

**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 7-8-8-090 (H.) of the Code of Ordinances of the City of Marietta, Georgia is hereby amended as follows:

7-8-8-090 - Development standards.

- A. Preservation of Historic Buildings Within All Zones in the Historic District. A building or structure classified as historic or any part thereof, or any appurtenance related thereto, including, but not limited to, walls, fences, light fixtures, steps, paving, and signs, shall only be moved, reconstructed, altered, or maintained in a manner that will preserve the historical and architectural integrity of the structure, building, or appurtenance thereof.
- B. Demolition of Historic Buildings.
  - 1. Subject to the review and approval by the Marietta City Council, in cases where a property owner shows that a building classified as historic is unable to earn a reasonable economic return on its value and the board fails to recommend the issuance of a certificate of approval for demolition within 12 months following a hearing before the board, such building may be demolished subject to compliance with this section. Prior to any hearing by the board under this section, the board shall give public notice of such hearing and the hearing shall be held in public by the board in compliance with Georgia law.
  - 2. Procedure for the demolition of the structure or building proceeds in the same manner as all other demolition projects taking place in the city.
  - 3. The purpose of this section is to preserve historic buildings which are important to the education, culture, traditions and the economic values of the city, and to afford the city, interested persons, historical societies and/or organizations the opportunity to acquire and/or arrange for the preservation of such buildings.
- C. Relocation of Historic Buildings. A historic building may not be relocated on another site unless it is shown that the preservation on its existing site is not consistent with the purpose of this section, or such building will not earn an economic return for the owner of such building on such site.
- D. Protective Maintenance of Historic Buildings. Historic buildings shall be maintained to meet the requirements of the standard housing code and building code. The standard housing and building codes are hereby incorporated herein by reference as though fully set forth herein. A copy of said codes shall be maintained on file with the city clerk for inspection and review by the public.
- E. Contemporary Buildings. The construction of a new building or structure or the moving, reconstruction, demolition, alteration, painting, maintenance or repair materially affecting the exterior of any existing contemporary buildings, structure or appurtenance thereto, including repainting the same color, shall be generally of such design, form, mass, configuration, building material, texture, color and location on a site as will be compatible with other buildings and structures in the historic district, and particularly with buildings designated as historic and with squares and places to which it is visually related.
- F. Visual Compatibility Factors. Within the designated historic district, new construction and existing buildings, structure, and appurtenances attached thereto which are moved, reconstructed,

materially altered, repaired or painted, including repainting the same color, shall be visually compatible with buildings, squares, and places to which they are visually related generally, in terms of the following factors:

1. Proportion of Building From Facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings, squares, and places to which it is visually related.
  2. Proportion of Openings Within the Facility. The relationship of the width of the windows in a building to the height of the windows shall be visually compatible with buildings, squares, and places to which it is visually related.
  3. Rhythm of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, squares, and places to which it is visually related.
  4. Rhythm of Spacing of Buildings on Streets. The relationship of buildings to open space between it and the adjoining buildings shall be visually compatible to the buildings, squares, and places to which it is visually related.
  5. Rhythm of Entrance and/or Porch Projection. The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible to the buildings, squares, or places to which it is visually related.
  6. Relationship of Materials, Texture and Color. The relationship of the materials, texture and color of the facade of a building shall be visually compatible with the predominant materials in the buildings to which it is visually related.
  7. Roof Shapes. The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
  8. Walls of Continuity. Appurtenances of a building such as walls, wrought iron, fences, evergreen landscape masses, building facades shall if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building to the buildings, squares, or places to which it is visually related.
  9. Scale of a Building. The size of a building, the building mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings, squares and places to which it is visually related.
  10. Directional Expression of Front Elevation. A building shall be visually compatible with the buildings, squares and places to which it is visually related in the directional character, whether this be vertical character, horizontal character or nondirectional character.
- G. Contemporary Buildings. All applicable standards as provided in the zoning ordinance shall apply as development standards.
- H. No structure, building or appurtenance thereof shall be allowed, permitted or receive a certificate of approval within the area shown on the attached map which exceeds 42 feet in [height]. However, the height limit set forth in the first sentence hereof may be increased to 54 feet provided that there is a minimum step back of 12 feet. "Step back" is defined as a line, as measured only from the top floor of the structure, fixed parallel to the lot line, beyond which a building, or any projection thereof, cannot extend, excluding uncovered steps, terraces, stoops or similar fixtures. The step back in this instance shall be not less than 12 feet as measured from the face of the building (or measured from the lot line, whichever is greater) fronting along all public roadways. The floor height above shall be no taller than 12 feet.
- I. Height shall be measured in accordance with the definition of "building height" contained in the Marietta City Zoning Code. No variances from the above height restriction may be granted.

**Section 2:** 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 3:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 4:** 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:**

  
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Rusty Roth, AICP  
Director of Development Services


**Approved as to Form:**

  
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Doug Haynie, City Attorney

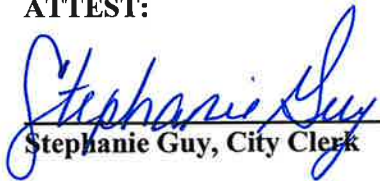
**Approved by City Council:**

**DATE:** May 8, 2024

**APPROVED:**

  
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R. Steve Tumlin, Mayor

**ATTEST:**

  
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Stephanie Guy, City Clerk