REFERENCE NO. 20160309
ORDINANCE NO. 7881

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 3 or fewer individuals, exclusive of resident staff (see standards set forth in Section 712.02).
6. Personal care homes consisting of 3 or fewer individuals, exclusive 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
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 3 or fewer individuals, exclusive of resident staff (see standards set forth in Section 712.02).
3. Personal care homes consisting 3 or fewer individuals, exclusive 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.
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 3 or fewer individuals, exclusive of resident staff (see standards set forth in Section 712.02).
3. Personal care homes, consisting 3 or fewer individuals, exclusive 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.
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 3 or fewer individuals, exclusive of resident staff (see standards set forth in Section 712.02).
3. Personal care homes, consisting 3 or fewer individuals, exclusive 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.

4. Accessory uses and structures incidental to any legal permitted use.

Section 5:

Division 708.23 OI, Office Institutional, Paragraph B, Permitted Uses, Paragraph D. Special Uses Permitted by the Board of Zoning Appeals is hereby amended as follows:

B. Permitted Uses.

1. Animal hospitals 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 housed within an enclosed building and adequate sound and odor control shall be maintained.
2. Places of assembly.
3. Private parks and playgrounds.
4. Banks and financial institutions, including those with drive-in services and automatic tellers.
5. Cultural facilities.
6. 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 four feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
7. Group homes and sheltered housing for crime victims, limited to one bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.
8. Fraternity and sorority houses and residence halls.
9. Funeral homes. Such use shall be at least 300 feet from any property zoned for residential purposes.
10. Health service clinics (including accessory pharmacies).
11. Hospitals.
12. Hotels.
    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.
13. Medical and dental laboratories.
14. Offices, professional and general business.
15. Parking lots and garages. Up to 50% 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.
16. Public buildings and utilities.

17. Radio, recording and television studio facilities.
18. Sanitariums, rest and retirement homes, nursing homes, assisted living and personal care facilities.
    a) Must attain all required state certifications.
    b) Maximum 20 beds per gross acre of development.
20. Schools, colleges and universities. Public and private.
    a) Minimum 5 acre lot size.
    b) Accessory uses may include food preparation and service, athletic facilities, residence halls, limited retail activities and any other use denoted as a permitted use within this subsection subject to such use being wholly accessory to the principal use.
21. Shelters for the homeless.
    a) Minimum one acre lot size.
    b) Such use shall be located at least 750 feet from residentially zoned property.
    c) Such use may not be established within 1000 feet of any other shelter for the homeless.
    d) All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI) as amended.
22. 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.
23. 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 are limited to the first two stories.
    b) No show window or other advertising shall be visible from the exterior of the primary use structure.

Section 6:

Division 708.23 OI, Office Institutional, Paragraph B, Paragraph D. Special Uses Permitted by the Board of Zoning Appeals is hereby amended as follows:

D. Special Uses Permitted by Board of Zoning Appeals.

1. Halfway houses (see standards set forth in Section 712.02).
    a) The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.
    b) The operator obtains certification from the appropriate state licensing body.
    c) No other such facility is located within 1,000 feet as measured from property line to property line.

Section 7:

Division 712.01 Special land use permits, Table B is hereby amended as follows:

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
Extended Stay Hotels	RRC, OS, and OHR	City Council
Group Home, regardless of the number of residents	RA-4, RA-6, RA-8, and LRO	Board of Zoning Appeals
Group Homes containing more than 4 residents	R-1, R-2, R-3, and R-4	Board of Zoning Appeals
Halfway House	OI, RM and RHR	Board of Zoning Appeals
Home Occupation, Type B	R-1, R-2, R-3, R-4, MHP, AND PRD-SF	City Council
Indoor BB/Air Rifle Shooting Range	CRC, RRC, LI and HI	City Council
Petroleum and petrochemical refining and storage	HI	City Council
Private landfills	HI	City Council
Quarries or mining operations	HI	City Council
Recyling 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, and 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

Section 8:

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 3 or fewer residents, exclusive 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 (3) residents, exclusive 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 9:

Division 712.02 Community Residences, paragraph C. Halfway Houses, is hereby amended as follows:

C. *Halfway Houses.*

Halfway houses are temporary residential living arrangements for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. These are persons who are receiving therapy and counseling from support staff who are present when residents are present, for the following purposes:

- to help them recuperate from the effects of drug or alcohol addiction;
- to help them reenter society while housed under supervision or while under the constraints of alternatives to imprisonment including, but not limited to, prerelease, work release, or probationary programs; or
- to help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence.

1. Halfway houses may be permitted within OI, RM and RHR zoning districts only if granted a Special Land Use Permit (SLUP) from the Board of Zoning Appeals and are limited to one bed per 250 gross square feet of heated building space.
   a) The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.
   b) The operator obtains certification from the appropriate state licensing body.
   c) No other such facility is located within 1,000 feet as measured from property line to property line.

Section 10:

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. All applicants shall provide detailed information of the caretaker staff including routine shifts, professional certifications/licenses, etc.

Section 11:

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

Personal care home: A facility licensed by the State of Georgia for the transitional residency of persons incapable of independent living, within which are provided living and sleeping facilities, meal preparation, laundry services, transportation services and routine social and medical appointments and counseling. All applicants shall provide

detailed information of the caretaker staff including routine shifts, professional certifications/licenses, etc.

Section 12: 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 13: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 14: 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:

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: June 8, 2016

APPROVED:

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy, City Clerk