

**AN ORDINANCE**

**AMENDING**, the Comprehensive Development Code of the City of Marietta.

**NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:**

Section 1: Division 708.15 NRC, Neighborhood Retail Commercial, is hereby amended as follows:

**708.15 NRC, Neighborhood Retail Commercial**

A. *Purpose and Intent.*

The NRC 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 which require frequent purchasing with a minimum of customer travel. The scope at which properties are developed within the NRC district should reflect their relatively small market areas. This zoning district may serve as a step down from more intense commercial uses to residential uses.

B. *Permitted Uses.*

1. Automobile service stations.
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines unless otherwise approved by the Fire Marshal.
  - 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.
2. Banks and financial institutions.
3. Barber and beauty shops.
4. Billiards, pool halls and video arcades.
5. **Brewpubs subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building. Production space shall be limited subject to State Law.**
6. Carwashes.
7. Coin operated laundries and dry cleaning pickup establishments.
8. Convenience stores. Such uses may include self-service fuel sales, provided:
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) No automotive repair is allowed.

9. Copy centers.
10. Day care centers and nursery schools, provided:
  - a) Such use must obtain certification from the Georgia Department of Human Resources
  - b) Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
11. Eating and drinking establishments, excluding drive-in fast food restaurants. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning.
12. Grocery stores. Limited to 15,000 square feet of gross floor area.
13. Neighborhood retail uses with floor areas under 10,000 square feet. Appropriate uses include:
  - a) book and video stores (non-adult)
  - b) camera shops
  - c) florists
  - d) drug stores
  - e) gift shops
  - f) toy stores
  - g) pet grooming and supply shops
  - h) jewelry stores
  - i) pawn shops
  - j) sporting goods and hobbies
  - k) apparel stores
  - l) beverage shops
  - m) other similar and customary uses
14. Non-automotive repair services such as cameras, shoes, jewelry and the like.
15. Parking for vehicles. If such use abuts a single family residential district, a 5 foot wide landscaped buffer with a solid fence or wall no less than six feet in height shall be provided.
16. Professional offices with floor areas under 10,000 square feet.
17. Places of assembly.
18. Shopping Centers, neighborhood markets (up to 30,000 square feet in gross floor area).
  - a) No outparcels allowed.
  - b) All businesses and uses within these centers must be permissible within the district in their own right.
  - c) All loading areas shall be located to the rear.
19. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
20. Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Director of the Department of Development Services.

Certain temporary uses such as tent sales, sidewalk sales, or the sale of goods from any temporary location, including but not limited to, holiday sales, fireworks sales or Christmas tree sales, may be permitted within this district, provided:

1. Written permission of the property owner is obtained.
2. Such use does not last longer than 45 days consecutively.
3. These uses are not located within 25 feet of any public right-of-way.
4. Adequate parking, ingress and egress are provided on site.
5. A temporary use permit is applied for and approved by the Director of the Department of Development Services.
6. No more than 2 temporary use permits may be allowed per parcel for a total of 90 days annually.

(Leases for temporary sales existing at the time of revision to this ordinance will be honored until the expiration of the lease or until December 31, 2007, whichever is earlier.)

D. Special Uses Permitted by Board of Zoning Appeals.

Not applicable in this district.

E. Special Uses Permitted by City Council.

~~Not applicable in this district.~~ **Distilleries, wineries, and breweries including accessory tasting rooms subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building.**

F. Accessory Structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. Any accessory building in excess of 1,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building,
6. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
7. Recycling collection/drop off centers.
  - a) No outside storage allowed.
  - b) Container bins and/or donation boxes are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right-of-way. When a business is located on a corner lot, container bins and/or donation boxes must be placed to the rear or interior side of the property such that the location is not visible from the right-of-way of any street.
  - c) Container bins and/or donation boxes shall not be located within 50 feet of a structure utilized for detached single-family residential purposes.
  - d) Location of container bins and/or donation boxes shall be approved by the Director of the Department of Development Services.

G. Use Limitations.

1. All outside storage areas must be located in the rear yard and must be screened by a solid fence or wall no less than six feet in height.
2. No manufacturing processes are permitted.
3. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.

H. Bulk and Area Regulations.

Minimum Lot Size:	10,000 sq. ft.
Minimum Lot Width:	75 ft.
Maximum Building Height:	35 ft.
Maximum Floor Area Ratio:	0.30
Maximum Impervious Surface:	70 %
Minimum landscaped area:	15%
Front Setback (arterial):	35 ft.
Front Setback (collector):	30 ft.
Front Setback (local):	25 ft.
Side Setback (major):	20 ft.
Side Setback (minor):	10 ft.
Rear Setback:	30 ft.

I. Landscape and Buffer Requirements.

When a NRC district directly abuts any residential district, a 30-foot buffer shall be established (see standards set forth in Section 710.05).

**Section 2:** Division 708.16 CRC, Community Retail Commercial, is hereby amended as follows:

**708.16 CRC, Community Retail Commercial**

A. Purpose and Intent.

The CRC district is intended to provide suitable areas for the provision of retail and personal services oriented towards those neighborhoods making up the adjacent community. The regulations which apply within this district are designed to encourage the formation of compatible and economically healthy business and service uses which benefit from close proximity to each other.

B. Permitted Uses.

1. Ambulance services.
2. Amusement centers and arcades, including billiards and pool halls.
3. Animal hospitals, kennels clinics.
  - a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
  - b) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.

4. Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
5. Athletic and health clubs.
6. Automobile, trailer and boat sales.
  - a) Minimum one acre lot size.
  - b) All vehicles shall be set back at least 10 feet from the street right-of-way line.
  - c) When such use abuts residentially zoned properties, a solid fence or wall no less than six feet in height shall be provided for visual screening.
7. Automotive repair shops (including paint and body).
  - a) Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
  - b) All activities shall be carried on entirely within an enclosed building.
  - c) Such use shall not be established on a lot which is adjacent to or directly across the street from any single family residential district.
  - d) All outdoor storage must be to the rear of the principal structure and enclosed by an opaque fence no less than six feet in height.
8. 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.
9. **Brewpubs subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building. Production space shall be limited subject to State Law.**
10. Convenience stores. Such uses may include self-service fuel sales, provided:
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) No automotive repair is allowed.
11. Banks and financial institutions.
12. Barber and beauty shops.
13. Carwashes.
14. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
  - a) All activities shall take place within an enclosed building.
  - b) No outside storage or engine/body dismantling is allowed.
15. Clinics and health centers.
16. Places of assembly.
17. Coin operated laundries and dry cleaning pickup establishments.
18. Coliseum, stadium. Minimum lot size of 5 acres.
19. Commercial landscapers. Outdoor storage shall be at least 25 feet from the street right-of-way. Such use shall be at least 100 feet from any property zoned single family residential.
20. Copy centers.

21. Cultural facilities. Art galleries, museums, theaters, libraries, and other uses similar in character to those listed.
22. Day care centers and nursery schools, provided:
  - a) Such use must obtain certification from the Georgia Department of Human Resources
  - b) Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
23. **Distilleries, wineries, and breweries, including accessory tasting rooms subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.**
24. Dry cleaning utilizing petrochemicals.
  - a) Such use shall not be established within 100 feet of any property used or zoned for residential purposes.
  - b) No such plant may not serve more than five dry-cleaning pickup establishments other than itself.
25. Eating and drinking establishments, including drive-in fast food restaurants. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning.
26. Exterminating facilities.
27. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall be at least 25 feet from the street right-of-way.
28. Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
29. Golf courses, club houses and golf/baseball driving ranges.
  - a) The facility shall be enclosed by a wall or fence and buffer area of 10 feet in depth to screen adjacent property.
  - b) Central loudspeakers are prohibited.
  - c) Any building or structure established in connection with such use shall be set back not less than 100 feet from rear and side property lines.
30. Grocery and food stores.
31. Helicopter landing areas. Minimum one acre. Must be enclosed by a fence no less than 8 feet in height.
32. Hospitals.
33. Hotels and motels.
  - a) Such use shall not be established within 300 feet of any property zoned for residential use.
  - b) Maximum density of 100 guest units per acre.
34. Lumber, hardware, paint, glass and wallpaper stores. Outdoor storage shall be at least 50 feet from the street right-of-way line and be screened with a solid fence or wall no less than six feet in height.
35. Medical and dental laboratories, provided chemicals are not manufactured on site.
36. Mini warehouses and self-storage facilities.
37. Movie theaters.
38. Non-automotive repair service centers. No outside storage is permitted.
39. Parking lots and garages. Up to 75% of the gross floor area of the ground floor level may be devoted toward commercial use oriented towards pedestrian traffic.

- If a surface parking lot abuts a single family residential district, a 5 foot wide landscaped buffer with a solid fence or wall no less than six feet in height shall be provided.
40. Pharmacies and drug stores.
  41. Plumbing and heating equipment dealers. Outdoor storage shall be at least 50 feet from the street right-of-way. Such use shall be at least 100 feet from any property zoned for residential purposes.
  42. Printing services.
  43. Professional and general business offices. No outside storage is permitted.
  44. Radio, recording and television studios.
  45. Retail automobile parts and tire store.
    - a) There shall be no dismantling of vehicles on the premises to obtain auto parts.
    - b) The only auto part installation that shall be permitted in connection with such use shall be the installation of tires and the installation of minor maintenance or accessory parts.
    - c) Major auto repair shall not be permitted in connection with such uses. Minor repair and maintenance may be permitted provided such repair and maintenance shall be incidental to the normal up-keep of an automobile.
  46. Retail trade involving the sale of merchandise on the premises, provided no single tenant occupies more than 40,000 square feet. Appropriate uses include, but are not limited to:
    - a) book and video stores (non-adult)
    - b) camera shops
    - c) florists
    - d) drug stores
    - e) gift shops
    - f) toy stores
    - g) pet grooming and supply shops
    - h) jewelry stores
    - i) furniture, home furnishings and equipment stores
    - j) pawn shops
    - k) office supplies
    - l) sporting goods and hobbies
    - m) apparel stores
    - n) beverage shops

All retail trade involving the sale of merchandise on the premises, where a single tenant occupies more than 40,000 square feet are subject to the following conditions:

1. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. These building facades shall include architectural elements such as, but not limited to, doors, entry areas, display windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior-building elevations must be reviewed and approved as a part of the overall final site plan review process.

2. Any roof or part thereof of a large retail establishment that is visible from a public right of way must conceal rooftop equipment such as HVAC units from the public view.
3. Bulk sanitation containers shall be enclosed and have a solid gate. The enclosure shall be on all four sides and be constructed of material that is opaque and compatible with the design, materials and color sections of the principle building.
4. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. No displays shall be placed within this eight (8) foot sidewalk width. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.
5. Exterior finishes shall be primarily masonry, stone, or a combination of these. Exterior finishes that are plain concrete block, plain concrete, predominantly metal, plywood, split-faced block, sheet pressboard, and other similar materials are not allowed.
6. All outdoor lighting shall be designed so as not to adversely impact surrounding uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness.
7. Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.
8. Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail establishments on the site. At a minimum, sidewalks shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty (50) percent of the length of the walkway.
47. Shelters for the homeless. Minimum one acre lot size.
  - a) Such use shall be located at least 750 feet from residentially zoned property.
  - b) Such use may not be established within 1000 feet of any other shelter for the homeless.
  - c) All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI) as amended.
48. Shopping centers (up to 200,000 square feet in gross floor area, including outparcels). All businesses and uses within these centers must be permissible within the district in their own right (and remain subject to any relevant distancing requirements) except dry cleaning plants utilizing petrochemicals. All loading areas shall be located to the rear. Car rental facilities shall meet the following additional criteria:
  - a) All vehicles must be stored or otherwise kept to the rear of the shopping center.
  - b) No vehicle maintenance shall be performed on site except vacuuming and washing of vehicles.

- c) The number of vehicles stored or otherwise kept on site cannot exceed twenty.
- d) All vehicles on site must be in good working order.
- 49. Stations, bus or train terminals for passenger service with minimum freight.
- 50. Taxi stands and dispatching agencies.
- 51. Telecommunications facilities (see standards set forth in Section 712.07).
- 52. Vehicle leasing or rentals.
- 53. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
- 54. Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Director of the Department of Development Services.

Certain temporary uses such as tent sales, sidewalk sales, or the sale of goods from any temporary location, including but not limited to, holiday sales, fireworks sales or Christmas tree sales, may be permitted within this district, provided:

- 1. Written permission of the property owner is obtained.
- 2. Such use does not last longer than 45 days consecutively.
- 3. These uses are not located within 25 feet of any public right-of-way.
- 4. Adequate parking, ingress and egress are provided on site.
- 5. A temporary use permit is applied for and approved by the Director of the Department of Development Services.
- 6. No more than 2 temporary use permits may be allowed per parcel for a total of 90 days annually.

(Leases for temporary sales existing at the time of revision to this ordinance will be honored until the expiration of the lease or until December 31, 2007, whichever is earlier.)

D. Special Uses Permitted by Board of Zoning Appeals.

Not applicable in this district.

E. Special Uses Permitted by City Council.

- 1. Adult entertainment (see standards set forth in Section 8-20-140).
- 2. Telecommunications facilities (see standards set forth in Section 712.07).
- 3. Indoor BB/air rifle shooting ranges operated by educational, civic or non-profit organizations (see standards set forth in Section 712.07).
  - a) All activities must take place in a wholly enclosed building with walls constructed of brick, concrete or masonry.
  - b) No weapon other than BB/air rifles with a caliper of .177 or less, and a muzzle velocity of no more than 450 feet per second shall be allowed.
- 4. **Distilleries, wineries, and breweries including accessory tasting rooms subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.**

F. Accessory Structures.

- 1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. Accessory structures may

not be located within 25 feet of any residential property. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

2. Any accessory building in excess of 1,500 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
5. No accessory structure may exceed the more restrictive of either 25 feet or the height of the principal building,
6. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
7. Recycling collection/drop off centers.
  - a) No outside storage allowed.
  - b) Container bins and/or donation boxes are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right-of-way. When a business is located on a corner lot, container bins and/or donation boxes must be placed to the rear or interior side of the property such that the location is not visible from the right-of-way of any street.
  - c) Container bins and/or donation boxes shall not be located within 50 feet of a structure utilized for detached single-family residential purposes.
  - d) Location of container bins and/or donation boxes shall be approved by the Director of the Department of Development Services.

G. Use Limitations.

1. All outside storage areas must be located in the side or rear yard and must be screened by a solid fence no less than six feet in height. Limited to 25% of total lot.
2. No manufacturing processes are permitted.
3. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.

H. Bulk and Area Regulations.

Minimum Lot Size:	20,000 sq. ft.
Minimum Lot Width:	100 ft.
Maximum Building Height:	75 ft.
Maximum Floor Area Ratio:	0.50
Maximum Impervious Surface:	80%
Minimum landscaped area:	15%
Front Setback (arterial):	40 ft.
Front Setback (collector):	35 ft.
Front Setback (local):	35 ft.
Side Setback (major):	25 ft.
Side Setback (minor):	15 ft.

Rear Setback: 35 ft.

I. Landscape and Buffer Requirements.

When a property in this district directly abuts any residential district, a 40 foot buffer shall be established. (See standards set forth in Section 710.05).

J. Zoning Bonuses and Incentives.

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

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

**Section 3:** Division 708.17 RRC, Regional Retail Commercial, is hereby amended as follows:

**708.16 RRC, Regional Retail Commercial**

A. Purpose and Intent.

The RRC district is intended to provide suitable areas for intense retail commercial, office and mixed use developments which exceed 250,000 net square feet and which are designed and oriented to serve a regional market. 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. As such, projects developed in the RRC district should be compact unified centers and must have direct access to either I-75, Cobb Parkway or SR 120 Loop.

B. Permitted Uses.

1. Ambulance Services.
2. Amphitheaters.
3. Amusement and theme parks.
4. Amusement centers and arcades, including billiards and pool halls.
5. Animal hospitals, kennels and veterinary clinics.
  - a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
  - b) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.

6. Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
7. Athletic and health clubs.
8. Automobile parts and tire store.
  - a) There shall be no dismantling of vehicles on the premises to obtain auto parts.
  - b) The only auto part installation that shall be permitted in connection with such use shall be the installation of tires and the installation of minor maintenance or accessory parts.
  - c) Major auto repair shall not be permitted in connection with such uses. Minor repair and maintenance may be permitted provided such repair and maintenance shall be incidental to the normal up-keep of an automobile.
9. Automotive repair shops (including paint and body).
  - a) Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
  - b) All activities shall be carried on entirely within an enclosed building.
  - c) Such use shall not be established on a lot which is adjacent to or directly across the street from any single family residential district.
  - d) All outdoor storage must be to the rear of the principal structure and enclosed by an opaque fence no less than eight feet in height.
10. 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.
11. Automobile, trailer and boat sales.
  - a) Minimum one acre lot size.
  - b) All vehicles shall be set back at least 10 feet from the street right-of-way line.
  - c) When such use abuts residentially zoned properties, a solid fence or wall no less than six feet in height shall be provided for visual screening.
12. Banks and financial institutions.
13. Barber and beauty shops.
14. **Brewpubs subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building. Production space shall be limited subject to State Law.**
15. Carwashes.
16. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
  - a) All activities shall take place within an enclosed building.
  - b) No outside storage or engine/body dismantling is allowed.
17. Clinics and health centers.
18. Places of assembly.
19. Coin operated laundries and dry cleaning pickup establishments.
20. Coliseum, stadium. Minimum lot size of 5 acres.
21. Commercial indoor and outdoor recreational uses.

22. Commercial landscapers. Outdoor storage shall be at least 25 feet from the street right-of-way. Such use shall be at least 100 feet from any property zoned for single family residential use.
23. Community fairgrounds.
24. Convenience stores. Such uses may include self-service fuel sales, provided:
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) No automotive repair is allowed.
25. Copy centers.
26. Cultural facilities. Art galleries, museums, theaters, libraries, and other uses similar in character to those listed.
27. Day care centers and nursery schools, provided:
  - a) Such use must obtain certification from the Georgia Department of Human Resources
  - b) Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
28. **Distilleries, wineries, and breweries including accessory tasting rooms subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.**
29. Dry cleaning utilizing petrochemicals.
  - a) Such use shall not be established within 100 feet of any property used or zoned for residential purposes.
  - b) No such plant may not serve more than five dry-cleaning pickup establishments other than itself.
30. Eating and drinking establishments, including drive-in fast food restaurants. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning.
31. Exterminating facilities.
32. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall be at least 25 feet from the street right-of-way.
33. Farmers' markets.
34. Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
35. Golf courses, club houses and golf/baseball driving ranges.
  - a) The facility shall be enclosed by a wall or fence and buffer area of 10 feet in depth to screen adjacent property.
  - b) Central loudspeakers are prohibited.
  - c) Any building or structure established in connection with such use shall be set back not less than 100 feet from rear and side property lines.
36. Grocery and food stores.
37. Helicopter landing areas. Minimum one acre. Must be enclosed by a fence no less than 8 feet in height.
38. Hospitals.

39. Hotels and motels. Such use shall not be established within 150 feet of any property zoned for residential use.
40. Lumber, hardware, paint, glass and wallpaper stores. Outdoor storage shall be at least 50 feet from the street right-of-way line.
41. Medical and dental laboratories, provided no chemicals are manufactured on site.
42. Mini warehouses and self-storage facilities.
43. Movie theaters.
44. Non-automotive repair service centers.
45. Parking lots and garages. Up to 75% of the gross floor area of the ground floor level may be devoted toward commercial use oriented towards pedestrian traffic. If a surface parking lot abuts a single family residential district, a 10 foot wide landscaped buffer with a solid fence no less than six feet in height shall be provided.
46. Pharmacies and drug stores.
47. Plumbing and heating equipment dealers. Outdoor storage shall be at least 50 feet from the street right-of-way. Such use shall be at least 100 feet from any property zoned for residential purposes.
48. Printing services.
49. Professional and general business offices. No outside storage is permitted.
50. Radio, recording and television studios.
51. Retail trade involving the sale of merchandise on the premises, provided no single tenant occupies more than 40,000 square feet. Appropriate uses include, but are not limited to:
  - a) book and video stores (non-adult)
  - b) camera shops
  - c) florists
  - d) drug stores
  - e) gift shops
  - f) toy stores
  - g) pet grooming and supply shops
  - h) jewelry stores
  - i) furniture, home furnishings and equipment stores
  - j) pawn shops
  - k) office supplies
  - l) sporting goods and hobbies
  - m) apparel stores
  - n) beverage shops

All retail trade involving the sale of merchandise on the premises, where a single tenant occupies more than 40,000 square feet are subject to the following conditions:

1. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. These building facades shall include architectural elements such as, but not limited to, doors, entry areas, display windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure

- conformance with this requirement, exterior-building elevations must be reviewed and approved as a part of the overall final site plan review process.
2. Any roof or part thereof of a large retail establishment that is visible from a public right of way must conceal rooftop equipment such as HVAC units from the public view.
  3. Bulk sanitation containers shall be enclosed and have a solid gate. The enclosure shall be on all four sides and be constructed of material that is opaque and compatible with the design, materials and color sections of the principle building.
  4. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. No displays shall be placed within this eight (8) foot sidewalk width. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.
  5. Exterior finishes shall be primarily masonry, stone, or a combination of these. Exterior finishes that are plain concrete block, plain concrete, predominantly metal, plywood, split-faced block, sheet pressboard, and other similar materials are not allowed.
  6. All outdoor lighting shall be designed so as not to adversely impact surrounding uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness.
  7. Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.
  8. Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail establishments on the site. At a minimum, sidewalks shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty (50) percent of the length of the walkway.
52. Shelters for the homeless. Minimum one acre lot size.
- a) Such use shall be located at least 750 feet from residentially zoned property.
  - b) Such use may not be established within 1000 feet of any other shelter for the homeless.
  - c) All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI) as amended.
53. Shopping centers and regional malls. All businesses and uses within these centers must be permissible within the district in their own right (and remain subject to any relevant distancing requirements) except dry cleaning plants utilizing petrochemicals. All loading areas shall be located to the rear. Car rental facilities shall be permitted provided they meet the following criteria:
- a) All vehicles must be stored or otherwise kept to the rear of the shopping center.

- b) No vehicle maintenance shall be performed on site except vacuuming and washing of vehicles.
- c) The number of vehicles stored or otherwise kept on site cannot exceed twenty.
- d) All vehicles on site must be in good working order.
- 54. Stations, bus or train terminals for passenger service.
- 55. Taxi stands and dispatching agencies.
- 56. Telecommunications facilities (see standards set forth in Section 712.07).
- 57. Vehicle leasing or rentals.
- 58. Zoos and other wildlife management facilities.
- 59. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
- 60. Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Director of the Department of Development Services.

Certain temporary uses such as tent sales, sidewalk sales, or the sale of goods from any temporary location, including but not limited to, holiday sales, fireworks sales or Christmas tree sales, may be permitted within this district, provided:

- 1. Written permission of the property owner is obtained.
- 2. Such use does not last longer than 45 days consecutively.
- 3. These uses are not located within 25 feet of any public right-of-way.
- 4. Adequate parking, ingress and egress are provided on site.
- 5. A temporary use permit is applied for and approved by the Director of the Department of Development Services.
- 6. No more than 2 temporary use permits may be allowed per parcel for a total of 90 days annually.

(Leases for temporary sales existing at the time of revision to this ordinance will be honored until the expiration of the lease or until December 31, 2007, whichever is earlier.)

D. Special Uses Permitted by Board of Zoning Appeals.

Not applicable in this district.

E. Special Uses Permitted by City Council.

- 1. Adult entertainment (see standards set forth in Section 8-20-140).
- 2. Telecommunications facilities (see standards set forth in Section 712.07).
- 3. Extended stay hotels (see standards set forth in Section 712.03).
- 4. **Distilleries, wineries, and breweries including accessory tasting rooms subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.**

F. Accessory Structures.

- 1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. Accessory structures may not be located within 25 feet of any residential property. In cases of corner lots,

- the accessory structure may not be closer to any right-of-way than the principal building.
2. Any accessory building in excess of 1500 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
  3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
  4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
  5. No accessory structure may exceed the more restrictive of either 35 feet or the height of the principal building.
  6. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
  7. Recycling collection/drop off centers.
    - a) No outside storage allowed.
    - b) Container bins and/or donation boxes are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right-of-way. When a business is located on a corner lot, container bins and/or donation boxes must be placed to the rear or interior side of the property such that the location is not visible from the right-of-way of any street.
    - c) Container bins and/or donation boxes shall not be located within 50 feet of a structure utilized for detached single-family residential purposes.
    - d) Location of container bins and/or donation boxes shall be approved by the Director of the Department of Development Services.

G. Use Limitations.

1. All outside storage areas must be located in the rear yard and must be screened by a solid fence or wall no less than six feet in height. A maximum of 25% of the total lot area may be used for such purposes.
2. No manufacturing processes are permitted.
3. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.

H. Bulk and Area Regulations.

Minimum Lot Size:	40,000 sq. ft.
Minimum Lot Width:	100 ft.
Maximum Building Height:	N/A
Maximum Floor Area Ratio:	1.25
Maximum Impervious Surface:	85%
Minimum landscaped area:	10%
Front Setback (arterial):	50 ft.
Front Setback (collector):	40 ft.
Front Setback (local):	35 ft.
Side Setback (major):	35 ft.
Side Setback (minor):	25 ft.
Rear Setback:	50 ft.

I. Landscape and Buffer Requirements.

When a property in this district directly abuts any residential district, a 50 foot buffer shall be established. (see standards set forth in Section 710.05).

J. Zoning Bonuses and Incentives.

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

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

**Section 4:** Division 708.18 CBD, Central Business District, is hereby amended as follows:

**708.18 CBD, Central Business District**

A. Purpose and Intent.

The central business district (CBD) is intended to protect and promote suitable areas for business and commercial uses which benefit from proximity to each other, to encourage the eventual elimination of uses inappropriate to a central business area, and to encourage the intensive development of a centralized business center for the City of Marietta.

B. Permitted Uses.

1. Ambulance services.
2. Amusement centers and arcades, including billiards and pool halls. All activities must take place wholly within a permanently enclosed building.
3. 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.
4. Animal hospitals, kennels and veterinary clinics.

- a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
- b) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
5. Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
6. Athletic and health clubs.
7. Automobile sales.
  - a) Minimum 20,000 square foot lot size.
  - b) All vehicles shall be set back at least 10 feet from the street right-of-way line.
  - c) When such use abuts residentially zoned properties, a solid fence or wall no less than six feet in height shall be provided for visual screening.
8. Banks and financial institutions.
9. Barber and beauty shops.
10. Bed and Breakfast Inns, provided:
  - a) The facility is operated by the resident-owner.
  - b) The building and lot meet all applicable city and state code regulations, including minimum lot standards.
  - c) A minimum of one parking space per rental room is provided in addition to those required for the resident.
  - d) The structure contains more than 2,000 square feet of gross heated floor area.
11. **Brewpubs subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building. Production space shall be limited subject to State Law.**
12. Carwashes.
13. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
  - a) All activities shall take place within an enclosed building.
  - b) No outside storage or engine/body dismantling is allowed.
14. Clinics and health centers.
15. Clubs and lodges, including assembly halls and conference centers. Such use may include office space where incidental to the principal use.
16. Coin operated laundries and dry cleaning pickup establishments.
17. Convenience stores. Such uses may include self-service fuel sales, provided:
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) No automotive repair is allowed.
18. Copy centers.
19. Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
20. Day care centers and nursery schools, provided:
  - a) Such use must obtain certification from the Georgia Department of Human Resources.
  - b) Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.

21. **Distilleries, wineries, and breweries, including accessory tasting rooms subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.**
22. Eating and drinking establishments, including drive-in fast food restaurants. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning.
23. Extended stay facilities (see standards set forth in Section 712.03).
24. Exterminating facilities.
25. Fuel and ice dealers.
26. Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
27. Grocery and food stores.
28. Heliport.
  - a) Minimum one acre lot size or located on the roof on a building greater than one story in height.
  - b) Must be enclosed by a fence no less than 8 feet in height.
29. Hospitals.
30. Hotels and motels.
31. Light assembly. Must be conducted in a wholly enclosed building, involving no outdoor storage of materials, equipment or items which generate noise, odors, or fumes which can be detected beyond the walls of the building in which housed.
32. Linen and diaper services
33. Lumber, hardware, paint, glass and wallpaper stores. No outdoor storage is permitted.
34. Medical and dental laboratories, provided chemicals are not manufactured on site.
35. Movie theaters.
36. Non-automotive repair service centers. No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.
37. Outdoor advertising services. Includes the construction, repair and maintenance of outdoor advertising signs. All activities shall be conducted within a building or fenced area.
38. Parking lots and garages. Up to 75% of the gross floor area of a parking garage's ground floor level may be devoted to commercial use oriented towards pedestrian traffic.
39. Pharmacies and drug stores.
40. Printing services.
41. Professional and general business offices. No outside storage is permitted.
42. Public buildings and facilities, not to include storage yards.
43. Radio, recording and television studios.
44. Places of assembly.
45. Residential use.
  - a) All units must be at least one (1) story above street level. No units shall be allowed on the first floor or street level. This condition may not be waived by the Board of Zoning Appeals.
  - b) One parking space per unit shall be provided. Off-street parking areas must be within 1,000 feet of the dwelling unit as measured from the entrance or exit of

the building and designed and located so that vehicles will not be required to back into a public street.

- c) All units must meet the current prevailing codes in the City of Marietta.
  - d) Minimum floor area per dwelling units:
    - Efficiency - 500 sq. ft.
    - 1 bedroom - 650 sq. ft.
    - 2 bedroom - 800 sq. ft.
    - 3 bedroom - 1,000 sq. ft.
46. Retail automobile parts and tire store.
- a) There shall be no dismantling of vehicles on the premises to obtain auto parts.
  - b) The only auto part installation that shall be permitted in connection with such use shall be the installation of tires and the installation of minor maintenance or accessory parts.
  - c) Major auto repair shall not be permitted in connection with such uses. Minor repair and maintenance may be permitted provided such repair and maintenance shall be incidental to the normal up-keep of an automobile.
47. Retail trade. Appropriate uses include, but are not limited to:
- a) book and video stores (non-adult)
  - b) camera shops
  - c) florists
  - d) drug stores
  - e) gift shops
  - f) toy stores
  - g) pet grooming and supply shops
  - h) jewelry stores
  - i) pawn shops
  - j) office supplies
  - k) sporting goods and hobbies
  - l) apparel stores
  - m) furniture, home furnishings and equipment stores
  - n) beverage shops
48. Stations, bus or train terminals for passenger service with minimum freight.
49. Self-storage facilities and mini warehouses.
50. Taxi stands and dispatching agencies.
51. Telecommunications facilities (see standards set forth in Section 712.07).
52. Wholesale trade, packing, and distribution establishments. There shall be no outdoor storage of goods.
53. Veterinarian offices.
54. Accessory uses and structures incidental to any permitted use.

C. Temporary/Conditional Uses Allowed by the Director.

Not applicable in this district.

D. Special Uses Permitted by Board of Zoning Appeals.

Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

E. Special Uses Permitted by City Council.

1. Telecommunications facilities (see standards set forth in Section 712.07).
2. **Distilleries, wineries, and breweries, including accessory tasting rooms subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.**

F. Accessory Structures.

Not applicable in this district.

G. Use Limitations.

1. All outside storage areas must be screened by a solid fence no less than six feet in height.
2. Building design and materials for structures located within the historic district as defined must be approved by the Marietta Historic Board of Review (see standards set forth in Article 7-8-8). Building design and materials for structures located outside of the historic district may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.
3. For any new development or construction in this district, parking is required as per Division 716 of this article for any structure except as stated herein. The number of spaces required will be calculated on the square footage occupied by the business exempting up to the first 15,000 square feet on street level. Notwithstanding anything to the contrary contained herein, parking for hotels and motels shall be calculated on the full square footage. Exempt are those structures on the blocks directly facing the Marietta City Square. Parking requirements may be met on the same parcel or on other parcels in the CBD that are designated and dedicated with sufficient parking to meet the requirements of the structure.

H. Bulk and Area Regulations.

Maximum building height: 85 feet

Other bulk and area standards are not applicable in this district.

Height shall be measured in accordance with the definition of "height" contained in the Marietta City Zoning Code and shall be measured from the ground point which is the highest point within the footprint of the proposed building prior to commencement of any grading or construction and measured to the top of the parapet wall, excluding from such measurement any elevator shaft, HVAC equipment or rooms and any utilities.

Variances from the above height restrictions may be granted only by the Marietta City Council in its sole discretion.

I. Landscape and Buffer Requirements.

Not applicable in this district.

**Section 5:** Division 708.26 LI, Light Industrial, is hereby amended as follows:

## 708.26 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, or odors from an enclosed building. These districts should have access to arterial roadways and utilities and discourage uses which are incompatible with light manufacturing. When located on the perimeter of an industrial node, the LI district should provide for uses that are low in intensity and scale to ensure compatibility with adjacent properties.

### B. Permitted Uses.

1. Agriculture and forestry, provided:
  - a) All buildings used for livestock shall be set back not less than 200 feet from any property line.
  - b) All animals shall be maintained at least 100 feet from any property line.
  - c) Livestock and poultry rearing are not permitted on lots containing less than two acres.
  - d) Abattoirs and hatcheries shall be located at least 300 feet from any property zoned for residential use.
2. Private parks and playgrounds.
3. Community fairs.
4. Farmers' markets.
5. Helicopter landing areas. Minimum one acre. Must be enclosed by a fence or wall no less than eight feet in height.
6. Administrative and distribution offices including contractors' offices. All outdoor storage must be screened with an opaque fence or wall no less than six feet in height and at least 50 feet from any property zoned or used for residential purposes and 25 feet from City right-of-way.
7. Dry cleaning plants.
  - a) Such use shall be at least 300 feet from any property zoned or used for residential purposes.
  - b) All applicable state, federal and local codes must be met.
8. Commercial greenhouse or plant nursery.
9. **Distilleries, wineries, and breweries, including accessory tasting rooms subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building.**
10. Health service clinics (including accessory pharmacies).
11. Places of assembly.
12. Office service and supply facilities (non-retail).
13. Vocational schools.
14. Research laboratories including medical and dental labs.
15. Public buildings and utilities.
16. Ambulance services.
17. Outdoor storage facilities, excluding junk and salvage yards (see standards set forth in Section 710.07).
  - a) Such use shall be enclosed by an opaque fence or wall no less than 8 feet in height which provides continuous visual screening.

- b) No repair or other such activity shall be conducted.
  - c) Such use shall be at least 50 feet from any property zoned or used for residential purposes and 25 feet from City right-of-way.
17. Exterminating facilities.
  18. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall be at least 25 feet from City right-of-way.
  19. Light manufacturing establishments.
    - a) Maximum lot size of 5 acres.
    - b) No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.
  20. Fuel and ice dealers.
  21. Rail, bus and transit stations.
  22. Heavy repair services and trade shops, including sheet metal, upholstering, plumbing, carpentry, sign painting and other similar activities.
  23. Recycling collection centers (see standards set forth in Section 710.07).
  24. Taxi stands and dispatching agencies.
  25. Automobile, trailer and boat sales/service.
    - a) Minimum one acre lot size.
    - b) All vehicles shall be set back at least 10 feet from the street right-of-way line.
    - c) Such use shall be located at least 50 feet from any properties zoned for residential purposes.
    - d) A solid fence or wall no less than six feet in height shall be maintained to provide a visual screening between the residential and commercial properties.
  26. Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
  27. Newspaper publishing facilities.
  28. Warehousing, including commercial mini-warehouses.
  29. Outdoor advertising services. Includes the construction, repair, and maintenance of outdoor advertising signs. All non-storage activities shall be conducted within an enclosed building.
  30. Printing services.
  31. Radio and television studio facilities.
  32. Light assembly and fabrication. No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.
  33. Parking lots and garages.
  34. Automobile service stations.
    - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
    - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
    - c) Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
    - d) No outside storage or engine/body dismantling is allowed.
  35. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
    - a) All activities shall take place within an enclosed building.
    - b) No outside storage or engine/body dismantling is allowed.
  36. Automotive repair shops (including paint and body).

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

C. Temporary/Conditional Uses Allowed by the Director.

Not applicable in this district.

D. Special Uses Permitted by Board of Zoning Appeals.

Not applicable in this district.

E. Special Uses Permitted by City Council.

1. Adult entertainment (see standards set forth in Section 8-20-140).
2. Automobile storage yards and wrecker services for damaged or confiscated vehicles.
  - a) Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
  - b) Such use shall not be established on a lot which is adjacent to or directly across the street from any single family residential district.
  - c) All outdoor storage must be to the rear of the principal structure and enclosed by an opaque fence no less than 8 feet in height.
3. Indoor BB/air rifle shooting ranges operated by educational, civic or non-profit organizations (see standards set forth in Section 712.01).
  - a) All activities must take place in a wholly enclosed building with walls constructed of brick, concrete or masonry.
  - b) No weapons other than BB/ air rifles with a caliber of .177 or less, and a muzzle velocity of no more than 450 feet per second shall be allowed.
4. Recovered materials (recycling) processing facility. Scrap metal, iron, or steel collection/recovery.
5. Telecommunications facilities (see standards set forth in Section 712.07).
6. Truck terminals. Minimum 5 acres. All structures shall be located and activities conducted (including parking) at least 300 feet from any property zoned for residential purposes.

F. Accessory Structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 15 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. Any accessory building in excess of 2,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
4. No accessory structure shall be constructed upon a lot before the principal structure.
5. No accessory structure may exceed the more restrictive of either 20 feet or the height of the principal building,
6. Swimming pools must be enclosed by a fence not less than 4 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.

7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations.

1. All outside storage areas must be screened by an opaque fence no less than eight feet in height. Maximum of 50% of lot may be utilized for such use.
2. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.

H. Bulk and Area Regulations.

Minimum Lot Size:	20,000 sq. ft.
Minimum Lot Width:	100 ft.
Maximum Building Height:	50 ft.
Maximum Floor Area Ratio:	0.50
Maximum Impervious Surface:	75%
Front Setback (arterial):	75 ft.
Front Setback (collector):	50 ft.
Front Setback (local):	50 ft.
Side Setback (major):	50 ft.
Side Setback (minor):	20 ft.
Rear Setback:	40 ft.

I. Landscape and Buffer Requirements.

When an LI district directly abuts any residential district, a 50-foot buffer shall be established (see standards set forth in Section 710.05). All loading docks shall be screened by either landscaping or a stabilized berm.

**Section 6:** Division 708.27 HI, Heavy Industrial, is hereby amended as follows:

**708.27 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 which may affect the environment. These districts should have access to major streets and utilities and discourage uses which are incompatible. When located on the perimeter of an industrial node, the HI district should provide for uses that are lower in intensity and scale to ensure compatibility with adjacent properties.

B. Permitted Uses.

1. Agriculture and forestry, provided:
  - a) All buildings used for livestock shall be set back not less than 200 feet from any property line.
  - b) All animals shall be maintained at least 100 feet from any property line.

- c) Livestock and poultry uses are not permitted on lots containing less than 2 acres.
- d) Abattoirs and hatcheries shall be located at least 300 feet from any property zoned for residential use.
- 2. Private parks and playgrounds.
- 3. Community fairs.
- 4. Farmers' markets.
- 5. Helicopter landing areas. Minimum one acre. Must be enclosed by a fence no less than 8 feet in height.
- 6. Administrative and distribution offices including contractor's offices. All outdoor storage must be screened with an opaque fence no less than eight feet in height and at least 50 feet from any property zoned or used for residential purposes and 25 feet from City right-of-way.
- 7. Dry cleaning plants.
  - a) Such use shall be at least 300 feet from any property zoned or used for residential purposes.
  - b) All applicable state, federal and local codes must be complied with.
- 8. Commercial greenhouse or plant nursery.
- 10. Places of assembly.
- 11. Office service and supply facilities (non-retail).
- 12. Vocational schools.
- 13. Research laboratories including medical and dental labs.
- 14. Public buildings and utilities.
- 15. Ambulance services.
- 16. Outdoor storage facilities shall be permitted in compliance with section 710.07.
  - a) Such use shall be enclosed by an opaque wall or fence no less than 8 feet in height which provides continuous visual screening.
  - b) No repair or other such activity shall be conducted.
  - c) Such use shall be at least 50 feet from any property zoned or used for residential purposes.
- 17. Exterminating facilities.
- 18. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall be at least 50 feet from any property zoned or used for residential purposes.
- 19. Fuel and ice dealers.
- 20. Rail yards. Minimum 10 acres.
- 21. Rail, bus and transit stations.
- 22. Heavy repair services and trade shops, including sheet metal, upholstery, plumbing, carpentry, sign painting and other similar activities.
- 23. Recycling collection centers. Outdoor storage shall be in compliance with section 710.07.
- 24. Taxi stands and dispatching agencies.
- 25. Automobile, trailer and boat sales/service. Minimum one acre lot size.
  - a) Minimum one acre lot size.
  - b) All vehicles shall be set back at least 10 feet from the street right-of-way line.
  - c) Such use shall be located at least 50 feet from any properties zoned for residential purposes.

- d) A solid fence or wall no less than six feet in height shall be maintained to provide a visual screening between the residential and commercial properties.
- 27. Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
- 28. Newspaper publishing facilities.
- 29. Warehousing.
- 30. Outdoor advertising services. Includes the construction, repair, and maintenance of outdoor advertising signs. All non-storage activities shall be conducted within an enclosed building.
- 31. Printing services.
- 32. Radio and television studio facilities.
- 33. Assembly and fabrication.
- 34. Parking lots and garages.
- 35. 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.
- 36. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
  - a) All activities shall take place within an enclosed building.
  - b) No outside storage or engine/body dismantling is allowed.
- 37. Automotive repair shops (including paint and body).
  - a) Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
  - b) All activities shall be carried on entirely within an enclosed building.
  - c) Such use shall not be established on a lot which is adjacent to or directly across the street from any single family residential district.
  - d) All outdoor storage must be to the rear of the principal structure and enclosed by an opaque fence no less than 8 feet in height.
- 38. Wholesale trade and distribution facilities, including office showrooms and display areas.
- 39. Coliseum, stadium. 5 acre minimum lot size.
- 40. Manufacturing establishments involving the conversion of raw materials into useable finished products, provided that any manufacturing process which generates liquid waste complies with all local, state and federal pollution standards.
- 41. Tire retreading and recapping.
- 42. Drive-in movie theater.
  - a) The theater screen and all buildings shall be set back at least 50 feet from any property line.
  - b) Central loudspeakers are prohibited.
  - c) The theater screen shall not be visible from an interstate or arterial roadway.
- 44. Animal hospitals, kennels and veterinary clinics.

- a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
- b) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
- 45. Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
- 46. Carwashes.
- 47. Commercial recreation and entertainment facilities. All activities must take place in a wholly enclosed building.
- 48. **Distilleries, wineries, and breweries, including accessory tasting rooms subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages. Production shall be in a wholly enclosed building.**
- 50. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
- 51. Accessory uses and structures incidental to any legal permitted use, provided:
  - a) Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and comprise no more than 10% of the gross floor area.
  - b) No show window or other advertising shall be visible from the exterior of the primary use structure.

C. Temporary/Conditional Uses Allowed by the Director.

Not applicable in this district.

D. Special Uses Permitted by Board of Zoning Appeals.

Not applicable in this district.

E. Special Uses Permitted by City Council.

- 1. Adult entertainment (see standards set forth in Section 8-20-140).
- 2. Asphalt or concrete plants.
- 3. Automobile salvaging and wrecking yards.
- 4. Automobile storage yards and wrecker services for damaged or confiscated vehicles.
  - a) Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
  - b) Such use shall not be established on a lot which is adjacent to or directly across the street from any single family residential district.
  - c) All outdoor storage must be to the rear of the principal structure and enclosed by an opaque fence no less than 8 feet in height.
- 5. Chipping, grinding, or reduction of materials, stumps, trees, limbs, construction debris, glass, concrete, asphalt, rock, etc.
- 6. Composting facilities.
- 7. Indoor BB/air rifle shooting ranges operated by educational, civic or non-profit organizations (see standards set forth in Section 712.01).
  - a) All activities must take place in a wholly enclosed building with walls constructed of brick, concrete or masonry.

- b) No weapons other than BB/ air rifles with a caliber of .177 or less, and a muzzle velocity of no more than 450 feet per second shall be allowed.
- 8. Petroleum and petrochemical refining and storage. All structures (excluding offices) shall be located at least 100 feet from any property line and 200 feet from any residentially zoned or used property.
- 9. Private landfills.
- 10. Mining (quarries).
  - a) The extraction of dirt, sand or soil shall not be established within 500 feet of a residential use or 200 feet of any other use.
  - b) The extraction of rock and gravel shall not be established within 4,000 feet of a residential use or 2,000 feet of any other use.
  - c) The removal area shall be enclosed by a fence no less than 8 feet in height to prevent access by the general public. This fence shall be locked during non-business hours.
- 11. Recovered materials (recycling) processing facilities.
- 12. Scrap metal, iron or steel collection/recovery.
- 13. Scrap yards or junk yards.
- 14. Telecommunications facilities (see standards set forth in Section 712.07).
- 15. Trash or garbage handling, hauling or disposal facilities or any use associated with these uses.
- 16. Truck stops/refueling stations.
- 17. Truck terminals. Minimum 5 acres. All structures shall be located and activities conducted (including parking) at least 300 feet from any property zoned for residential purposes.
- 18. Used or discarded tire storage/disposal facilities.
- 19. Waste materials handling and recovery facilities. The following standards shall apply to all new facilities and the expansion of existing waste transfer stations.
  - a) Minimum 5 acre lot size.
  - b) All structures shall be located at least 1500 feet from residential zoning districts and at least 1000 feet from commercial zoning districts.
  - c) A landscaped strip no less than 10 feet wide shall be required around all property lines which do not abut properties zoned for industrial use. Such strip shall include one tree spaced evenly each 20 linear feet.
  - d) A solid fence or wall no less than six feet in height shall be erected and maintained along all property lines except those abutting public right-of-ways. Said fence shall be located behind the required landscape strip.
  - e) Parking areas for trucks and trailers shall be located at least 50 feet from any property line and 750 feet from any residentially zoned property. All trucks and trailers containing stored waste materials shall park at least 100 feet from any property line and 1500 feet from any residentially zoned property.
  - f) Vehicular access shall only be from a collector street unless otherwise approved by City Council.
  - g) Stored materials shall be contained in such a manner as to prevent the blowing of any materials onto any surrounding property or roadway.
  - h) No such use shall be established within 500 feet of Cobb Parkway, Roswell Street, SR 120 Loop or Powder Springs Street.

F. Accessory Structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 15 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. Any accessory building in excess of 2,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
4. No accessory structure shall be constructed upon a lot before the principal structure.
5. No accessory structure may exceed the more restrictive of either 20 feet or the height of the principal building.
6. Swimming pools must be enclosed by a fence not less than 4 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations.

1. All outside storage areas must be located in the rear yard and must be screened by an opaque fence no less than eight feet in height.
2. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.

H. Bulk and Area Regulations.

Minimum Lot Size:	40,000 sq. ft.
Minimum Lot Width:	150 ft.
Maximum Building Height:	50 ft.
Maximum Floor Area Ratio:	1.0
Maximum Impervious Surface:	85%
Front Setback (arterial):	75 ft.
Front Setback (collector):	50 ft.
Front Setback (local):	50 ft.
Side Setback (major):	50 ft.
Side Setback (minor):	20 ft.
Rear Setback:	40 ft.

I. Landscape and Buffer Requirements.

When an HI district directly abuts any residential district, a 50-foot buffer shall be established (see standards set forth in Section 710.05). All loading docks shall be screened by either landscaping or a stabilized berm.

**Section 7:** Division 712.01 Special Land Use Permits, is hereby amended as follows:

## 712.01 Special land use permits

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

**TABLE B. SPECIAL LAND USE PERMITS**

Use	Zoning District	Board
Adult Entertainment	LI, HI, CRC, RRC	City Council
Asphalt or Concrete Plants	HI	City Council
Auto salvaging and wrecking yards.	HI	City Council
Automobile storage yards and wrecker services for damaged or confiscated vehicles.	LI, HI	City Council
Chipping, grinding or reduction of materials, stumps, trees, limbs, construction debris, glass, concrete, asphalt, rock, etc.	HI	City Council
Composting facilities	HI	City Council
<b><u>Distilleries, wineries, and breweries, including accessory tasting rooms</u></b>	<b><u>NRC</u></b>	<b><u>City Council</u></b>
<b><u>Distilleries, wineries, and breweries, and microbreweries, including accessory tasting rooms, with production space over 15,000 sf</u></b>	<b><u>NRC, CRC, RRC, CBD</u></b>	<b><u>City Council</u></b>
Extended Stay Hotels	RRC, OS, OHR	City Council
Group Home, regardless of the number of residents	RA-4, RA-6, RA-8, LRO	Board of Zoning Appeals
Group Homes containing more than 4 residents	R-1, R-2, R-3, R-4	Board of Zoning Appeals
Halfway House	RM, RHR	Board of Zoning Appeals
Home Occupation, Type B	R-1, R-2, R-3, R-4, MHP, PRD-SF	City Council
Indoor BB/Air Rifle Shooting	CRC, RRC, LI HI	City Council

Range		
Petroleum and petrochemical refining and storage	HI	City Council
Private landfills	HI	City Council
Quarries or mining operations	HI	City Council
Recycling Processing Facility	LI, HI	City Council
Scrap metal, iron or steel collection/recovery	LI, HI	City Council
Scrap Yards or Junk Yards	LI, HI	City Council
Telecommunications Infrastructure	CRC, RRC, CBD, OS, LI, HI	City Council
Trash/garbage handling, hauling or disposal facilities or any use associated with these uses	HI	City Council
Truck stops/refueling stations	HI	City Council
Truck terminals	LI, HI	City Council
Used or discarded tire storage/disposal facilities	HI	City Council
Waste materials handling and recovery facilities	HI	City Council

- B. All applications for Special Land Use Permits heard by the Board of Zoning Appeals shall be advertised in the same manner as applications for variances and public hearings will be held thereon in the same manner.
- C. All applications for Special Land Use Permits heard by City Council shall be advertised in the same manner as applications for rezoning and public hearings will be held thereon in the same manner.
- D. The issuing board may grant Special Land Use Permits for any given period of time at their own discretion.
- E. The issuing board shall consider, at a minimum, the following in its determination of whether or not to grant a Special Land Use Permit:
  1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
  2. Whether or not the use is compatible with the neighborhood.
  3. Whether or not the proposed use will constitute a nuisance as defined by state law.
  4. Whether or not property values of surrounding property will be adversely affected.
  5. Whether or not adequate provisions are made for parking and traffic considerations.
  6. Whether or not the site or intensity of the use is appropriate.
  7. Whether or not adequate provisions are made regarding hours of operation.
  8. The location or proximity of other similar uses (whether conforming or nonconforming).

9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

**Section 8:** Division 724.02 Definitions of terms, is hereby amended so as to include the following definitions:

- ***Brew pub*** means any eating establishment which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.
- ***Brewery*** means any establishment where malt beverages are manufactured, except brew pubs licensed under this article, subject to the square footage limitations in the area district standards.
- ***Distillery*** means any establishment where spirituous liquors are manufactured, subject to the square footage limitations in the area district standards.
- ***Tasting room*** means a use associated with and on the same premises as a brewery, winery, or distillery, at which guests may sample the manufacturer's products and consume other nonalcoholic beverages.
- ***Winery*** means any establishment where vinous liquors are manufactured, subject to the square footage limitations in the area district standards.

**Section 9:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable and if any section, paragraph, sentence, clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

**Section 10:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 11:** This Ordinance shall be effective upon signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

**Final Ordinance submitted by:**

---

**Brian Binzer, AICP**  
**Director of Development Services**

**Approved as to Form:**

\_\_\_\_\_  
**Doug Haynie, City Attorney**

**Approved by City Council:**

**DATE:** August 14, 2013

**APPROVED:**

\_\_\_\_\_  
**R. Steve Tumlin, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Stephanie Guy, City Clerk**