REFERENCE NO. 20101252
ORDINANCE NO. 7513

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 708.01 R-1, Single Family Residential/Agriculture, Paragraph B, Permitted Uses, is hereby amended as follows:

708.01 R-1, Single Family Residential/ Agriculture (1 unit/acre)

B. *Permitted Uses*.
1. Single family detached dwellings, but not including manufactured homes.
2. Non-commercial horticulture and agriculture, except in front and side yard setbacks.
3. Livestock, poultry and non-commercial riding stables, provided:
   a) No livestock shall be kept on a lot containing less than 5 acres.
   b) All buildings used for animals shall be set back not less than 150 feet from all property lines.
   c) All animals shall be maintained at least 50 feet from any property line and shall have 5,000 square feet of fenced lot area not covered by the principal structure for each animal.
4. Golf courses and driving ranges, provided:
   a) Any building or structure established in connection with such use must be set back no less than 100 feet from any property line,
   b) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
5. Group homes consisting of 6 or fewer individuals, inclusive of resident staff (see standards set forth in Section 712.02).
6. Personal care homes consisting of 6 or fewer individuals, inclusive of resident staff, provided:
   a) The principal structure contains a residential facade architecturally similar to adjacent buildings.
   b) Such facilities obtain all necessary local and state licenses.
   c) The use is limited to the principal structure only.
   d) No other such facility shall be located within 1,000 feet as measured from property line to property line.
   e) Signage is limited to one non-illuminated wall sign no greater than 6 square feet and is permitted through the Department of Development Services.
7. Accessory uses and structures incidental to any legal permitted use.

Section 2: Division 708.02 R-2, Single Family Residential, Paragraph B, Permitted Uses, is hereby amended as follows:

708.02 R-2, Single Family Residential (2 units/acre)

B. *Permitted Uses.*

1. Single family detached dwellings.
2. Group homes consisting of six or fewer individuals, inclusive of resident staff (see standards set forth in Section 712.02).
3. Personal care homes consisting of six or fewer individuals, inclusive of resident staff, provided:
   a) The principal structure contains a residential facade architecturally similar to adjacent buildings.
   b) Such facilities obtain all necessary local and state licenses.
   c) The use is limited to the principal structure only.
   d) No other such facility shall be located within 1,000 feet as measured from property line to property line.
   e) Signage is limited to one non-illuminated wall sign no greater than 6 square feet and is permitted through the Department of Development Services.
4. Accessory uses and structures incidental to any legal permitted use.

Section 3: Division 708.03 R-3, Single Family Residential, Paragraph B, Permitted Uses, is hereby amended as follows:

R-3, Single Family Residential (3 units/acre)

B. *Permitted Uses.*

1. Single family detached dwellings.
2. Group homes consisting of 6 or fewer individuals, inclusive of resident staff (see standards set forth in Section 712.02).
3. Personal care homes, consisting of six or fewer individuals, inclusive of resident staff, provided:
   a) The principal structure contains a residential facade architecturally similar to adjacent buildings.
   b) Such facilities obtain all necessary local and state licenses.
   c) The use is limited to the principal structure only.
   d) No other such facility shall be located within 1,000 feet as measured from property line to property line.
   e) Signage is limited to one non-illuminated wall sign no greater than 6 square feet and is permitted through the Department of Development Services.
4. Accessory uses and structures incidental to any legal permitted use.

Section 4: Division 708.04 R-4, Single Family Residential, Paragraph B, Permitted Uses, is hereby amended as follows:

R-4, Single Family Residential (4 units/acre)

B. *Permitted Uses.*

1. Single family detached dwellings.
2. Group homes consisting of 6 or fewer individuals, inclusive of resident staff (see standards set forth in Section 712.02).

3. Personal care homes, consisting of six or fewer individuals, inclusive of resident staff, provided:
   a) The principal structure contains a residential facade architecturally similar to adjacent buildings.
   b) Such facilities obtain all necessary local and state licenses.
   c) The use is limited to the principal structure only.
   d) No other such facility shall be located within 1,000 feet as measured from property line to property line.
   e) Signage is limited to one non-illuminated wall sign no greater than 6 square feet and is permitted through the Department of Development Services.
4. Accessory uses and structures incidental to any legal permitted use.

Section 5: Division 712.02 Community Residences, paragraph B. Group Homes, is hereby amended as follows:

B. *Group Homes.*

Group homes are defined throughout the entirety of this ordinance as dwellings shared by individuals who live together as a single housekeeping unit and in a long-term 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 also apply to homes for the handicapped; however, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance or alcohol, 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 alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.

1. Group homes with six or fewer residents, inclusive of resident staff, are permitted uses within the R-1, R-2, R-3, and R-4, zoning districts, provided:
   a) The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.
   b) The operator of the group home obtains certification from the appropriate state licensing body.
   c) No other such facility or halfway house is located within 1,000 feet as measured from property line to property line.
2. Group homes with more than six residents, inclusive of resident staff, may be permitted within the R-1, R-2, R-3, and R-4 zoning districts only if granted a Special Land Use Permit (SLUP) after a public hearing before the Board of Zoning Appeals.
3. Group homes may be permitted within RA-4, RA-6, RA-8 and LRO zoning districts (regardless of the number of occupants) if granted a SLUP from the Board of Zoning Appeals.
4. Group homes are considered permitted uses by right in OI, RM and RHR zoning districts, subject to those standards set forth therein.

Section 6: Division 724.02, Definition of terms, is hereby amended so as to revise the definition of 'Group home', as follows:

Group Home: A dwelling shared by individuals who live together as a single housekeeping unit and in a long-term 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 also apply to homes for the handicapped; however, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance or alcohol, 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 alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.

Section 7: 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 8: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 9: 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: January 12, 2011

APPROVED:

Steve Tumlin, Mayor

ATTEST:

Stephanie Guy, City Clerk