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**708.12 RM-12, Multi-Family Residential (12 units/acre)**

A. Purpose and Intent.

The RM-12 district is intended to provide suitable areas for multi-family housing designed in a compatible and complementary manner so as to function as a singular and integrated land use. This zoning district may serve as a transitional zone between commercial/office uses and residential districts of a lesser intensity.

B. Permitted Uses.

1. Condominiums and townhouses, provided:

- a) For all developments containing eight (8) units or more, a mandatory homeowners association shall be created that will be responsible for the upkeep and maintenance of all front yards and common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development.
- b) “Four-sided architecture” is required, such that architectural features and materials shall be used in a consistent manner on all sides of the residential units. Materials to be used on exterior facades of all buildings shall include brick, stone, stucco (not EFS type) or fiber-cement siding, or combinations of those materials. No vinyl, aluminum or metallic siding may be used.
- c) The condominiums and townhouses shall be “for sale” only, and no more than five percent (5%) of all the homes within the residential development shall be allowed to be renter occupied at any time. A recital of this requirement shall be contained within the covenants to ensure enforcement. In addition, the homeowner’s association or other governing body is hereby charged with the responsibility of enforcing this regulation on all homeowners and owners of lots and property in the development. The homeowner’s association shall enforce this regulation to ensure compliance with city ordinances with both the initial owner of the property as well as all subsequent owners. Failure of the homeowner’s association to require and achieve compliance may result in a civil penalty by the City of Marietta against the homeowner’s association in the amount of \$500.00.
- d) The development shall be constructed and governed in conformity with the requirements of the Georgia Condominium Act (O.C.G.A. §44-3-70, et seq.). A Declaration of Condominium shall be submitted and recorded in compliance of this act.
- e) All condominiums and townhouses shall have two-car garages, and the parking pads/driveways in front of the garage shall be a minimum of 20 feet in length (measured from the back of sidewalk or back of curb when there is no sidewalk) in order to accommodate two additional cars. The garages shall be used for the parking and storage of vehicles and may not be enclosed to provide for additional residential space. A recital of this requirement shall be contained within the Covenants to ensure enforcement.
- f) A guest parking area shall be required at a ratio of 0.2 spaces per dwelling unit.
- g) The development shall comply with all recommendations from the City of Marietta Public Works Department with respect to hydrology, stormwater management, down stream considerations and any donation and/or conveyance of right-of-way that is deemed necessary.
- h) A 150 foot acceleration lane and a 150 foot deceleration lane with appropriate tapers shall be constructed, if required by the Public Works Department.
- i) A recreation area shall be provided at a ratio of 1 acre per 50 units (or a proportional percentage thereof) with a minimum of 10,000 square feet provided. Such area shall be developed with at least one passive recreational feature, such as a pavilion, gazebo or picnic

area, and at least one active recreational feature, such as a walking trail, swimming pool, playground or tennis courts. Active recreational areas must be outside of any floodplain area and located in such a manner that at least 75% of the townhouses are within 300 feet, as measured from the building footprints. Any recreation area, whether passive or active, must be located in an area with a slope of less than 15%, however, all recreation areas must meet ADA requirements for accessibility. Active recreational areas must be improved through the use of terracing or other techniques to provide a usable area, such that at least 25% of the entire recreational area shall have a slope of no greater than 3%.

2. Multi-family dwelling units.
3. Group homes, limited to one bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.
4. Fraternity and sorority houses and residence halls.
5. Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Director.

1. Limited Home Occupations (see standards set forth in Section 712.04).
2. Single-family detached residential units in accordance with the bulk and area regulations specified in 708.04 H.
3. Mobile Retail Food Establishment shall be allowed on property zoned RM-12 according to the restrictions listed below:
  - a) Written permission of the property owner is obtained.
  - b) Such use does not last longer than one day and no more than 3 days annually.
  - c) These uses are not located within any public right-of-way or City owned property, unless otherwise authorized by the City.
  - d) Adequate paved parking, ingress and egress are provided on site.
  - e) A temporary use permit is applied for and approved by the Director of the Department of Development Services.
  - f) The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to Mobile Retail Establishments; all such variance requests must be submitted to City Council. Variances for mobile food establishments shall be considered according to the criteria defined under §712.01 (E).<sup>1</sup>

D. Special Uses Permitted by Board of Zoning Appeals.

Not applicable in this district.

E. Special Uses Permitted by City Council

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 certifications 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.<sup>2</sup>
2. Party Houses<sup>3</sup>

<sup>1</sup> Legistar #20190284, 9/11/2019

<sup>2</sup> Legistar #20200791, 12/9/2020

<sup>3</sup> Legistar #20190873, 12/11/2019.

3. Places of assembly, private parks and playgrounds, and neighborhood recreation centers or swimming pools, provided:
  - a) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
  - b) Any building or structure established in connection with such use must be setback no less than 75 feet from any property line.
  - c) All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.(See standards set forth in Section 712.01).

E. Accessory Structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
3. No accessory building shall be constructed upon a lot before the principal building.
4. No accessory structure may exceed the mean height of the principal building.
5. Swimming pools must be enclosed by a fence not less than 4 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
6. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations.

1. All outside storage associated with non-residential uses must be stored in a side or rear yard and screened from all streets and adjacent properties by an opaque fence no less than six feet in height. The Director may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
2. Buildings must be separated by at least 60 feet unless a side face is involved in which case the buildings shall be separated by no less than 40 feet.
3. No building may exceed 250 feet in length.
4. No unit or building may have direct access to an arterial or collector street outside the development.
5. A recreation area must be provided at a ratio of one acre per 50 units (or a proportional percentage thereof) with a minimum of 10,000 sq. ft. provided. Such area may serve as open space and/or developed for recreational purposes such as pools or basketball and tennis courts. Non-passive recreational areas must be located in such a manner that at least 75% of the units are within 300 feet, as measured from building footprints.
6. Common on-site parking areas shall be located not more than 200 feet from the dwelling units served. No more than 25% of the required parking may be provided within the front yard or setback.
7. When over 50% of the required parking is provided underground, a density bonus of two dwelling units per acre shall be allowed.
8. Each dwelling unit may contain a maximum of 4 domesticated animals weighing 3 lb. or more. This standard shall not apply to animals less than six months of age. No livestock are permitted.
9. Apartment complexes which convert to condominium use must file a new final plat and meet all requirements of the Public Works and Fire Departments.



**ZONING ORDINANCE**  
**DIVISION 708**  
**DISTRICT STANDARDS AND PERMITTED USES**

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H. Bulk and Area Regulations.

Minimum Tract Size:	5 acres
Maximum Density:	12 dwelling units per acre
Minimum Lot Width:	100 ft.
Maximum Building Height:	45 ft.
Minimum Floor Area:	500 sq. ft. for an efficiency 650 sq. ft. for 1 bedroom unit 800 sq. ft. for 2 bedroom unit 1000 sq. ft. for 3 bedroom unit
Maximum Building Coverage:	35%
Maximum Impervious Surface:	65%
Minimum Parking Required:	2 spaces per unit
Front Setback (arterial):	50 ft.
Front Setback (collector):	40 ft.
Front Setback (local):	35 ft.
Side Setback (major):	35 ft.
Side Setback (minor):	25 ft.
Rear Setback:	40 ft.



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I. Landscape and Buffer Requirements.

When an RM-12 district abuts an R-1, R-2, R-3, R-4, PRD-SF, RA-4, RA-6 or RA-8 district or use, a 40 foot buffer shall be established. (see standards set forth in Section 710.05).

(Ord. 6186, 11/8/2000, Sec. 1)