

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, District Standards and Permitted Uses, Section 708.09, PRD (SF), Planned Residential Development, Paragraph B., is hereby amended as follows:

708.09 PRD (SF), Planned Residential Development

B. Permitted Uses.

1. Single family detached dwellings and single family attached dwellings, provided:
 - a) 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 houses and/or townhouses shall be "for sale" only, and no more than five percent (5%) of all the units 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 penalty by the City of Marietta against the homeowner's association in the amount of \$500.00.
 - d) All houses and/or townhouses shall have two-car garages, and the parking pads/driveway 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.
 - e) A guest parking area shall be provided at a ratio of 0.2 spaces per dwelling unit.
 - f) The development shall comply with all recommendations from the City of Marietta Public Works Department with respect to hydrology, stormwater management, downstream considerations and any donation and/or conveyance of right-of-way that is deemed necessary.
 - g) A 150-foot acceleration lane and a 150-foot deceleration lane with appropriate tapers shall be constructed, if required by the Public Works Department.
 - h) 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 units 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%.

3. Group homes consisting of 3 or fewer individuals, exclusive of resident staff (see standards set forth in Section 712.02).
4. Accessory uses and structures incidental to any permitted use.

Section 2: Division 708, District Standards and Permitted Uses, Section 708.14, PRD (MF), Planned Residential Development (multi-family), Paragraph B., is hereby amended as follows:

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

B. Permitted Uses.

1. Duplexes and triplexes.
2. Condominiums and townhouses, provided:
 - a) 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 penalty by the City of Marietta against the homeowner's association in the amount of \$500.00. §718.08
 - d) All townhouses shall have two-car garages, and the parking pads/driveway 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.
 - e) A guest parking area shall be provided at a ratio of 0.2 spaces per dwelling unit.
 - f) The development shall comply with all recommendations from the City of Marietta Public Works Department with respect to hydrology, stormwater management, downstream considerations and any donation and/or conveyance of right-of-way that is deemed necessary.
 - g) A 150-foot acceleration lane and a 150-foot deceleration lane with appropriate tapers shall be constructed, if required by the Public Works Department.
 - h) 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%.

3. Multi-family dwelling units.
4. Assisted living, personal care and retirement home facilities, provided all necessary local and state licenses and/or certifications are obtained.
5. Group homes, limited to one bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.
6. Accessory uses and structures incidental to any permitted use.

Section 3: Division 708, District Standards and Permitted Uses, Section 708.20, MXD, Mixed Use Development, Paragraph B., is hereby amended as follows:

708.20 MXD, Mixed Use Development

B. Permitted Uses.

This district is designed to allow mixed-use developments which are designed under a unified plan. The planned development should incorporate features such as coordinated transportation and parking networks, building design parameters and holistic landscaping themes. No single-use development is permitted in MXD. A significant proportion of each use must be provided in the mix, with at least 30% of the total floor area of the development dedicated to residential use and 20% of the total floor area of the development dedicated to commercial or office use. The mixture of uses should ideally help provide people with the goods and services they need on a day-to-day basis. Quality mixes will help make efficient use of land and public infrastructure, for example by sharing the same parking area during different times of day, depending on the use, as described in Section 716.07 (B.).

1. Allowable uses shall be adopted with the general plan or detailed plan in the form of a list or reference to permitted uses in an already established zoning district.
2. Residential uses may include single family detached homes, townhouses, and condominiums, provided:
 - a) 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) All residential units 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 penalty by the City of Marietta against the homeowner's association in the amount of \$500.00.

- d) All single family detached homes and townhouses shall have two-car garages, and the parking pads/driveway 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.
- e) A guest parking area shall be provided at a ratio of 0.2 spaces per dwelling unit.
- f) 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.
- g) A 150-foot acceleration lane and a 150-foot deceleration lane with appropriate tapers shall be constructed, if required by the Public Works Department.
- h) 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 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%.

Section 4: Division 712, Supplementary Use Regulations, Section 712.08, Tree protection and landscaping, Paragraph B., is hereby amended as follows:

712.08 Tree protection and landscaping

- B. **Applicability.** These regulations shall apply to all real property in the City now and in the future. For additions to existing projects, all areas undergoing land disturbance shall meet the regulations specified under this section. For redevelopment projects exceeding thresholds specified under Section 706.03, the entire site shall meet the regulations specified under this section. In accordance with Division 728 (Plating Procedures), all preliminary plats and subdivision improvement plans must contain a tree protection plan which meets the standards set forth in this section. Exempt from these standards are:
- 1. Any singular residential lot occupied by not more than one dwelling structure containing (in aggregate) not more than two dwelling units, except for properties developed under Section 712.11, Residential Infill Development Overlay District, or residential developments with required tree plans which have been approved by the Mayor and City Council.
 - 2. The plantings of public and private plant nurseries, tree farms or botanical gardens which are for sale to the general public.
 - 3. Any property undergoing renovation or for which an application for a building permit for renovation has been submitted to the City prior to the adoption of this ordinance.
 - 4. Any property zoned Central Business District.
 - 5. Area devoted to recreational fields/ball fields, parks, and lakes.
 - 6. Tree loss on private property due to a government or utility project

Section 5: 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 6: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 7: 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:


Shelby Little, Planning & Zoning Manager

Approved as to Form:


Doug Haynie, City Attorney

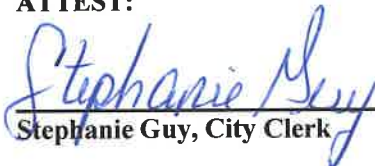
Approved by City Council:

DATE: April 9, 2025

APPROVED:


R. Steve Tumlin, Mayor

ATTEST:


Stephanie Guy, City Clerk