

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 (1 unit/acre), paragraph F, is hereby amended as follows:

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

F. 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. Accessory structures greater than 15 feet in height, but less than 35 feet in height, must be set back at least 10 feet from the side property line, and must be set back from the rear property line a distance of 30 feet, or a distance equal to the height of the structure, whichever is less.
5. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 2: Division 708.02, R-2, Single Family Residential (2 unit/acre), paragraph F, is hereby amended as follows:

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

F. 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, except as set forth below in 708.02 (F)4. 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. Accessory structures greater than 15 feet in height, but less than 35 feet in height, must be set back at least 10 feet from the side property line, and must be set back from the rear property line a distance of 30 feet, or a distance equal to the height of the structure, whichever is less.
5. The height of the structure shall not exceed that of the principal structure.
6. The area of the accessory building's footprint may not exceed 50% that of the principal structure.

7. 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.
8. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
9. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 3: Division 708.03, R-3, Single Family Residential (3 unit/acre), paragraph F, is hereby amended as follows:

F. 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. Accessory structures greater than 15 feet in height, but less than 35 feet in height, must be set back at least 10 feet from the side property line, and must be setback from the rear property line a distance of 30 feet, or a distance equal to the height of the structure, whichever is less.
5. The height of the structure shall not exceed that of the principal structure.
6. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
7. 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.
8. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
9. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 4: Division 708.04, R-4, Single Family Residential (4 unit/acre), paragraph F, is hereby amended as follows:

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

F. 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. Accessory structures greater than 15 feet in height, but less than 35 feet in height, must be set back at least 10 feet from the side property line, and must be set back from the rear property line a distance of 30 feet, or a distance equal to the height of the structure, whichever is less.

5. The height of the structure shall not exceed that of the principal structure.
6. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
7. 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.
8. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
9. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 5: Division 708.05, RA-4, Single Family Residential - Attached, paragraph F, is hereby amended as follows:

708.05 RA-4, Single Family Residential - Attached

F. 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. Accessory structures greater than 15 feet in height, but less than 35 feet in height, must be set back at least 10 feet from the side property line, and must be set back from the rear property line a distance of 30 feet, or a distance equal to the height of the structure, whichever is less.
5. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
6. 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.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 6: Division 708.06, RA-6, Single Family Residential (6 unit/acre), paragraph F, is hereby amended as follows:

708.04 RA-6, Single Family Residential - Attached

F. 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. Accessory structures greater than 15 feet in height, but less than 35 feet in height, must be set back at least 10 feet from the side property line, and must be set back from the rear property line a distance of 30 feet, or a distance equal to the height of the structure, whichever is less.
5. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
6. 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.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 7: Division 708.07, RA-8, Single Family Residential (8 unit/acre), paragraph F, is hereby amended as follows:

708.07 RA-8, Single Family Residential - Attached

F. 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. Accessory structures greater than 15 feet in height, but less than 35 feet in height, must be set back at least 10 feet from the side property line, and must be set back from the rear property line a distance of 30 feet, or a distance equal to the height of the structure, whichever is less.
5. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
6. 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.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 8: Division 708.08, MHP, Mobile Home Park, paragraph F, is hereby amended as follows:

708.08 MHP, Mobile Home Park

F. 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 structure 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 more restrictive of either 15 feet or the 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. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 9: Division 708.09, PRD-SF Planned Residential Development, paragraph F, is hereby amended as follows:

708.09 PRD-SF, Planned Residential Development

F. 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 height of the principal building.
5. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
6. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 10: Division 708.10, RM-8, Multi-Family Residential (8 units/acre), paragraph F, is hereby amended as follows:

708.10 RM-8, Multi-Family Residential (8 units/acre)

F. 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.
7. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not

meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 11: Division 708.11, RM-10, Multi-Family Residential (10 units/acre), paragraph F, is hereby amended as follows:

708.11 RM-10, Multi-Family Residential (10 units/acre)

F. 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.
7. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 12: Division 708.12, RM-12, Multi-Family Residential (12 units/acre), paragraph F, is hereby amended as follows:

708.12 RM-12, Multi-Family Residential (10 units/acre)

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.
7. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 13: Division 708.13, RHR, Residential High Rise, paragraph F, is hereby amended as follows:

708.13 HR, Residential High Rise

F. 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. If the accessory structure is a parking garage, up to 50% of the gross floor area of the ground floor level may be devoted toward commercial use oriented towards pedestrian traffic.
5. The height of accessory structures shall be limited to 50 feet but in no case exceed 33% of the mean height of the principal building.
6. 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.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 14: Division 708.14, PRD-MF Planned Residential Development (multi-family), paragraph F, is hereby amended as follows:

708.14 PRD-MF, Planned Residential Development (multi-family)

F. 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 height of the principal building.
5. The area of the accessory building's footprint may not exceed 50% that of the principal structure.
6. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 15: Division 708.15, NRC, Neighborhood Retail Commercial, paragraph F, is hereby amended as follows:

708.15 NRC, Neighborhood Retail Commercial

F. 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. Any accessory building in excess of 1,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. 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.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building,
6. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
7. Recycling collection/drop off centers.
 - a) No outside storage allowed.
 - b) Container bins and/or donation boxes are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right-of-way. When a business is located on a corner lot, container bins and/or donation boxes must be placed to the rear or interior side of the property such that the location is not visible from the right-of-way of any street.
 - c) Container bins and/or donation boxes shall not be located within 50 feet of a structure utilized for detached single-family residential purposes.
 - d) Location of container bins and/or donation boxes shall be approved by the Director of the Department of Development Services.
8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 16: Division 708.16, CRC, Community Retail Commercial, paragraph F, is hereby amended as follows:

708.16 CRC, Community Retail Commercial

F. 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. Accessory structures may not be located within 25 feet of any residential property. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. Any accessory building in excess of 1,500 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. 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.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.

5. No accessory structure may exceed the more restrictive of either 25 feet or the height of the principal building,
6. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
7. Recycling collection/drop off centers.
 - a) No outside storage allowed.
 - b) Container bins and/or donation boxes are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right-of-way. When a business is located on a corner lot, container bins and/or donation boxes must be placed to the rear or interior side of the property such that the location is not visible from the right-of-way of any street.
 - c) Container bins and/or donation boxes shall not be located within 50 feet of a structure utilized for detached single-family residential purposes.
 - d) Location of container bins and/or donation boxes shall be approved by the Director of the Department of Development Services.
8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 17: Division 708.17, RRC, Regional Retail Commercial, paragraph F, is hereby amended as follows:

708.17 RRC, Regional Retail Commercial

F. 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. Accessory structures may not be located within 25 feet of any residential property. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. Any accessory building in excess of 1500 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. 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.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
5. No accessory structure may exceed the more restrictive of either 35 feet or the height of the principal building.
6. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
7. Recycling collection/drop off centers.
 - a) No outside storage allowed.
 - b) Container bins and/or donation boxes are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right-of-way. When a business is located on a corner lot, container bins and/or donation boxes must be placed to the rear or interior side of the property such that the location is not visible from the right-of-way of any street.
 - c) Container bins and/or donation boxes shall not be located within 50 feet of a structure utilized for detached single-family residential purposes.

- d) Location of container bins and/or donation boxes shall be approved by the Director of the Department of Development Services.
- 8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 18: Division 708.19, PCD, Planned Commercial District, paragraph F, is hereby amended as follows:

708.19 PCD, Planned Commercial District

F. 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. Accessory structures may not be located within 25 feet of any residential property. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
2. Any accessory building in excess of 1500 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. 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.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
5. No accessory structure may exceed the more restrictive of either 35 feet or the height of the principal building.
6. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 19: Division 708.21, OIT, Office Institution Transitional, paragraph F, is hereby amended as follows:

708.21 OIT, Office Institution Transitional

F. 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 5 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, nor shall it contain a greater floor area than the principal structure.
4. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.

5. Swimming pools must be enclosed by a fence not less than 5 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 into the required rear or side setback.
7. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 20: Division 708.22, LRO, Low Rise Office, paragraph F, is hereby amended as follows:

708.22 LRO, Low Rise Office

F. 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. Any accessory building in excess of 1,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. 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.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.
6. 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.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 21: Division 703.24, OI, Office Institutional, paragraph F, is hereby amended as follows:

703.24 OI, Office Institutional

F. 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. Any accessory building in excess of 1,000 square feet of gross space must be at least 10 feet from any property line and architecturally compatible with the principal structure.
3. 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.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.

5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.
6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 22: Division 708.24, OS, Office Services, paragraph F, is hereby amended as follows:

708.24 OS, Office Services

F. 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. Any accessory building in excess of 1,000 square feet of gross space must be setback 15 feet from any property line and architecturally compatible with the principal structure.
3. 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.
4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.
6. 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.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 23: Division 708.25, OHR, Office High Rise, paragraph F, is hereby amended as follows:

708.25 OHR, Office High Rise

F. 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. Freestanding or attached parking garages are subject to the following conditions:
 - a. Maximum height is 50 feet provided it is at least 20 feet shorter than the principal structure.
 - b. When abutting any other nonresidential district there is no required setback from property lines.

- c. When abutting residential district such structures must be set back 5 feet from the required buffer.
- d. A minimum of 35% of the gross ground level floor area must be devoted toward commercial use oriented to pedestrian traffic.
- 3. Any accessory building in excess of 1500 square feet of gross space must be setback at least 20 feet from any property line and architecturally compatible with the principal structure.
- 4. 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.
- 5. No accessory structure shall be constructed upon a lot before the principal structure.
- 6. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building,
- 7. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
- 8. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
- 9. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 24: Division 708.26, LI, Light Industrial, paragraph F, is hereby amended as follows:

708.26 LI, Light Industrial

F. 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 15 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. Any accessory building in excess of 2,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
- 3. 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.
- 4. No accessory structure shall be constructed upon a lot before the principal structure.
- 5. No accessory structure may exceed the more restrictive of either 20 feet or the height of the principal building, except that height limitations do not apply to silos, storage tanks, and other such structures, provided that when such structures are located within 100 feet from any property zoned for residential purposes, then the maximum height of all such structures is limited to 50 feet.
- 6. 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.
- 7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
- 8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 25: Division 708.27, HI, Heavy Industrial, paragraph F, is hereby amended as follows:

708.27 HI, Heavy Industrial

F. 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 15 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. Any accessory building in excess of 2,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. 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.
4. No accessory structure shall be constructed upon a lot before the principal structure.
5. No accessory structure may exceed the more restrictive of either 20 feet or the height of the principal building, except that height limitations do not apply to silos, storage tanks, and other such structures, provided that when such structures are located within 100 feet from any property zoned for residential purposes, then the maximum height of all such structures is limited to 50 feet.
6. 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.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
8. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 26: Division 708.29, RRX, Railroads and railroad crossings, paragraph F, is hereby amended as follows:

708.29 RRX, Railroads and railroad crossings

F. 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 5 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 structure.
2. When an accessory structure is attached to the principal structure 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 structure shall be constructed upon a lot before the principal structure, nor shall it contain a greater floor area than the principal structure.
4. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal structure.
5. Accessory structures utilizing canvas coverings, tarpaulins, sails, tents, or other nondurable materials, are considered temporary and are not permitted for long term use, as they do not meet the minimum requirements of the building code for an accessory structure. Such temporary accessory structures may only be utilized for a period not lasting longer than 14 days consecutively and 42 days annually.

Section 27: 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 28: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.


Section 29: 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, AICP
Director of Development Services

Approved as to Form:




Doug Haynie, City Attorney

Approved by City Council:

DATE: February 12, 2025

APPROVED:



R. Steve Tumlin, Mayor

ATTEST:



Stephanie Guy, City Clerk