



## Community Development Department

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# Memorandum

To: Mayor and City Council  
Don McKenzie, City Manager

Cc: Theresa Breedlove, City Clerk

From: Tim Young, Director

Date: September 13, 2011

Subject: Revision to C-2 Ordinance

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**Ordinance Revision.** Attached is the revised C-2 zoning amendment outlining the changes to the C-2 ordinance that will further migrate our own zoning further from the static Henry County provisions and opens up some additional concepts since the old 1991-era code was adopted. Added were permitted uses for Lifestyle shopping centers, revisions to professional offices and restaurants to define better types of facilities and then the bulk of revisions to Conditional Uses.

Primary to the change would be allowing commercial kennels only within indoor boarding as a primary use with conditions of minimum and maximum lot size, setbacks, etc.

Staff recommends approval of the proposed Zoning Code amendment.

**DRAFT – For Public Hearing**

**ORDINANCE NO. \_\_\_\_**

**TO AMEND TITLE 17 CHAPTER 17.04 OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES, WHICH PROVIDES FOR ZONING REGULATIONS; TO REPEAL SECTION 17.04.134 ENTITLED “RESERVED;” TO AMEND SECTION 17.04.134 ENTITLED “SECTION 3-7-153 – C-2 GENERAL COMMERCIAL DISTRICT ADOPTED AS AMENDED;” TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS**

**SECTION 1.** Chapter 17.04.134 of the Code of Ordinances of the City of Locust Grove is hereby amended by repealing Section 17.04.134 in its entirety and replacing in lieu thereof the following:

**17.04.134 Section 3-7-153 – C-2: general commercial district adopted as amended.**

Section 3-7-153 of the Code of Henry County, Georgia, is adopted as amended, so that it shall read as follows:

(a) *Purpose.* This district is intended to provide locations for a wide variety of retail and service uses and wholesale establishments to satisfy the common and frequent needs of residents in large sections of the city and surrounding area including the traveling public. It is the intent of this district to encourage businesses to be part of planned commercial convenience centers, neighborhood, community and regional shopping centers and along developed sections of heavily traveled corridors. **This district is to be used in areas denoted as Community Commercial Center, Regional Commercial Center and in Mixed-Use areas (Mixed Use Neighborhood District, Central Business District, Mixed Use District) on the City’s Future Land Use Map, as adopted. Uses in this district shall be located on or within 1,320 feet of roads having a minimum classification of minor or major arterial.**

(b) *Permitted Uses:*

- 1. Any use permitted in the C-1 zoning district.**
- 2. Ambulance service.**
- 3. Auction gallery.**
- 4. Automobile wash.**
- 5. Automobile service centers and stations, but not including major repair, body and fender work or painting, provided that all structures and building except principal use signs**

and including storage tanks shall be located not less than twenty-five feet (25') from any side or rear property lines except where such side or rear property lines abut a street, in which case the setback shall be that required for such streets, including gasoline pumps and storage tanks, except principal use (or equivalent signs stated in Chapter 15.24), shall comply with the setback requirements of any abutting street. If the automobile service state is located on a corner lot, the means of ingress and egress provided shall be not less than twenty-five feet (25') from the intersection of street right-of-way lines. Ingress and egress shall be arranged and designed so as to minimize the interference with the flow of vehicular or pedestrian traffic.

6. Bus Terminals
7. Business and commercial schools, including tutoring or instructional testing facilities.
8. Community and regional shopping centers
9. Dancing schools including group instruction
10. Department stores.
11. Drive-in configurations of any business otherwise permitted in this district; provided, that any such establishment shall provide adequate off-street space for the maneuvering and storage of patrons' vehicles; and further provided that there be a sturdy, decorative fence or wall for the retaining of any discarded paper or other material on all sides of the parking area except the front; and provided that no music or loudspeaker system shall be installed or operated that can be heard at neighboring residential, motel or motor hotel properties; and providing all lighting shall be directed and shielded so as to light only the property of such establishment.
12. Furniture stores.
13. Lifestyle shopping centers where major tenants and shops are clustered together alongside entertainment areas, restaurants, and lodging facilities that afford patrons the opportunity to walk conveniently within the interior of the center and is planned and organized as an unique destination and activity center.
14. Neighborhood shopping centers.
15. Parking lots and structures.
16. Pawnshops.
17. Pet shops and grooming facilities.
18. Planned Commercial Center, where there are a minimum of three or more uses platted or organized for the purposes of common promotion plan to be approved within Chapter 15.24.

19. **Printing, job, when mechanical operation is not visible from a street, and employing not more than four (4) persons.**
20. **Professional, medical and dental offices.**
21. **Radio and television stations, except transmission towers over thirty-five feet (35') high.**
22. **Restaurants, including fast food, high-turnover, and casual or fine dining.**
23. **Stationery and office machines sales and service.**
24. **Upholstery shops.**
25. **Wholesale stores, but not establishments operated primarily as a warehouse for distribution purposes. A wholesale store shall be distinguished from a warehouse if there is at least one (1) square foot or more of office, sales and display space for each square foot of warehousing space, and the building is so arranged as to encourage walk-in trade.**
26. Other uses as may be determined by the planning staff to be similar and compatible with the above listed permitted uses.

(c) *Accessory Uses.* Those uses determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning staff and favorable decision thereon by the mayor and city council, the following conditional uses are permitted in this district:

- (1) Animal hospital or clinic, provided there are no outside runs or pens.
- (2) Building and lumber supply establishments, provided all storage is under roof and said storage areas are to the side or rear of the primary structure. Said business must be on lots of greater than three (3) contiguous acres and must provide solid opaque fencing or decorative masonry walls where adjoining residentially zoned properties.
- (3) Clubs and lodges.
- (4) Commercial kennel, provided that all boarding is indoors and is conducted on a lot of a minimum size of 20,000 square feet and maximum size of 60,000 square feet and all structures are a minimum of fifty feet (50') from adjoining residential property.
- (5) Funeral homes.
- (6) Gasoline service stations which conduct major automotive repair, provided all storage of vehicles is to the side or rear of the lot and is screened from view by appropriate decorative fencing or masonry wall a minimum of eight feet (8') in height



- (7) Greenhouses and nurseries including landscape service, provided all storage of vehicles is to the side or rear of the lot and is screened from view by appropriate decorative fencing or masonry wall a minimum of eight feet (8') in height
- (8) Mortuaries and crematoriums, provided minimum lot size is three (3) acres and all structures are located a minimum of seventy-five feet (75') from any adjoining residential property.
- (9) Outdoor amusement facilities, including pony riding, miniature golf, racing cars, carnival and bazaars.
- (10) Radio and television transmission towers over thirty five feet (35') in height, provided said facility maintains a setback from all adjoining property lines a minimum of one half the tower height unless additional setback distance is required for safety of adjoining properties.

(e) *Conditional Exceptions.* None.

(f) *Space Limits and Development Standards:*

TABLE INSET:

(1)	Minimum lot area.....	10,000 square feet
(2)	Minimum lot width.....	100 feet
(3)	Minimum front yard.....	50 feet from right-of-way line, 35 feet from driveway or easement serving adjoining uses.
(4)	Minimum side yard.....	None, but 35 feet if a corner lot
(5)	Minimum rear yard.....	20 feet, 40 feet where adjoining a residential lot.
(6)	Maximum height.....	55 feet or 3 stories, whichever is greater
(7)	Sidewalks or multiuse trails	Required along all street frontages, including internal private streets where practical. Minimum width of 5 feet for sidewalks and 10 feet for multiuse trails, if provided on a single side of a street or accessway.
(8)	Lighting	Required along all street frontage. Cutoff fixtures for areas adjoining residential districts. Photometric lighting plan required.

**SECTION 2.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

**SECTION 3.**

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION 4. Effective Date.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
LORENE LINDSEY, Mayor

ATTEST:

\_\_\_\_\_  
THERESA BREEDLOVE, City Clerk

(Seal)