



ZONING ORDINANCE
DIVISION 708
DISTRICT STANDARDS AND PERMITTED USES

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

A. Purpose and Intent.

The R-1 district is intended to be used for low density single family detached housing and residentially compatible uses requiring large amounts of open space.

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).¹
6. Personal care homes consisting of 3 or fewer individuals, exclusive of resident staff, provided:¹
 - 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.

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. One (1) accessory dwelling unit (ADU), provided²:
 - a) Such structure is located to the rear of the principal structure and no less than 10 feet from any property line.
 - 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 height of the structure shall not exceed that of the principal structure.
 - f) The area of the structure's footprint may not exceed 50% that of the principal structure.

¹ Legistar #20160309, 6/8/2016.

² Legistar #20190873, 12/11/2019.

- g) Any such structure greater than 15 feet in height must be set back at least 10 feet from the side property line and must be set back a distance of 35 feet from the rear property line, or a distance equal to the height of the structure, whichever is less. In cases of corner lots, the accessory dwelling unit may not be closer to any abutting right-of-way than the principal structure.
 - h) No accessory dwelling unit shall be constructed upon a lot before the principal structure.
 - i) The property owner must occupy either the principal structure or the accessory dwelling unit.
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.³
6. Mobile Retail Food Establishment shall be allowed on property zoned R-1 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

³ Legistar #20161196, 2/8/2017.

requests must be submitted to City Council. Variances for mobile food establishments shall be considered according to the criteria defined under §712.01 (E).⁴ 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.

D. Special Uses Permitted by Board of Zoning Appeals

Not applicable in this district.

E. Special Uses Permitted by City Council

1. 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).
2. Home Occupations – Type B (see standards set forth in Section 712.04)⁵.
3. Party Houses⁶
4. Cemeteries and mausoleums, provided:
 - a) Minimum lot size is 10 acres.
 - b) A 25 foot undisturbed buffer be established around the perimeter of the use with a solid fence or wall no less than six feet in height.
 - c) All buildings must be set back at least 25 feet from the buffer.
 - d) All graves be set back 10 feet from the buffer.
 - e) No graves may be placed within any required setback.
 - f) Funeral homes and mausoleums must have 20,000 square feet dedicated solely to their use.
5. Group homes consisting of four (4) or more individuals (see standards set forth in Section 712.02)^{7,8}.

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.

⁴ Legistar #20190284, 9/11/2019

⁵ Legistar #20170405, 6/14/17.

⁶ Legistar #20190873, 12/11/2019.

⁷ Legistar #20170405, 6/14/17.

⁸ Legistar #20200791, 12/9/20



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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.

G. Use Limitations

1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a wood fence at least 6 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. A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way.

H. Bulk and Area Regulations

Minimum Lot Size:	25,000 sq. ft.
Maximum Density:	One dwelling unit per acre
Minimum Lot Width:	150 ft/125 ft. for a cul-de-sac
Maximum Building Height:	40 ft.
Minimum Floor Area:	1,800 sq. ft.
Maximum Lot Coverage:	35%
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:	35 ft.

I. Landscape and Buffer Requirements

Not applicable in this district.