

## Sec. 134-213. - NRC neighborhood retail commercial district.

Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-Service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the NRC neighborhood retail commercial district are as follows:

- (1) *Purpose and intent.* The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.
- (2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
  - a. *Community fair* means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.
  - b. [Reserved.]
  - c. *Designated recycling collection locations* means metal or heavy duty plastic containers designed for shortterm holding of pre-bagged recyclable items such as tin, aluminum, glass and paper (no perishable or food items allowed) for scheduled minimum monthly pickup, with no on-premises sorting. The center must be maintained in a safe, clean, neat and sanitary fashion and shall not encompass an area larger than 280 square feet.
    1. Such location shall be visually screened and maintained.
    2. Such location shall be within the building setbacks unless otherwise approved by the division manager of zoning or his designee due to topography, safety, internal traffic flow, site distance or other site-related circumstances not created by the property owner.
  - d. *Group home* means a dwelling shared by six or less persons, excluding resident staff, who live together as a single housekeeping unit and in a longterm, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall apply to homes for the handicapped. As used in this subsection, the term "handicapped" shall mean:
    1. Having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
    2. Having a record of having such an impairment; or
    3. Being regarded as having such an impairment.

However, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.
  - e. *Light automotive repair establishment* means an indoor repair establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing light auto and small truck repair and maintenance within the enclosed service bay(s) (under one ton) such as brakes, oil changes, lubrication, transmission, belts, hoses, inspections, tire mounting and installation and the like. Light automotive repair establishments adjacent to

residentially zoned properties shall be required to incorporate noise abatement measures such as, but not limited to, landscaping, fencing, portable noise screen, or other equally effective industry accepted alternative. This amendment shall become effective July 1, 2013. Activities such as battery replacement, light bulb changes, wiper blade replacement, "check engine light" diagnostics, or other minor things done complimentary and the like may be done outside of a retail automotive parts store with non-powered hand tools.

- f. *Neighborhood retail uses* means commonly found low scale and low intensity retail uses (with square footages in accordance with the use limitations established within the individual zoning districts of this chapter) that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as, but not limited to, an auto parts store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, dance studio, martial arts, pilates, yoga and the like studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore, hardware store, dry goods store, florist, furniture store, gifts and stationery store, gym and fitness facility, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, pet store and pet supply store, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store.
  - g. *Nonautomotive repair uses* means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.
  - h. *Office service and supply establishments* means wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies, such as stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers and other general office equipment.
  - i. *Professional office* means a structure wherein services are performed involving predominately administrative, professional or clerical operations such as the following: law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect, engineer, manufacturer representative, professional counselor, dentist, investigative services, photographer, insurance, contractor, land surveyor, telephone sales, political/campaign, veterinarian or travel bureau.
- (3) *Permitted uses.* Permitted uses are as follows:
- Banks and financial institutions with drive-in establishment or automated transfer machines.
  - Billiards and pool halls, subject to chapter 78, article III, division 6, pertaining to pool rooms.
  - Carwashes.
  - Churches, chapels, temples, synagogues, and other such places of worship.
  - Commercial produce and agricultural product stands.
  - Community fairs.
  - Convenience food stores with self-service fuel sales.
  - Cultural facilities.
  - Designated recycling collection locations.
  - Eating and drinking establishments, including drive-in fast food restaurants.
  - Emissions or inspection stations. (No temporary buildings/tents to be utilized after June 30, 1998.)
  - Executive golf courses (see section 134-270).
  - Film developing and printing facilities.
  - Freestanding climate controlled self-service storage facilities. The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:

1. Building height should not exceed those of adjacent buildings, nor impact the view shed of adjacent residential proper
2. F.A.R. should be .75 or as determined appropriate by the board of commissioners.
3. All units shall be accessed through a main or central entrance.
4. All windows or similar architectural features must be "one way" and provide for an opaque screen from view outside of the building.
5. Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of commissioners. Any roof-mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.
6. There shall be no outside storage allowed nor overnight and/or long-term parking of heavy equipment, commercial equipment or parking of construction or related equipment allowed.
7. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.
8. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.
9. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.
10. There shall be no resident manager or any type of overnight accommodations for such.
11. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.
12. One parking space shall be provided per every 80 individual storage units/areas.
13. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural or landscape feature or as may be approved by the board of commissioners if not located to the side or rear of proposed structure.
14. Lighting plan to be approved by the board of commissioners.
15. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.
16. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.
17. Hours of operation to be established by the board of commissioners, considering the operation hours of surrounding businesses.
18. Special land use permit as provided in section 134-37.

Freestanding ice vending machines. The following minimum standards shall apply to freestanding ice vending machines:

1. Architectural style must be similar to or complimentary to the architectural styles of contiguous properties and consistent with the county's architectural guidelines.
2. Any roof-mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from the view of public right-of-way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties. Further, these utilities, units or mechanical devices must include a noise abatement feature or device that abates noises or sounds from adjacent residential property.
3. Special land use permit as required in section 134-37.

Full service gasoline stations.

Funeral homes.

Golf courses, 18-hole regulation, public and private (see section 134-270).

Golf courses, par 3 (see section 134-270).

Group homes.

In-home day care.

Laundry and dry cleaning pickup establishments.

Light automotive repair establishments, provided the building shall not exceed 8,000 square feet in floor area.

Neighborhood retail uses.

Nonautomotive repair service establishments.

Nonprofit (seasonal use) fishing lakes.

Nursery schools and child day care centers.

Office service and supply establishments.

Parking for vehicles.

Private parks.

Professional offices.

Radio, television and other communication towers and antennas subject to section 134-273.

Rest homes, personal care homes or convalescent homes.

Self-service fuel sales.

Self-service laundry facilities.

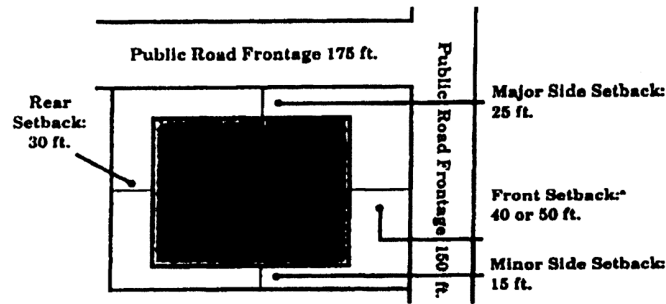
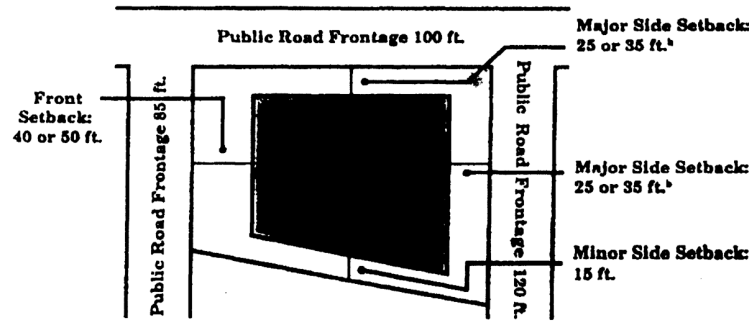
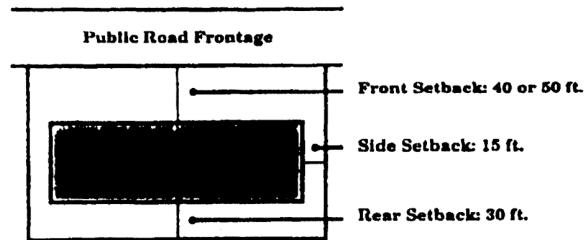
Temporary uses.

(4) *Lot size and setback requirements.* Lot size and setback requirements are as follows:

- a. Minimum lot size: 20,000 square feet.
- b. Minimum lot width at front setback line: 60 feet.
- c. Minimum public road frontage: 50 feet.
- d. Minimum building setbacks: As shown and applied in the following diagram:

MINIMUM BUILDING SETBACK REQUIREMENTS FOR NRC DISTRICT

Note: All setbacks shall be measured from future right-of-way.

**NRC****Example for Property with two (2) Public Road Frontages****Example for Property with three (3) Public Road Frontages****Example for Property with one (1) Public Road Frontage**

Notes:

<sup>a</sup> Property with shorter amount of road frontage will be the front setback for determining other setbacks (major side, side, rear).

<sup>b</sup> If structure fronts a major side setback, major side setback shall be 35 feet.

- (5) *Landscape buffer and screening requirements.* Unless otherwise noted within this district's requirements, any property within an NRC district which abuts a residentially zoned property shall have a minimum 20-foot landscaped screening buffer adjacent to all residentially zoned property, which will be subject to the county landscape architect's approval. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification as set forth under section 134-126.

- a. *Objectives.* Undisturbed, planted landscape buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

1. Screening to enhance aesthetic appeal;
2. Control or direction of vehicular and pedestrian movement;
3. Reduction of glare;
4. Buffering of noise; and
5. Establishment of privacy.

- b. *Standards.* Buffers and berms shall be required when an NRC district is located adjacent to a residential district; a mini required.
1. *Buffers.* Landscape buffers are subject to review and approval by the county arborist or county landscape architect in accordance with the following standards:
    - i. Plantings are to be a mix of evergreen trees and shrubs.
    - ii. Species are to be ecologically compatible to the site and appropriate for the design situation.
    - iii. Unless public safety concerns dictate otherwise, buffers should provide a 100 percent visual barrier to a height of six feet within two years of planting.
    - iv. Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
    - v. Fencing or walls are to be a minimum of six feet in height as approved by the county landscape architect or county arborist.
    - vi. Trees included in buffer plantings may be counted toward site density calculations as required by chapter 50, article VI, pertaining to tree preservation and replacement, subject to review and approval of county arborist.
    - vii. Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards set out in this subsection are met.
    - viii. When topography and existing conditions allow, the required 20-foot buffer should be an undisturbed buffer.
    - ix. Any appeals from a determination by the county landscape architect or county arborist shall be to the board of zoning appeals.
  2. *Berms.* Berms are subject to review and approval by the county landscape architect or county arborist in accordance with the following standards:
    - i. Berms shall be utilized when consistent with surrounding property features.
    - ii. Berms shall be stabilized.
    - iii. Berms shall be constructed to be consistent with natural or proposed drainage patterns.
    - iv. Berms shall be regularly maintained by the property owner.
- (6) *Floodplain and wetlands preservation requirements.* Any development must also meet state and federal requirements relating to areas subject to the provisions of section 134-283, regarding mountain and river corridor protection act areas, and section 134-284, regarding metropolitan river protection act areas.
- (7) *Building and structure requirements.* Maximum building height is 35 feet, with no more than two stories.
- (8) *Parking requirements.* See section 134-272 for paved parking specifications.
- (9) *Lighting requirements.* Lighting will be reviewed and approved so that stray light onto adjoining and nearby properties is eliminated or reduced. A lighting plan with light poles, wall packs and building lighting to be approved by the zoning division staff. The lighting plan is to have all lights shown, lumens, wattage of bulbs, and which way the light is shining.
- (10) *Special exception uses.* See section 134-271 for special exception uses and requirements for all districts. Special exception uses for the NRC district are the uses listed in section 134-271.
- (11) *Special exception uses for neighborhood activity center only.* The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the NRC district, provided they meet the following criteria:
- Properties have been specially studied by the Cobb County Board of Commissioners and as a result of the study, delineated as neighborhood activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.
  - Properties currently have a zoning district that is not consistent with neighborhood activity centers.
  - Properties contain an existing structure and use that is considered a nonconforming use given its delineation as a neighborhood activity center.
- All special exception uses within the NRC district are subject to the following criteria:
- All special exception uses allowed within the NRC district must be contained completely within an enclosed building. No uses are to be conducted outside, except for those allowing outdoor display of merchandise.

- Unless otherwise noted, the maximum size for any singular special exception use, including other uses structurally connected and/or internally accessed from said special exception use shall be no more than 50,000 square feet of gross floor area. Additive size for any singular special exception use, including other uses structurally connected and/or internally accessed from exception use shall be no more than 35,000 square feet of gross floor area. The following sub-criteria shall apply to all square feet or larger:
- Long blank walls that discourage pedestrian activity are prohibited along public roadway frontages. Building facades must be broken up with recesses of a minimum of 16 inches or other items of visual interest when adjacent to public roadway frontages.
- Ground-floor facades must have arches, display windows, awnings, or some other feature to add visual interest to the structure.
- Pedestrian amenities such as patio seating areas, gazebos, fountains, landscaped courtyards must be provided.
- Uses must have clearly defined entrances with canopies, porticos or arches and covered walkways.
- Parking should be designed so that no more than two-thirds of the parking spaces are located between the primary structure and one of the major roadways of the intersection at which the project is located. Where site design does not allow for the above parking space distribution, it shall be the option of the developer to install a minimum 25-foot landscaped buffer along the road frontage and measured from the edge of right-of-way to the back of the curb, inclusive of a three-foot high berm.

*Special Exception Uses:*

Animal hospitals (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Athletic and health clubs (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Boarding kennels (indoor), provided that no outside runs allowed, approval of county health department required, must not create a nuisance as defined by state law, building to be soundproofed, internal air exchange system required (excluding air conditioning system) and (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Clubs or lodges (noncommercial) (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Commercial indoor recreation uses (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Contractor (specialized) without heavy equipment (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Medical and dental laboratories, provided that no chemicals are manufactured on-site (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Offices not elsewhere classified (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Other consumer goods and services (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Other service establishments (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Photography studios (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Printing, publishing and lithography establishments, provided that no more than 50 percent of the total gross floor area will be used for storage (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Recreation grounds other than tennis courts and golf courses (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Reupholstery and furniture repair establishments (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Studios and supplies, provided that no more than 50 percent of the total gross floor area will be used for storage (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Tool rental (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

(12) *Use limitations.*

- a. Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.
- b. All structures located within the NRC district shall be appropriately scaled in relation to the transitional nature of the immediate area.
- c. All business establishments classified as neighborhood retail uses shall be restricted in accordance with the following:
  - One anchor tenant not to exceed 70,000 square feet of gross floor area.
  - One additional tenant not to exceed 20,000 square feet of gross floor area.
  - Remaining tenants not to exceed 7,500 square feet of gross floor area.
  - No neighborhood retail shopping center will exceed 140,000 square feet of gross floor area.
- d. Reserved.
- e. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
- f. No overnight parking of commercial vehicles is permitted, except for mini-vans or cars.
- g. It is found and declared that outside storage on properties within unincorporated Cobb County is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, unless otherwise allowed in this article. Within the NRC district, outside storage shall not include commercial vehicles used for a permitted use. Outside storage shall include any automobiles or vehicles that are being repaired or serviced in conjunction with a permitted use.
- h. No laboratories or clinics are permitted.
- i. Any emission or automotive inspection station shall be located within a permanent facility. (No temporary buildings/tents are to be utilized after June 30, 1998.) Effective April 1, 2014, any new applications (zoning applications, building permit related applications including tenant finish operations and certificate of occupancy applications) for emission or automotive inspection stations within permanent facilities shall mean an indoor inspection establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing emission and automotive inspections/testing. The permanent facility must be compliant with the adopted building regulations found in chapter 18 of the Cobb County Code.
- j. No light automotive repair establishment or full service gasoline station shall exceed 8,000 square feet, and no outside repair shall be allowed except for replacing taillights, wiper blades, batteries and tires, and routine inspections.
- k. No uses that emit noxious odors, fumes or sounds are permitted.
- l. No adult entertainment uses are permitted.
- m. No outside runs are permitted with any veterinary office use permitted within this district.
- n. Outdoor displays of merchandise must comply with the provision in section 134-267.
- o. Maximum impervious surfaces (80%-RAC, 70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.
- p. No loading docks or facilities may be located in the front of any primary structure.



Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification as set forth under section 134-126.

- (13) *Accessory buildings, structures, uses and decks.* Any accessory building or structure in excess of 1,000 square feet of gross space shall be located to the rear of the primary structure and at least 40 feet from any residential property line. Any accessory building or structure which exceeds 1,000 square feet of gross space must have the approval of the division manager of zoning or his designee as to the location, architectural design and size prior to commencing construction. The division manager of zoning or his designee shall consider the following criteria for determining the appropriateness of the architectural design and size of the accessory building or structure: compatibility with the surrounding neighborhood, style of exterior (the exterior is to be compatible in style with the primary structure), use of the proposed accessory structure, impact on adjacent properties, and requirements as deemed appropriate by plan review as set forth in this subsection. All accessory buildings, structures and uses in excess of 1,000 gross square feet shall be required to submit for plan review through the community development department or receive approval from the director of the community development department or his designee. Permitted accessory structures and uses are as follows:
- a. Accessory storage buildings, to include parking garages, subject to the following conditions:
    1. Maximum height is two stories, not to exceed 35 feet.
    2. Such structures shall be located on the same lot as and to the rear of the principal building to which they are accessory.
    3. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
    4. On a corner lot, no accessory building shall be located closer to the side street right-of-way line than the principal building.
    5. When abutting any other nonresidential district, no garage or other accessory building shall be located closer than five feet to a side or rear lot line.
    6. When an accessory building is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
    7. Where any nonresidential lot adjoins the side or rear of a residential lot, an accessory building shall not be located within any required buffers.
  - b. Antennas and satellite dishes, which shall meet the requirements set forth in section 134-274.
  - c. Carwashes accessory to convenience food stores with self-service fuel.
  - d. Heating and air conditioning units, subject to the following conditions:
    1. When abutting any residential property line, heating and air conditioning units shall not be located within any required buffers.
    2. When abutting any other nonresidential district, no heating and air conditioning units shall be located closer than five feet to a side or rear lot line.
    3. Heating and air conditioning units may be installed on the roof of any structure zoned commercially so long as the heating and air conditioning unit does not exceed the height restrictions stated in this section and the units are placed so as to be hidden from a front or side view.
    4. No ground-based heating and air conditioning units shall exceed 35 feet in height.
  - e. Incidental storage, provided that the material stored is incidental to the permitted use, as determined by the division manager of zoning or his designee, and stored completely within a portion of the enclosed principal structure permitted within the district, or within a permitted accessory structure.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-7.21; Ord. of 8-13-91; Ord. of 6-9-92; Ord. of 7-11-95; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 12-9-97 (eff. 1-1-98); Ord. of 11-23-99; Ord. of 5-9-00; Ord. of 7-10-01; Ord. of 9-10-02; Ord. of 12-9-03; Ord. of 7-27-04; Amd. of 3-24-09; Ord. of 7-14-09; Amd. of 3-23-10; Amd. of 2-26-13; Amd. of 2-25-14; Amd. of 2-24-15; Amd. of 2-23-16; Amd. of 2-27-18)