

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 708.18, 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. 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.
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. Banks and financial institutions.
7. Barber and beauty shops.
8. 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.
9. Brew pubs (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a) Production shall be in a wholly enclosed building.
 - b) Production space shall be limited subject to State Law.
10. Breweries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a) Production shall be in a wholly enclosed building.
 - b) Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.

- c) Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.
- 11. Clinics and health centers.
- 12. Clubs and lodges, including assembly halls and conference centers. Such use may include office space where incidental to the principal use.
- 13. Coin operated laundries and dry-cleaning pickup establishments.
- 14. Convenience stores without gasoline or any other fuel sales.
- 15. Copy centers.
- 16. Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
- 17. 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.
- 18. Distilleries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a) Production shall be in a wholly enclosed building.
 - b) Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 - c) Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.
- 19. Eating and drinking establishments, including drive-in fast-food restaurants, but not including mobile retail food establishments. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning.
- 20. Exterminating facilities.
- 21. Fuel and ice dealers.
- 22. Funeral homes. All structures shall be located, and all activities conducted at least 100 feet from any property zoned for residential purposes.
- 23. Grocery and food stores.
- 24. 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.
- 25. Hospitals.
- 26. Hotels and motels.
- 27. 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.
- 28. Linen and diaper services
- 29. Lumber, hardware, paint, glass and wallpaper stores. All activities shall be conducted within a wholly enclosed building and no outdoor storage is permitted.
- 30. Medical and dental laboratories, provided chemicals are not manufactured on site.
- 31. Mini warehouses and self-storage facilities
 - a) Such use must be within wholly enclosed building(s).
 - b) No outdoor storage is permitted.
- 32. Movie theaters.
- 33. 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.
- 34. 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.
- 35. Pharmacies and drug stores.
- 36. Places of assembly.

37. Printing services.
38. Professional and general business offices. No outside storage is permitted.
39. Public buildings and facilities, not to include storage yards.
40. Radio, recording and television studios.
41. 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) office supplies
 - j) sporting goods and hobbies
 - k) apparel stores
 - l) furniture, home furnishings and equipment stores
 - m) beverage shops
42. Stations, bus or train terminals for passenger service with minimum freight.
43. Taxi stands and dispatching agencies.
44. Veterinarian offices.
45. Wholesale trade, packing, and distribution establishments within wholly enclosed building(s), and there shall be no outdoor storage of goods.
46. Wineries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a) Production shall be in a wholly enclosed building.
 - b) Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 - c) Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.
47. Accessory uses and structures incidental to any permitted use.

C. Temporary/Conditional Uses Allowed by the Director.

1. Mobile Retail Food Establishment shall be allowed on property zoned CBD according to the restrictions listed below:
 - a) Written permission of the property owner is obtained.
 - b) Such use does not last longer than 3 days consecutively and 12 days annually.
 - c) These uses shall not be located within any public right-of-way or City owned property, unless otherwise authorized by the City.
 - d) If property is within fifty (50) feet of a residentially zoned parcel, measured property line to property line, then food truck operations shall cease at 9:00 p.m.
 - e) Adequate paved parking, ingress and egress are provided on site.
 - f) A temporary use permit is applied for and approved by the Director of the Department of Development Services.
 - g) The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to Mobile Retail Establishments; all such variance requests must be submitted to City Council. Variances for mobile food establishments shall be considered according to the criteria defined under §712.01 (E).

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. Breweries, distilleries and wineries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a) Production shall be in a wholly enclosed building.
 - b) Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 - c) Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.
3. 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. Uses occupying the first floor or street level must be devoted to commercial activity, as identified in the above list of Permitted Uses, and oriented towards pedestrian traffic.
 - b) One parking space per unit shall be provided on-site or within 1,000 feet from the entrance or exit of the building.
 - c) 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.

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. All outside storage areas must be screened by a solid fence no less than six feet in height. Storage of portable sanitation units, portable chemical toilets or any other container intended to hold human waste is prohibited.
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).
3. Building design and materials for structures located outside of the historic district may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.
4. 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.

5. Properties located within the CBD zoning district may also be within the Commercial Corridor Design Overlay District and/or the Marietta Historic District. Conflicts that may arise between the regulations of these districts shall be resolved as follows:
 - a. Properties located within the CBD zoning district are exempt from the regulations of the Commercial Corridor Design Overlay District.
 - b. Properties located within the Marietta Historic District are exempt from the regulations of the Commercial Corridor Design Overlay District.
 - c. In cases where there is a conflict between the CBD zoning regulations and the Marietta Historic District regulations, the more restrictive shall apply.

H. Bulk and Area Regulations.

1. Maximum building height: 85 ft.
2. For properties within the area identified on the Historic District Height Map
Maximum height: 42 ft.
 - a. For any property located within the area identified on the Historic District Height Map, no structure, building or appurtenance thereof shall exceed 42 feet in height. However, the height limit set forth in the first sentence hereof may be increased to 54 feet provided that there is a minimum step back of 12 feet. "Step back" is defined as a line, as measured only from the top floor of the structure, fixed parallel to the lot line, beyond which a building, or any projection thereof, cannot extend, excluding uncovered steps, terraces, stoops or similar fixtures. The step back in this instance shall be not less than 12 feet as measured from the face of the building (or measured from the lot line, whichever is greater) fronting along all public roadways. The floor height above shall be no taller than 12 feet.
3. Building height shall be measured in accordance with the definition of "Building height" contained in the Marietta City Zoning Code, which states:

Building height: The vertical distance from grade plane to the average height of the highest roof surface, excluding from such measurement any church spire, chimney, elevator shaft, HVAC equipment or equipment room, and any utilities. If the building has a parapet wall, the average height will be measured to the highest point of the parapet wall.
4. Variances from the above height restrictions may be granted only by the Marietta City Council in its sole discretion.
5. Other bulk and area standards are not applicable in this district.

I. Landscape and Buffer Requirements.

Not applicable in this district.

Section 2: 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 3: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4: 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:



Rusty Roth, AICP
Director of Development Services

Approved as to Form:



Doug Haynie, City Attorney

Approved by City Council:

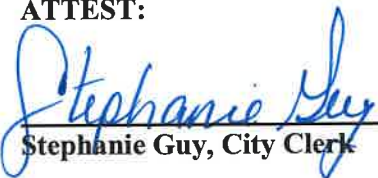
DATE: 02/14/2024

APPROVED:



R. Steve Tumlin, Mayor

ATTEST:



Stephanie Guy, City Clerk