       | X                      | X                    | X                                      | X  |         |                          |
| Cherry, Japanese Flowering  |                       |                        | X                    |  |  | X       | X                        |
| Cherry, Kwanzan             |                       |                        | X                    |  |  | X       |                          |

| Name                                 | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|--------------------------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Cherry, Yoshino                      |                       |                        | X                    |  |  | X       |                          |
| Cherrylaurel, Carolina               |                       |                        | X                    |  | X  | X       | X                        |
| Chinquapin, Allegheny                | X                     |                        |                      |  |  |         |                          |
| Cleyera                              |                       |                        |                      |  |  | X       |                          |
| Cottonwood, Eastern                  | X                     |                        |                      |  |  |         |                          |
| Crabapple, Japanese Flowering        |                       | X                      | X                    |  |  | X       |                          |
| Crapemyrtle                          | X                     | X                      | X                    | X                                      | X  | X       |                          |
| Cryptomeria                          | X                     |                        |                      |  |  | X       |                          |
| Cypress, Arizona (Carolina Sapphire) | X                     |                        | X                    |  |  | X       |                          |
| Cypress, Leyland                     | X                     |                        |                      |  |  |         |                          |
| Dogwood, Flowering                   | X                     |                        | X                    |  |  | X       |                          |
| Elm, American (Princeton)            | X                     |                        | X                    |  |  |         |                          |
| Elm, Chinese (Athena, Bosque, etc.)  | X                     | X                      | X                    | X                                      | X  |         |                          |
| Elm, Winged                          | X                     |                        | X                    |  |  |         |                          |

| Name                  | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|-----------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Fringetree            | X                     | X                      | X                    |  |  | X       |                          |
| Gingko (male)         | X                     | X                      | X                    | X                                      |  |         |                          |
| Golden Rain Tree      |                       | X                      | X                    | X                                      | X  |         |                          |
| Hackberry             | X                     |                        | X                    |  |  |         | X                        |
| Hawthorne, Washington |                       | X                      | X                    |  | X  |         |                          |
| Hickory (spp.)        | X                     |                        |                      |  |  |         |                          |
| Holly, American       |                       |                        | X                    | X                                      |  | X       |                          |
| Holly, Chinese        |                       |                        | X                    |  |  | X       |                          |
| Holly, English        |                       |                        | X                    |  |  | X       |                          |
| Holly, Longstalk      |                       |                        | X                    |  |  | X       |                          |
| Holly, Lusterleaf     |                       |                        | X                    |  |  | X       |                          |
| Holly, Penny          |                       |                        | X                    |  |  | X       |                          |
| Holly, Savannah       |                       |                        | X                    |  |  |         |                          |
| Holly, Yaupon         |                       |                        | X                    |  |  | X       |                          |
| Honeylocust           | X                     |                        | X                    |  |  |         |                          |
| Hophornbeam, American | X                     |                        | X                    |  |  |         | X                        |
| Hornbeam, European    |                       | X                      | X                    |  |  | X       |                          |

| Name                            | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|---------------------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Juniper, Hetzi                  |                       |                        |                      |  |  | X       |                          |
| Juniper, Pfitzer                |                       |                        |                      |  |  | X       |                          |
| Katsuratree                     | X                     |                        | X                    | X                                      | X  |         |                          |
| Locust, Black                   | X                     |                        |                      |  |  |         | X                        |
| Magnolia, Southern              | X                     |                        |                      |  |  | X       |                          |
| Magnolia, Southern "Little Gem" | X                     |                        | X                    |  |  | X       |                          |
| Magnolia, Sweetbay              | X                     |                        | X                    |  |  | X       | X                        |
| Maple, Amur                     | X                     | X                      | X                    |  |  | X       |                          |
| Maple, Autumn Blaze             | X                     |                        | X                    |  |  | X       | X                        |
| Maple, Hedge                    | X                     |                        |                      |  |  | X       |                          |
| Maple, Red                      | X                     | X                      | X                    |  |  | X       | X                        |
| Maple, Southern Sugar           | X                     | X                      | X                    | X                                      | X  | X       | X                        |
| Maple, Sugar                    | X                     | X                      | X                    |  |  |         | X                        |
| Maple, Trident                  | X                     | X                      | X                    | X                                      | X  | X       |                          |
| Myrtle, Wax                     |                       |                        |                      |  |  | X       |                          |
| Oak, Black                      | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Chestnut                   | X                     | X                      | X                    | X                                      |  |         |                          |

| Name                    | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|-------------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Oak, Darlington         | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Georgia            | X                     | X                      | X                    | X                                      | X  |         |                          |
| Oak, Japanese Evergreen | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Laurel             | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Northern Red       | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Nuttall            | X                     | X                      | X                    | X                                      | X  |         |                          |
| Oak, Overcup            | X                     | X                      | X                    | X                                      | X  |         |                          |
| Oak, Post               | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Sawtooth           | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Scarlet            | X                     | X                      | X                    | X                                      | X  |         |                          |
| Oak, Shumard            | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Southern Red       | X                     | X                      | X                    |  |  |         |                          |
| Oak, White              | X                     | X                      | X                    | X                                      |  |         |                          |
| Oak, Willow             | X                     | X                      | X                    | X                                      |  |         |                          |
| Pagodatree, Japanese    | X                     |                        | X                    |  |  |         |                          |
| Pecan                   | X                     |                        | X                    |  |  |         |                          |
| Pine, Loblolly          |                       |                        |                      |  |  | X       |                          |
| Pine, Virginia          |                       |                        |                      |  |  | X       |                          |

| Name                 | Large Landscape Areas | Road Frontage (Street) | Road Frontage (Yard) | Parking Lot Trees (Islands >200 sq ft) | Parking Lot Trees (Islands 100 to 200 sq ft) | Buffers | Riparian/ Drainage Areas |
|----------------------|-----------------------|------------------------|----------------------|--|--|---------|--------------------------|
| Pistache, Chinse     |                       | X                      | X                    | X                                      | X  |         |                          |
| Planetree, London    | X                     | X                      | X                    |  |  |         |                          |
| Poplar               | X                     |                        |                      |  |  |         | X                        |
| Redbud (spp.)        | X                     | X                      | X                    | X                                      |  | X       |                          |
| Redcedar, Eastern    | X                     |                        | X                    |  |  | X       |                          |
| Redwood, Dawn        | X                     |                        | X                    |  |  | X       |                          |
| Serviceberry         | X                     | X                      | X                    |  |  | X       | X                        |
| Smoketree            |                       |                        | X                    |  |  |         |                          |
| Sourwood             | X                     |                        | X                    |  |  |         |                          |
| Sycamore             | X                     |                        |                      | X                                      |  |         |                          |
| Yellowwood, American | X                     |                        | X                    |  |  |         |                          |
| Zelkova, Japanese    | X                     |                        |                      | X                                      | X  |         |                          |

**SECTION 73-15 DEFINITIONS****73-15.1 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. The reverse is also true.
- B. The words “may not,” “must,” “shall,” and “may not” are mandatory and not discretionary.
- C. The word “may” is permissive, and “should” is advisory, not mandatory or required.
- D. When used with numbers, "up to x," "not more than x" and "a maximum of x" all include "x."
- E. The word "lot" includes the word “plot.”
- F. The phrase “used” is deemed to also include the phrases “arranged, designed, intended, and occupied.”
- G. The word "erected" is deemed to also include "constructed," "reconstructed," "altered," "placed," "relocated" or "removed."
- H. The terms "land use" and "use of land" are deemed to also include "building use" and "use of building."
- I. The term "adjacent" shall mean to be separated by common property lines, lot lines, or a street or alley; abutting, adjoining, contiguous, or touching.
- J. The word “structure” includes the word “building.”
- K. The terms "Mayor and Board of Aldermen," or "Mayor and Board" refers to the legally constituted and elected governing body of the City of Acworth.
- L. The term "comprehensive plan" shall mean the current comprehensive plan adopted by the Mayor and Board of Aldermen.
- M. Words not defined herein shall be construed as having the meaning given by common and ordinary use.

**73-15.2 Conjunctions**

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- A. "And" indicates that all connected items or provisions apply; and
- B. "Or" indicates that the connected items or provisions may apply singularly or in combination.

**73-15.3 Computation of time**

- A. References to "days" are to calendar days unless otherwise expressly stated. References to "business days" are references to regular city government working days, excluding Saturdays, Sundays, and holidays observed by the city.
- B. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the city, that day is excluded.
- C. A day concludes at the close of business of city hall, and any materials received after that time will be considered to have been received the following day.

**73-15.4 Definitions of Terms**

Except as defined herein, all other words used in this Zoning Ordinance shall be defined in accordance with the American Planning Association (APA) A Planners Dictionary, published April 1, 2004. For terms not found in A Planners Dictionary, words used shall be defined in accordance with Merriam-Webster's Collegiate Dictionary, 11th Edition.

—A—

- *Abandonment*: The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.
- *Abatement*: The method of reducing the degree and intensity of pollution, nuisance, or identified area of non-compliance with this Development Code.
- *Absorption*: The penetration of one substance into or through another; or, the length of time it takes for a product or real estate to be sold or rented.
- *Abut or Adjoin*: To physically touch or border on; or to share a common property line but not overlap.
- *Acceleration lane*: An added roadway lane that permits integration and merging of slower moving vehicles into the main vehicular stream.
- *Access*: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
- *Accessory structure*: Any structure of secondary importance or function on a site. Generally, the primary use of the site is not carried on in an accessory structure. These may be detached or attached from the primary structure. Examples: car ports, car garages, decks, fences, trellises, barns, swimming pools, gazebos, TV antenna structures. Mobile examples include truck campers.
- *Accessory use*: A use subordinate to the principal use of a lot, or of a principal building on the same lot, and serving a purpose clearly incidental to a permitted principal use of the lot or of the building and which accessory use or structure is compatible with the principal permitted uses or structures authorized under zoning regulations applicable to the property.
- *Acre*: A measure of land containing 43,560 square feet.
- *Act of God*: An unintentional hazard event (usually a natural hazard) whereby society feels that no individual or organization is responsible for the hazard occurrence or its impact; i.e., an “accident.”
- *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, major*: Any change or rearrangement 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, windows, or means of ingress or egress; 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.
- *Alteration, minor*: Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load bearing partitions.
- *Annexation*: The incorporation of land area into an existing community with a resulting change in boundaries of that community.
- *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.
- *Applicant*: An owner of land or legally appointed owner(s) representative, such as a developer, engineer or architect, who proposes to subdivide, develop, or otherwise alter or change the use of such land.
- *Arcade*: A succession of arches or openings, supported by columns or piers, or a covered walk enclosed by a line of such arches on one or both sides. Exterior arcades provide shelter for pedestrians.
- *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.
- *As-built plans*: Accurate and precise drawings of post-construction site features and characteristics, including all buildings, structures, infrastructures, boundaries, and natural features.



- *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.
- *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, 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.
- *Avenue*: A thoroughfare designed for high vehicular capacity at low to moderate speed, acting as a connector between short distances; and usually equipped with a landscaped median.

—B—

- *Balcony*: An external extension of an upper floor of a building, enclosed up to a height of about three (3) feet by a solid or pierced screen, or by balusters or railings. Balconies serve to enlarge the living space and range of activities possible in a dwelling without a garden or lawn.
- *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.
- *Best management practices (BMPs)*: The physical, institutional, or strategic approaches and procedures to environmental or development problems, particularly with respect to non-point source pollution control.
- *Bicycle lane*: A portion of a road that is designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists. Most often these are done in couplets, each one being one-way and adjacent to the outside through travel lane.
- *Bicycle path*: (1) A facility that is paved or unpaved and physically separated from motorized vehicular traffic by an open space or barrier; (2) a designated right-of-way for bicycles, separated from pedestrian and motor vehicles.
- *Bicycle rack*: A permanent apparatus, such as a row of paired metal prongs, or other configuration designed to support the front wheels of bicycles so that they can be left unattended.
- *Bicycle route*: A thoroughfare shared by bicycles and automobiles moving at low speeds.
- *Bicycle trail*: A bicycle path running independently of a vehicular thoroughfare.
- *Bioswales*: A shallow channel made of grass, rocks, or other types of vegetation with gently sloped

sides designed to slow and capture water by efficiently spreading it horizontally across the landscape, facilitating water infiltration into the soil. Bioswales improve water quality and can be used as alternative to storm sewers, or to convey waters to sewers or surface waters.

- *Blank wall area*: A portion of the exterior façade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than twelve (12) inches in depth; or a substantial material change (paint color is not considered a substantial change).
- *Block*: Property, which may consist of contiguous lots, that are bounded by streets, rights-of-way, or improved open spaces, but not alleys.
- *Boats*: A vessel or craft designed or constructed for use on the water, usually moved by sail, oars, paddles, or motorized power.
- *Boat trailer*: A portable structure designed or constructed for the purpose of transporting a boat or boats upon the highways or city streets and which may be used as a storage platform for said boat or boats when not in use.
- *Brick*: A masonry building or paving material made from clay molded into blocks and baked that is laid individually in rows and held in place with mortar.
- *Buffer*: The portion of a lot reserved as a landscaped area and used to separate different zoning districts or different uses of property, to protect the health of water resources such as rivers or streams, and/or to abate the impacts of public rights-of-way.
- *Buildable area*: The area of a lot remaining after the minimum yard and open space requirements of the UDC have been met.
- *Buildable lot*: Any platted lot, parcel, or tract of land that is a lot of record and of sufficient area and adequate configuration to comply with the building setbacks, floor area, and lot size requirements of the zoning district in which it is located and otherwise complies with all development standards contained in this ordinance.
- *Building*: Any roofed structure enclosed and isolated by exterior walls, constructed or used for a residence, business, industry, or other public or private purpose or accessory thereto, including, but not limited to, tents, trailers, mobile homes, and similar structures whether stationary or movable.
- *Building, accessory*: A subordinate structure on the same lot as the principal or main building or use.
- *Building, alteration*: Any change in the supporting members of a building (such as bearing walls, columns, or girders): any addition or reduction to a building, any change in use; or any relocation of a building from one location or position to another.
- *Building, principal*: The building in which is conducted the principal use of the lot on which it is located.
- *Building coverage*: The total percentage of a lot that is permitted for any allowable building, structure, or use excluding open space elements, driveways, surface parking lots, sidewalks, street furniture, supplemental zones, buffers, or fences.
- *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 footprint*: The area encompassed by a building's outer wall at ground level.
- *Building height*: The vertical distance measured from the highest grade adjacent to the highest point of roof surface of a flat roof, to the deck line of a mansard roof, or to the top of the highest ridge of a gable, hip, or gambrel roof.
- *Building official*: The building official of the City of Acworth established pursuant to Chapter 18 of the Code of Ordinances, City of Acworth, Georgia or any person or entity designated to perform a particular function of the building official.
- *Building permit*: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.
- *Building, principal*: The building in which the principal use of the lot is conducted.
- *Building setback*: The distance, at street level, between a right-of-way line or front, side, or rear lot line

(as determined appropriate by zoning district) to the closest point of the principal building or structure on site, except for those projections allowed in required yards.

- *Building site*: A parcel of land or lot occupied or intended to be occupied by a building or structure.
- *Bulkhead*: The lower panels or platform on which traditional display windows rest, often made of wood, brick, or tile. May also be referred to as kickplates.
- *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.
- *Bulk storage*: The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.
- *Bus*: Motor vehicles designed or used to transport ten (10) or more unrelated passengers in exchange for compensation, and that may or may not display commercial identification.
- *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.
- *By-right*: Characterizing a proposal or component of a proposal that complies with the Code and is permitted and processed administratively, without public hearing.

—C—

- *Caliper*: The diameter of a tree trunk.
- *Car wash*: A building, or portion thereof, where automobiles are washed by mechanical or high pressure water devices.
- *Cemetery*: A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.
- *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.
- *Change of use*: (1) A change from one use classification in the UDC to another use classification; (2) any use that differs substantially from the previous use of a building or land.
- *Character*: Special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its interest / individuality.
- *Character Overlay District Committee*: An ad hoc committee comprised of the Mayor and no more than two Aldermen along with City personnel. Through the discretion of the Mayor, the committee may also include a variation of a representative of the Historic Preservation Commission, Downtown Development Authority, Planning and Zoning Commission and any other personnel that may be determined qualified through said discretion in reviewing a Character Overlay District application so long as the associated members do not constitute a quorum of their respective body and there is no formal binding authority so as to not conflict with the City's Charter or other Code of Ordinances.
- *Childcare center*: A private establishment enrolling children where tuition, fees, or other forms of compensation for the care of the children is charged. The term includes day nurseries and kindergartens.
- *Church or other place of worship*: A place of assembly 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.
- *Clearing*: The removal of vegetation from a property, whether by cutting or other means.

- *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.
- *Coffee roastery*: A facility where coffee may be sorted, roasted, and processed, or packaged for use and consumption. The use is usual and customary to a restaurant or coffee shop or café.
- *Commercial recreation facility, indoor*: A commercial recreational land use conducted entirely within a building. Typical uses include arcades, arena, bowling alley, gymnasium, pool or billiard hall, skating rink, swimming pool, tennis court, and other similar indoor uses.
- *Commercial recreation facility, outdoor*: Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include batting cages, driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, paintball courses, and other similar outdoor uses.
- *Commissary*: an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored and has also obtained approval from the health department.
- *Comprehensive plan*: A policy guideline including the Future Land Use Map adopted by the Mayor and Board of Aldermen representing issues, goals, policies, and actions for the growth and development of the City. While adopted by the Mayor and Board of Aldermen 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.
- *Concept plan*: A schematic or conceptual design for land development, prepared for informal review purposes, that carries no vesting rights or obligations to any party.
- *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.
- *Construction*: Any earth disturbing site preparation including, but not limited to, demolition, mining, dredging, drilling, filling, clearing, grubbing, grading, paving, impervious cover installation sufficient to significantly change the quantity or direction of water/run-off flows across the property, or vertical assembly of any structure. See *Development*.
- *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.
- *Convenience stores*: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same.
- *Cornice*: Projecting moldings that sit on brackets located on the roofline of some buildings. Used to protect the structure's wall by directing rainwater away from the building, although its traditional function is also decorative.
- *Cottage style development*: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
- *Covenant*: A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.
- *Cul-de-sac*: A minor street with only one outlet, sometimes called a “dead end” street.
- *Cultural facility*: A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: arts performance venues, cultural centers, interpretive sites, libraries, or museums.
- *Curb*: The edge of the vehicular pavement that may be raised or flush to a swale. It usually incorporates

- *Curb cut*: The opening along the curb line at which point vehicles may enter or leave the roadway.

—D—

- *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*: A man-made physical change to a structure or site. Includes changes made to buildings, other structures, parking and loading areas, landscaping, and improved open spaces such as parks or plazas. Includes construction activities but not normal maintenance or repair. See *Normal maintenance and repair*.
- *Development Director*: shall mean Development Director or designee.
- *Developments of Regional Impact (DRI)*: Projects or development activities that have impacts beyond local government borders or that affect more than one community.
- *Diameter Breast Height (DBH)*: The diameter of a tree measured at a point four and one-half feet above the ground.
- *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.
- *Display window*: Large plate glass windows at the street level of a façade and used to display merchandise. A key feature of traditional storefronts of the late 19<sup>th</sup> and early to mid-20<sup>th</sup> centuries.
- *District*: Geographic areas established for the purpose of assigning the specific provisions of this ordinance to specific properties. Such districts are designated by the use of symbols and/or colors on the official zoning map. Regulations controlling land use in the various districts are set forth in the Zoning Ordinance.
- *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, accessory unit (ADU)*: A smaller, secondary home on the same lot as a primary, single-family detached dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation.
- *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 or set of buildings containing a group of dwelling units on a common lot containing separate living units for four (4) or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as single-family attached dwellings.
- *Dwelling, quadrplex*: 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 detached*: A building designed for and containing one dwelling unit occupied by one family unit which is not attached to any other dwelling by any means. This definition is not intended to prevent accessory dwelling units as ancillary uses to single family detached dwellings and as provided for herein.
- *Dwelling, single family attached*: A one-family dwelling attached to two or more one-family dwellings by common vertical walls. This term includes duplexes, triplexes, and townhomes.
- *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.”

—E—

- *Easement*: A grant by a property owner for use by another, and for a specified purpose, of any designated part of his or her property.
- *Easement, drainage*: The land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
- *Easement, utility*: The right-of-way acquired by a utility or governmental agency to locate utilities, including water, sewer, stormwater, gas mains, and telephone and electric poles, cables, pylons, and towers.
- *Electric vehicle (EV)*: An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source.
- *Electric vehicle supply equipment (EVSE)*: The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.
- *Electric vehicle supply equipment (EVSE) infrastructure*: The equipment, as defined by the National Electrical Code, which is provided to support future electric vehicle charging. This shall include, but not be limited to: the design load placed on electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder / branch circuits, the installation of raceways, both underground and surface mounted, to support the electrical vehicle supply equipment.
- *Electric vehicle, chargers (DC fast, level 1, level 2)*:
  1. For level 1 and level 2, electronics on board the car transform regular household power consisting of alternating current into the direct current form used by batteries.
    - a. A level 1 station simply means to plug into a regular household outlet which on average offers one hundred twenty (120) volts and 1.4 kilowatts, resulting in a range of four (4) miles per hour of charge.

- b. A level 2 station requires use of a special box holds up to two hundred forty (240) volts and up to [7.6](#) kilowatts, increasing range to twenty-five (25) miles per hour of charge.
- 2. DC fast chargers convert AC power into DC power inside a freestanding station before releasing to the vehicle, bypassing the electronics on board the car, thus allowing for direct battery recharge. Their use requires more power than available at a normal home, so these stations most commonly installed at public or commercial locations. DC fast chargers offer a 40-mile range per 10-minutes of charge.
- *Electric vehicle, plug-in hybrid (PHEV)*: An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current which is charged by being plugged into an electrical source, and having a second source of motive power such as gasoline or diesel.
- *Elevation drawings*: A graphic illustration, drawn to scale, of any building proposed as part of any development or improvement. An elevation drawing must indicate architectural style and exterior finish materials of each face or view of each building.
- *Encroach*: To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage, or above a height limit.
- *Encroachment*: Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public frontage, or above a height limit.
- *Erosion*: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.
- *Evergreen*: A plant that retains its foliage and that remains green year-round.
- *Existing use*: The use of a property at the time that an application for redevelopment or development is made.
- *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.
- *Exterior finish materials*: Materials which form part of or are situated on the outermost, weather bearing façades of a building or structure.

—F—

- *Façade*: The exterior wall of a building that fronts or is visible from a street or open space.
- *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 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.
- *Farm winery*: Farm winery means a domestic manufacturer of wine in quantities of less than 100,000 gallons of wine per calendar year, that is licensed by the state pursuant to O.C.G.A. § 3-6-21.1, or as may be amended from time to time. Provided a license is issued as required by this chapter, a farm winery is authorized to sell wine by the package, by the drink and operate a wine tasting facility on the premises of the farm winery without additional license requirements, except as is required by state

or federal law. For purposes of this section, the tasting room shall be limited to a single room. Licensed premises means the premises for which the farm winery license is issued or property located contiguous to the farm winery and owned by the winery.

- *Fence*: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- *Fenestration*: An opening in the surface of a structure of building, primarily achieved through the use of glass
- *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 calculated by dividing the total floor area of all buildings on a lot by total area of the lot on which the buildings are 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.

#### —G—

- *Garage, commercial*: A commercial structure or any portion thereof in which one or more automobiles are housed, 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.
- *Garage sale*: The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved lot in a residential district, whether within or outside the building.
- *Gate*: (1) An opening in a fence; (2) an artificial barrier capable of being opened or closed, permitting or denying access across a driveway or path.
- *Gated community*: Residential development that limits access to residents, invited guests, and authorized service and delivery vehicles.
- *Grade*: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
- *Ground story*: The floor with a primary pedestrian access at or nearest to finished street grade.

#### —H—

- *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.
- *Hospital*: A building or portion thereof designed or used for therapeutic treatment of bed patients who are physically or mentally ill.
- *Hotel*: A lodging use 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.

—I—

- *Impermeable*: Not permitting the passage of water.
- *Impervious surface*: Any surface which impedes the natural filtration of water into soil. Mainly consists of artificial structures such as pavements (roads, sidewalks, driveways, and parking lots) that are covered by water resistant materials such as asphalt, concrete, brick, stone, or roof tops. Highly compacted soils, decks, swimming pools, and fountains are also considered impervious surfaces.
- *Impervious surface ratio (ISR)*: Impervious surface ratio is measured as the area or percentage of a lot that is covered by buildings, structures, swimming pools, streets, sidewalks, patios, decks, driveways, parking areas and other impervious surfaces, often expressed as lot coverage.
- *Improvement*: Any man-made item which becomes part of, placed upon, or is affixed to, real estate. Including, but not limited to, sidewalks, streets, utilities, or other facilities installed, or required to be installed as part of site development.
- *Incidental*: Subordinance and minor in significance or bearing a relationship to the principal use.
- *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.
- *Inoperative Vehicle*: Any vehicle at present inoperable but capable of being repaired to place it in operation condition without exceeding its present estimated value and repair cost. An inoperative vehicle shall include any motor vehicle, trailer, automobile, contrivance, or part thereof (except farm equipment) which is either dismantled/partially dismantled and inoperative; or wrecked and inoperative; or abandoned/discarded; and which does not have a current Georgia State Motor Vehicle Tag, if required, attached there- to. Abandoned/discarded shall mean any automobile, motor vehicle, trailer (except farm equipment) of any kind or type, or contrivance or part thereof, which does not have a valid current Georgia State Motor Vehicle Tag attached thereto and has not moved or been attended to for a period of six (6) months commencing from the date the tag expires.

—J—

- *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 vehicle*: Any automobile, vehicle, trailer of any kind or type, or contrivance or part thereof, that is in the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, discarded, and/or which does not have a valid license plate attached thereto.
- *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.

—**K**—

- *Kenel*: 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.

—**L**—

- *Land disturbance*: Any activity involving the clearing, cutting, excavating, or grading of land, or any other activity that alters land topography or vegetative cover.
- *Land disturbance permit (LDP)*: A permit issued by the City of Social Circle that authorizes land disturbance activities. See Land Disturbance.
- *Land use*: A description of how land is occupied or used.
- *Landlocked*: A lot or parcel of land without direct access to a public road.
- *Landscape plan*: A graphic illustration of any landscape elements proposed as part of any development or improvement which depicts how said landscape elements comply with all applicable requirements of this ordinance.
- *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*: Domestic animals and fowl customarily kept on a farm for food, commodity, or labor purposes including, but not limited to horses, mules, donkeys, cows, pigs, sheep, goats, ducks, chickens, geese, and turkeys.
- *Loading space, off-street*: Paved space logically and conveniently situated for pick-up and delivery of goods and materials located off public rights-of-way, scaled to delivery vehicles expected to be used and accessible to such vehicles at all times.
- *Lodging*: Uses that provide temporary overnight sleeping accommodations or lodging for guests paying a fee or other form of compensation for a period of less than 30 consecutive days. The 30-day period is applied to the consecutive term of stay, regardless of the length of any individual agreement. Lodging uses sometimes provide food or entertainment, primarily to registered guests.
- *Lot, corner*: A lot fronting on two streets at their intersection.
- *Lot, flag*: A lot that sits behind lots which face directly onto a street with access provided to the bulk of the lot by means of a narrow corridor, whether providing the minimum amount of street frontage and width or not.
- *Lot, interior*: A lot having frontage on only one (1) street.
- *Lot, substandard*: A lot not meeting the required minimum lot dimensions of the zoning district it is in.
- *Lot, through*: A lot, also known as a double frontage lot, which has frontage on more than one (1) street, provided that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three (3) or more streets.
- *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 area*: Lot area is a measure of the total ground-level surface area contained within the property lines of a lot.
- *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 frontage*: Lot frontage is measured along a street lot line at the right-of-way line. For lots with curvilinear frontage and setback lines (e.g.: cul-de-sac lots), the frontage shall be measured as a straight line through the points that intersect the interior lot lines along the street lot line at the right-of-way 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 line, street*: The street lot line is the lot boundary separating the lot from the public right-of-way. On corner lots, through lots, or other irregular lots with multiple frontages, any lot line along a public right-of-way shall be considered a street lot line.
- *Lot line, rear*: The boundary opposite and more or less parallel for the street lot line on an interior lot. Lots that are not interior lots do not have rear lot lines.
- *Lot line, interior*: Any lot boundary line that is not a street or rear lot line. On corner lots, through lots, or other irregular lots with multiple frontages, any lot line not abutting a public right-of-way shall be considered an interior lot line.
- *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. No lot of record may be created after the effective date of this ordinance unless it is approved through the City of Acworth subdivision process.
- *Lot width*: The horizontal distance between the side lines of a lot measured at the minimum required front yard (building setback) line.

—M—

- *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 Development (HUD) promulgated regulations related to construction and safety. 24 C.F.R. §§ 3280.1-3280.904.
- *Manufacturing, light*: The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.
- *Manufacturing, heavy*: The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.
- *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.
- *Mausoleum*: A building containing above-ground tombs.
- *Mayor and Board of Aldermen*: Can be used interchangeably with Mayor and Board of Aldermen. Mayor and Board, Board, Council, etc.
- *Metes and bounds*: A method of describing the boundaries of land by directions (bounds) and distances (metes) from a known point of reference.
- *Mini-warehouse*: A structure containing separate storage spaces of varying sizes leased or rented on a individual basis.
- *Mixed-use development*: The development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

- *Mobile food vendor*: A retail food establishment that is readily moveable, is a motorized wheeled vehicle or a towed wheeled vehicle designed and equipped to serve food.
- *Mobile home*: Housing unit that is similar to a manufactured home but does not bear the HUD certificate.
- *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 lodging use 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.

## —N—

- *Net acreage*: The area of the lot remaining after areas devoted to infrastructure, including streets and utilities, are deducted from total lot area.
- *Net residential density*: The number of dwelling units relative to the net acreage used for residential purposes.
- *Nonconforming structure*: Any structure lawfully situated at the time of adoption of this ordinance or amendments thereto, that does not conform to the regulations of this ordinance at the effective date of this ordinance or as the result of subsequent amendments to this ordinance.
- *Nonconforming use*: Any use lawfully established at the time of adoption of this ordinance or amendments thereto that does not conform to the regulations of this ordinance at the effective date of this ordinance or as the result of subsequent amendments to this ordinance. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
- *Normal maintenance and repair*: Actions taken to mend or stabilize a damaged or deteriorated component of a structure or site, using same or similar code-complaint materials, as needed to prevent further disrepair or to bring a property into closer compliance with current zoning regulations. Examples include repainting a painted surface a solid color, re-roofing a damaged roof, or resurfacing paved areas. Does not include construction or redevelopment projects.
- *Nuisance*: A condition or situation that results in an interference with use and enjoyment of property.
- *Nuisance abatement*: Programs designed to acquire, in an expedited manner, properties that are declared nuisances for all or some of the following reasons: blight, habitually used for illegal purposes, fire damage, gross neglect, disrepair, and debris. *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.

## —O—

- *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 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.

- *Open space*: Area set aside, designated, or reserved for outdoor enjoyment preserved as natural areas, designed as a park or recreational area, or designed as a plaza, square, or similar open space type.
- *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.
- *Overlay Approval Certificate*: A document evidencing approval of an application by the Mayor and Board of Aldermen for an eligible activity on a property that is located within an overlay district.
- *Overlay zone*: A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.
- *Owner*: Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interests in land sought to be subdivided, developed, or otherwise used under the provisions of this ordinance.

—P—

- *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.
- *Park, dog*: A parcel or tract of public or privately owned land set aside and designated for the use by dog owners as “off-leash” areas for exercising their canine pets.
- *Park, private*: A tract of land owned or controlled and used by a specific person or entity for active or passive recreational purposes.
- *Park, public*: A tract of land owned by a branch of government and available to the general public for recreation purposes.
- *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.
- *Parking structure/parking deck*: A multi-level structure providing one (1) or more stories of parking above or below the finished grade of the street.
- *Path*: A cleared way for pedestrians or bicyclists that may or may not have been improved.
- *Patio*: A level area covered by hard surface, directly adjacent to a principal building or within three feet of the finished grade and not covered by a permanent roof.
- *Pavement*: (1) A created surface, such as a brick, stone, concrete, or asphalt, placed on the land to facilitate passage; (2) that part of a street having an improved surface.
- *Pedestrian*: An individual who travels on foot.
- *Pedestrian walkway*: A right-of-way for pedestrians, separate from vehicular traffic and including access ramps, stairs, mechanical lifts, and routes through buildings and other areas that are available for public use.
- *Percolation test*: A test designed to determine the ability of the ground to absorb water and used to determine the suitability of soil for drainage or septic system use.
- *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

- *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/open space and other amenities. Also allows for uniqueness of site and architectural design.
- *Planning and Zoning Commission*: shall mean the Planning and Zoning 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*: A map of all or a portion of a subdivision that is presented to the approving authority for final approval. Approval of the final plat is usually granted only upon the completion or installation of all improvements or the posting of performance guarantees ensuring the completion of such improvements. Final approval is required before the property can be transferred or building permits issued.
- *Plat, preliminary*: The approval of a preliminary plat merely gives the subdivider the authorization to proceed with the planning and development phase of the project.
- *Porch*: A roofed, open area, which may be screened, attached to or part of a building, with direct access to or from it.
- *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.
- *Principal entrance*: The main point of access for pedestrians into a building, usually located on a primary street.
- *Prohibited use*: A use that is not permitted in a zoning district.
- *Public area*: Any space made accessible to the public through an easement, right-of-way, or consent issued from the property owner(s) or property owner(s)' legal representative.
- *Public hearing*: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to ask questions, comment, and participate.
- *Public notice*: The posting of a sign in a conspicuous place on the frontage of the property in question, so that the posted sign that is clearly visible and legible from the street, as required by this ordinance. Public notice shall also mean publication of such notice in a newspaper of local circulation and letters mailed to adjoining property owners.
- *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.

—*Q*—

- *Quorum*: A majority of the full authorized membership of a board or agency.

—*R*—

- *Rear alley*: A vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings containing utility easements. Rear alleys should be paved from building face to building face.
- *Recessed entry*: An entry that is not flush with the façade plane, but instead set closer towards the interior space of a building.
- *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.
- *Redevelopment*: Projects which increase gross floor area by fifty (50) percent or more, or projects where the cost of remodeling is greater than the assessed value of the existing site improvements as shown on the applicable county assessment and taxation records for the current year.
- *Renovation*: Any improvements or alterations made to property or structures that are beyond what is ordinarily needed for necessary maintenance and safety considerations.
- *Residence*: A home or dwelling utilized as living quarters.
- *Residential district*: Any zone consisting primarily of residential dwelling units.
- *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.
- *Retaining wall*: A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.
- *Rezone*: To change the zoning classification of a parcel of land.
- *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.
- *Road frontage*: The distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by the city or the county for vehicular traffic or over which the city or the county may hold a prescriptive easement for public access and including designated and numbered U.S. and state highways.
- *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.

—S—

- *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.
- *Sanitary sewer*: An underground system that carries wastewater and sewerage to a treatment plant.
- *Scale*: The relationship between distances on a map and actual ground distance; or the proportioned relationship of a size of parts to one another.
- *Scale of development*: The relationship of a particular project in terms of its size, height, bulk, intensity, and aesthetics to its surroundings.
- *Screening*: A buffer established and maintained for the purpose of providing acoustical, visual, or

general nuisance protection or abatement. Frequently used to separate of incompatible land uses.

- *Self-storage facility*: A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.
- *Septic system*: An underground system with a septic tank used for the decomposition of domestic wastes.
- *Setbacks*: The required space between a property line and a building or specified structure to be open, unoccupied, and unobstructed by buildings or structures from ground to sky, except where encroachments or accessory buildings and other structures are expressly permitted.
- *Setback, street*: The required minimum horizontal distance between the building line and any street property line.
- *Setback, interior*: 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.
- *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 “street setback” for any interior lot. Corner lots, through lots, or other irregular lots with multiple property lines fronting streets shall nor have rear setbacks.
- *Shopping center*: A group of commercial establishments constructed as a singular entity with customer and employee parking provided on-site.
- *Short-term rental*. A lodging use of a residential dwelling unit or portion of such dwelling unit.
- *Sidewalk*: A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
- *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.
- *Small-scale horticulture and agriculture*: Areas that are managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) or other community-supported agricultural activities like farmers markets for which agricultural products, such as raw vegetables, fruits, herbs, flowers, plants, nuts, honey and eggs, are sold. Value-added agricultural products that are made from raw products grown, such as jams, jellies, oils, vinegars, and cheeses may also be sold.
- *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.
- *Spite Strip*: A piece of land used to separate a street or road rights-of-way from adjoining property to preclude access to such rights-of-way.
- *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.
- *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 arranged, built, installed, or erected in an ordered way. Structures have a permanent location on the ground or are attached to something having a permanent location on the ground. Examples include, but are not limited to, tennis courts, fences, walls, and swimming pools.
- *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 or redivision of a lot, tract, or parcel of land or recombination of previously platted lots, regardless of prospective use, including all division or recombination of land involving the dedication, change, or abandonment of a street, site, easement, or other right-of-way for any public use or for sale or improvement. The term, "subdivision," shall also mean the act of subdividing. However, where appropriate to the context, the term "subdivision" shall also mean the aggregate of all parcels held by one (1) owner or combination of owners and designated to be developed or sold as parcels related to each other or interdependent through the use of streets, easements, or other rights-of-way.
- *Subdivision, consolidation*: The combining of individual recorded lots to form fewer tracts than currently exist.

—T—

- *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.

—U—

- *Utility, private*: Utilities that are not subject to city acceptance for operation or maintenance. For purposes of this code, private utilities include natural gas lines, power lines, telephone lines, cable television lines, and other communication lines, their appurtenances and any component part(s) thereof, and the utility companies' operation, maintenance, repair, and replacement of same.
- *Utility, public*: Utilities that are subject to city acceptance for operation and maintenance. For purposes of this code, public utilities include water lines, sanitary sewer lines, storm sewer lines, and their appurtenances and any component part(s) thereof.
- *Utility box*: Electric transformers, switch boxes, telephone pedestals, and telephone boxes, cable television boxes, traffic control boxes and similar devices.
- *Utility corridors*: Rights-of-way or easements for utility lines on either publicly or privately owned property.
- *Utility Services*: The generation, transmission, and/or distribution of electricity, gas, steam, communications and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

—V—

- *Vape Shop or Other Smoke Store*: Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco/CBD, tobacco/CBD products, or tobacco/CBD paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, CBD, or tobacco as an ancillary sale shall not be defined as a "vape shop or other smoke store."
- *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.
- *Vehicle*: any self-propelled machine designed for transporting a person or persons or property. A

“vehicle” may be motorized, solar or battery operated or any combination thereof. A “vehicle” may be utilized for transport over roads, all-terrain or waterways. Examples of a “vehicle” include, but are not limited to, cars, motorcycles, trucks, golf carts, ATVs, boats or other self-propelled watercraft, RVs, campers, riding lawnmowers, etc.

—W—

- *Waste transfer station*: A facility used for the temporary storage and collection of waste materials.
- *Wetlands*: Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. See Division 420. Wetlands generally include swamps, marshes, bogs and similar areas. (33 CFR 32.93) The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. Freshwater wetlands do not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.

—Y—

- *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.
- *Yard, front*: An open space extending the full width of the lot between any building and the front lot line. Corner lots have two front yards.
- *Yard, rear*: A space extending across the full width of the lot between the principal building and the rear lot line.
- *Yard, side*: A space extending from the front yard to the rear yard between the principal building and the side lot line.
- *Yard sale*: See Garage Sale.

—Z—

- *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 buffer*: A buffer required by the UDC or as a condition of zoning, special use or variance approval for a specific property.
- *Zoning Ordinance*: The Zoning Ordinance of the City of Acworth, Georgia as adopted and amended.