

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: Section 10-10-130 Domesticated animals is hereby amended as follows:

Section 10-10-130 Domesticated animals

- A. *Definition.* "Domesticated animals" are defined as small animals permitted in the house or yard and kept for company or pleasure, such as dogs, cats, rabbits, rodents, birds, and chickens, but excluding swine, livestock, and exotic animals.
- B. *Permitted Use.* Each dwelling unit may contain a maximum of four domesticated animals, except as otherwise permitted. This standard shall not apply to animals less than six months of age. It is not permitted to keep animals for the purposes of resale on or off the premises.

Section 2: Division 708.01, R-1, Single Family Residential/Agriculture (1 unit/acre), Paragraph C, Temporary / Conditional Uses Allowed by the Director, is hereby amended as follows:

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

C. *Temporary/Conditional Uses Allowed by the Director.*

- 1. Temporary or portable sawmill not to exceed a period of 6 months. Such mill may only process timber removed from the property on which it is located. Timber harvesting permits shall be required to meet all aspects of the Tree Protection Ordinance (see standards set forth in Section 712.08).
- 2. Guest homes and servant quarters, provided:
 - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
 - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
 - c) No paying guests or tenants are housed.
 - d) No other similar use or structure is located on the lot.
 - e) The building's height and/or area do not exceed that of the principal building.
- 3. Limited Home Occupations (see standards set forth in Section 712.04).
- 4. Garage Sales, provided:
 - a) Limited to 3 consecutive days and one event every 3 months.
 - b) No consignment goods may be offered for sale.
 - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.

- d) One sign per property frontage is allowed, maximum 6 square feet in size.
- 5. Chickens shall be allowed on property zoned R-1 according to the restrictions listed below:
 - a. An accurately scaled sketch of the property must be provided that shall indicate the location of all existing and proposed structures, including coops and fences, as well as their distances from surrounding property lines.
 - b. No roosters shall be allowed.
 - c. The maximum number of chickens allowed on any property shall not exceed four (4).
 - d. The minimum lot size for the keeping of chickens is 15,000 square feet.
 - e. Chickens may only be kept on properties with an occupied residence.
 - f. Chicken coops may be no more than eight (8) feet in height.
 - g. Chicken coops and the enclosed "run area" shall not be more than one hundred (100) square feet in area
 - h. Chickens must be kept in a fenced area in the rear yard at least 20 feet from any property line and 10 feet from the principal structure. The minimum fenced area for chickens shall be twenty-five (25) square feet per chicken.
 - i. All coops and surrounding areas are to be properly maintained and kept clean so as not to become a nuisance. Coops and feed are to be secured at all times to prevent any potential nuisance with mice or other rodents and pests.
 - j. A property owner or resident may be required to remove any and all chickens if they are not being properly contained in the manner specified in this section.
 - k. Chickens shall only be permitted as pets or for egg production; the chickens shall not be kept for slaughter.

Notwithstanding anything contained in this Ordinance, this Ordinance shall not modify, nullify, change or usurp any protective covenant, restrictive covenant, declarations or conditions currently existing and recorded on the Deed Records of Cobb County, Georgia. This Ordinance applies only within the City of Marietta.

Section 3: Division 708.02 R-2, Single Family Residential (2 units/acre), Paragraph C, Temporary / Conditional Uses Allowed by the Director, is hereby amended as follows:

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

C. Temporary/Conditional Uses Allowed by the Director.

- 1. Guest homes and servant quarters, provided:
 - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
 - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
 - c) No paying guests or tenants are housed.
 - d) No other similar use or structure is located on the lot.
 - e) The building's height and/or area do not exceed that of the principal building.
- 2. Limited Home Occupations (see standards set forth in Section 712.04).
- 3. Garage Sales, provided:
 - a) Limited to 3 consecutive days and one event every 3 months.

- b) No consignment goods may be offered for sale.
 - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
 - d) One sign per property frontage is allowed, maximum 6 square feet in size.
4. Chickens shall be allowed on property zoned R-2 according to the restrictions listed below:
- a. An accurately scaled sketch of the property must be provided that shall indicate the location of all existing and proposed structures, including coops and fences, as well as their distances from surrounding property lines.
 - b. No roosters shall be allowed.
 - c. The maximum number of chickens allowed on any property shall not exceed four (4).
 - d. The minimum lot size for the keeping of chickens is 15,000 square feet.
 - e. Chickens may only be kept on properties with an occupied residence.
 - f. Chicken coops may be no more than eight (8) feet in height.
 - g. Chicken coops and the enclosed "run area" shall not be more than one hundred (100) square feet in area
 - h. Chickens must be kept in a fenced area in the rear yard at least 20 feet from any property line and 10 feet from the principal structure. The minimum fenced area for chickens shall be twenty-five (25) square feet per chicken.
 - i. All coops and surrounding areas are to be properly maintained and kept clean so as not to become a nuisance. Coops and feed are to be secured at all times to prevent any potential nuisance with mice or other rodents and pests.
 - j. A property owner or resident may be required to remove any and all chickens if they are not being properly contained in the manner specified in this section.
 - k. Chickens shall only be permitted as pets or for egg production; the chickens shall not be kept for slaughter.

Notwithstanding anything contained in this Ordinance, this Ordinance shall not modify, nullify, change or usurp any protective covenant, restrictive covenant, declarations or conditions currently existing and recorded on the Deed Records of Cobb County, Georgia. This Ordinance applies only within the City of Marietta.

Section 4: Division 708.03 R-3, Single Family Residential (3 units/acre), Paragraph C, Temporary / Conditional Uses Allowed by the Director, is hereby amended as follows:

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

C. Temporary/Conditional Uses Allowed by the Director.

- 1. Guest homes and servant quarters, provided:
 - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
 - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
 - c) No paying guests or tenants are housed.
 - d) No other similar use or structure is located on the lot.
 - e) The building's height and/or area do not exceed that of the principal building.
- 2. Limited Home Occupations (see standards set forth in Section 712.04).
- 3. Garage Sales, provided:

- a) Limited to 3 consecutive days and one event every 3 months.
 - b) No consignment goods may be offered for sale.
 - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
 - d) One sign per property frontage is allowed, maximum 6 square
4. Chickens shall be allowed on property zoned R-3 according to the restrictions below:
- a. An accurately scaled sketch of the property must be provided that shall indicate the location of all existing and proposed structures, including coops and fences, as well as their distances from surrounding property lines.
 - b. No roosters shall be allowed.
 - c. The maximum number of chickens allowed on any property shall not exceed four (4).
 - d. The minimum lot size for the keeping of chickens is 15,000 square feet.
 - e. Chickens may only be kept on properties with an occupied residence.
 - f. Chicken coops may be no more than eight (8) feet in height.
 - g. Chicken coops and the enclosed "run area" shall not be more than one hundred (100) square feet in area
 - h. Chickens must be kept in a fenced area in the rear yard at least 20 feet from any property line and 10 feet from the principal structure. The minimum fenced area for chickens shall be twenty-five (25) square feet per chicken.
 - i. All coops and surrounding areas are to be properly maintained and kept clean so as not to become a nuisance. Coops and feed are to be secured at all times to prevent any potential nuisance with mice or other rodents and pests.
 - j. A property owner or resident may be required to remove any and all chickens if they are not being properly contained in the manner specified in this section.
 - k. Chickens shall only be permitted as pets or for egg production; the chickens shall not be kept for slaughter.

Notwithstanding anything contained in this Ordinance, this Ordinance shall not modify, nullify, change or usurp any protective covenant, restrictive covenant, declarations or conditions currently existing and recorded on the Deed Records of Cobb County, Georgia. This Ordinance applies only within the City of Marietta.

Section 5: Division 708.04 R-4, Single Family Residential (4 units/acre), Paragraph C, Temporary / Conditional Uses Allowed by the Director, is hereby amended as follows:

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

C. Temporary/Conditional Uses Allowed by the Director.

- 1. Guest homes and servant quarters, provided:
 - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
 - b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
 - c) No paying guests or tenants are housed.
 - d) No other similar use or structure is located on the lot.
 - e) The building's height and/or area do not exceed that of the principal building.
- 2. Limited Home Occupations (see standards set forth in Section 712.04).

3. Garage Sales, provided:
 - a) Limited to 3 consecutive days and one event every 3 months.
 - b) No consignment goods may be offered for sale.
 - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
 - d) One sign per property frontage is allowed, maximum 6 square feet in size.
4. Chickens shall be allowed on property zoned R-4 according to the restrictions below:
 - a. An accurately scaled sketch of the property must be provided that shall indicate the location of all existing and proposed structures, including coops and fences, as well as their distances from surrounding property lines.
 - b. No roosters shall be allowed.
 - c. The maximum number of chickens allowed on any property shall not exceed four (4).
 - d. The minimum lot size for the keeping of chickens is 15,000 square feet.
 - e. Chickens may only be kept on properties with an occupied residence.
 - f. Chicken coops may be no more than eight (8) feet in height.
 - g. Chicken coops and the enclosed "run area" shall not be more than one hundred (100) square feet in area
 - h. Chickens must be kept in a fenced area in the rear yard at least 20 feet from any property line and 10 feet from the principal structure. The minimum fenced area for chickens shall be twenty-five (25) square feet per chicken.
 - i. All coops and surrounding areas are to be properly maintained and kept clean so as not to become a nuisance. Coops and feed are to be secured at all times to prevent any potential nuisance with mice or other rodents and pests.
 - j. A property owner or resident may be required to remove any and all chickens if they are not being properly contained in the manner specified in this section.
 - k. Chickens shall only be permitted as pets or for egg production; the chickens shall not be kept for slaughter.

Notwithstanding anything contained in this Ordinance, this Ordinance shall not modify, nullify, change or usurp any protective covenant, restrictive covenant, declarations or conditions currently existing and recorded on the Deed Records of Cobb County, Georgia. This Ordinance applies only within the City of Marietta.

Section 6: Division 724.02, Definition of terms, is hereby amended so as to amend the following definitions:

- *Domesticated animals:* Small animals permitted in the house or yard and kept for company or pleasure, such as dogs, cats, rabbits, chickens, rodents, and birds, but excluding swine, livestock and exotic animals.
- *Livestock:* Poultry, except for chickens, cattle, swine, horses, mink, rabbits, sheep, goats or any other domestic animal used for consumption.

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:



Rusty Roth, Acting Director
Department of Development Services

Approved as to Form:

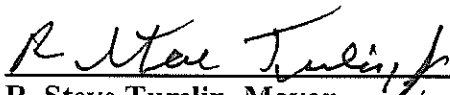


Doug Haynie, City Attorney

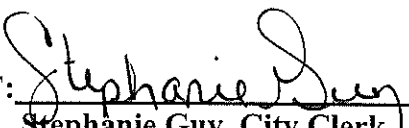
Approved by City Council:

DATE: February 8, 2017

APPROVED:



R. Steve Tumlin, Mayor

ATTEST: 

Stephanie Guy, City Clerk