

ARTICLE 7-8-8 - HISTORIC DISTRICT

7-8-8-010 - Purpose.

The purpose of creating a historic district is to effectively promote the educational, cultural, economic, aesthetic value, and general welfare of the city.

(Ord. No. 7563, 10/12/2011, § 1)

7-8-8-020 - Boundaries.

- A. The boundaries of the Marietta Historic District are shown upon the Official Historic Map of Marietta. The Official Historic Map of Marietta is incorporated herein by reference as though fully set forth herein. A copy of said historic map shall be maintained on file with the city clerk for inspection and review by the public.
- B. The historic map shall be made a part of this article and all notations, references and other information shown thereon shall be as much a part of this article as if all matter and information set forth by said map were fully described herein.
- C. Interpretation of the district boundaries shall be in accordance with Section 7-8-2-6-010 of this chapter [Section 704.01 of this Code].

(Ord. No. 7563, 10/12/2011, § 1)

7-8-8-030 - Relationship to existing zoning districts.

The historic district regulations stated in this article have been adopted in order to assure that the worthy historical and architectural buildings, site, monuments, streetscapes, structures, squares and residential neighborhoods are protected and granted proper investigation before any renovation, restoration, preservation, rehabilitation, or demolition takes place. In all existing zoning districts located within the special historic district the regulations for both the zoning district and the historic district shall apply. In cases where there is a conflict between the regulations of the existing zoning district and the historic district regulations the more restrictive shall apply.

(Ord. No. 7563, 10/12/2011, § 1)

7-8-8-040 - Classification of building and structures.

- A. Within the historic district, all buildings and structures shall be classified and designated by the board of review hereinafter set forth as historic or contemporary.
 - 1. Historic. Historic buildings are those which possess identified historical or architectural merit of a degree that warrants their preservation.
 - 2. Contemporary. Contemporary buildings are those buildings or structures other than historic.

- B. A copy of the listing of the classification of all buildings within the Marietta Historic District shall be on file in the city clerk's office for public inspection.

(Ord. No. 7563, 10/12/2011, § 1)

7-8-8-050 - Certificate of approval required.

- A. Except as provided hereafter, a certificate of approval issued by the city upon order of the board of review shall be required before any of the following is commenced within the historic district:
 - 1. The demolition of any building designated as historic. Provided, however, that the action of the historic board of review shall constitute a recommendation and no certificate of approval hereunder shall become final until approved by the Marietta City Council. Further provided, however, that any certificate of approval approved by the city council must be implemented by the issuance of a building permit and commencement of substantial and ongoing construction within the period of 12 months from the date of final approval by the city council and if the issuance of a building permit and substantial and ongoing construction is not so commenced the final certificate issued by the city council shall expire and be void at the end of the 12-month period.

The following additional requirements shall be met:

- a. Except as provided in [subsection] c., below, any applicant requesting a demolition permit shall be required to provide a date certain for the commencement of new construction of a new building to replace the demolished building which shall be no greater than 90 days from the completion of demolition.
 - b. Any applicant requesting a demolition permit shall be required to brick, stucco or otherwise reface any and all deteriorating walls that are open to public viewing as part of the demolition permit if no date certain exists to build a new structure or if due to other circumstances a new structure cannot be built in a manner provided in subparagraph a., above.
 - c. Any applicant requesting a demolition permit who certifies that a new- building will not be constructed on the demolition site shall restore the site within 30 days of completion of demolition to a condition which is safe, properly drained, stabilized, grassed and otherwise in compliance with the Marietta City Code.
- 2. The moving or relocation of any historic building.
 - 3. Except housecleaning, any material work on the exterior appearance of existing buildings classified as historic by additions, reconstruction, rehabilitation, alteration, or any maintenance (including exterior color), or any material exterior changes.
 - 4. Any new construction of a building or accessory building or structure subject to view from a public street. Provided, however, that the action of the historic board of review regarding new construction shall constitute a recommendation and no certificate of approval hereunder shall become final until approved by the Marietta City Council. Further provided, however, that any certificate of approval approved by the city council

for new construction must be implemented by the issuance of a building permit and commencement of substantial and ongoing construction within the period of 12 months from the date of final approval by the city council and if the issuance of a building permit and substantial and ongoing construction is not so commenced the final certificate issued by the city council shall expire and be void at the end of the 12-month period.

5. Changes in existing walls, fences, steps, sidewalks, streets and paving, or construction of new walls or fences, steps, sidewalks, streets and paving, if along public street rights-of-way, public lanes or public alleys.
 6. Material work on the exterior appearance of existing contemporary buildings by additions, reconstruction, alteration, rehabilitation or maintenance (including exterior color), subject to view from a public street or walk.
 7. The erection or display on any lot, building or structure of any sign, light or other appurtenant fixture.
- B. An approved certificate of approval must be implemented by the issuance of a building permit (when required by the City Code) and the commencement of substantial and ongoing construction within a period of 12 months from the date of approval and if the issuance of a building permit (when required by the City Code) and the substantial and ongoing construction is not so commenced, the certificate shall expire at the end of the 12-month period. Notwithstanding any other provision under this Code section, all actions permitted shall be governed by the applicable construction codes and ancillary ordinances governing construction as of the date of the issuance of the permit.
- C. An application for a certificate of approval affecting the same property shall not be submitted, reviewed, amended, filed or considered more than once every six months; provided, however, this restriction shall not apply to items A.5., A.6. and A.7., above. Provided, further, that the holder of any previously approved and valid certificate of approval may petition the Marietta City Council for a waiver to file an application with the historic board of review to amend said existing certificate of approval.
- D. Any and all certificates of approval issued prior to January 8, 2010, shall expire 90 days from the date of adoption of this ordinance [Oct. 12, 2011].
- E. Exemptions. Improvements made within the right-of-way or upon government-owned property shall be exempt from the provisions of this article.

(Ord. No. 7563, 10/12/2011, § 1)

7-8-8-060 - Application for certificate of approval.

Application for certificate of approval shall be made to the Director of Development Services for the City of Marietta, accompanied by such sketches, drawings, and descriptions showing the proposed exterior changes or new construction.

(Ord. No. 7563, 10/12/2011, § 1)

7-8-8-070 - Action on application for certificate of approval.

- A. The application for a certificate of approval shall be delivered with the supporting information and material to the board of review for consideration.
- B. The board shall act upon the application within 60 days after the filing of the application and if the board does not act within 60 days, the applicant may appeal to the City Council.
- C. Upon agreement of both parties (applicant and board), the time period may be extended 15 days and the board shall advise the applicant of any recommendation in regard to the appropriateness of the request.
- D. Once the certificate of approval has been issued the application shall be processed in the same manner as a building or demolition permit. If the board of review disapproves the application or takes no action, a certificate of approval shall not be issued.
- E. Appeals. Any person adversely affected by any determination made by the Board relative to the issuance or denial of a certificate of approval has 10 days to appeal such determination to the City Council. The Council or other governing body may approve, modify and approve, or reject the determination made by the Board if the Council or other governing body found that the Board abused its discretion in reaching its decision. Further appeal may be taken in the manner provided by Georgia law.

(Ord. No. 7563, 10/12/2011, § 1)

7-8-8-080 - Board of review.

- A. Creation and Composition. There is created the Marietta Historic Board of Review consisting of nine members as set forth herein:
 - 1. The mayor and city council shall appoint nine members to the Marietta Historic Board of Review who shall reside within the incorporated city limits. The composition of the board shall be as follows:
 - 2. The seven members of the Marietta City Council shall each nominate one member to the board and the mayor of the City of Marietta shall nominate one member to the board. In addition, the mayor and city council shall nominate an "at-large" member who shall have demonstrated an expertise or special interest, experience or education in history, architecture or preservation. Each member nominated shall be subject to the approval of the mayor and city council. Elected officials from Wards 1, 2, 3 and 4 shall nominate one member each for a one-year term; elected officials from Wards 5, 6, 7 and the mayor shall nominate board members for a two-year term. The at-large member shall be appointed for a two-year term. Thereafter, all terms shall be for a two-year period. In the event of any vacancy, the vacancy shall be appointed by the elected official body making the initial appointment, subject to the rules set forth herein. Members of the board shall serve without pay.
- B. Jurisdiction.
 - 1. The board's services shall be limited to the areas designated as the historic district set forth in Section 7-8-8-020 of this article.

2. The board shall not consider design of interior arrangements.
- C. Terms of Office. Board members shall serve for a period of two years.
- D. Organization.
1. The chairman shall preside over the meetings. The city manager or his appointee shall serve as the technical assistant to the board.
 2. A majority of the members of the board shall constitute a quorum, and a majority vote of the quorum, less any disqualifications, shall be empowered to make decisions.
 3. The board shall adopt rules and regulations for the transaction of its business.
- E. Technical Assistance. The city shall provide the technical, administrative, and clerical assistance as required by the board.
- F. Rules and Regulations. All meetings shall be governed by the rules and regulations of the City of Marietta.
- G. Attendance. Failure for any member of the historic board of review to attend four regular meetings within a period of a 12-month calendar year shall be considered a resignation from the historic board of review. Notification of the absence shall be given to the chairperson or staff prior to the meeting. Upon such resignation, the vacancy shall be appointed in the same manner as the original appointment, subject to the rules set forth herein.
- H. Meetings. The regular meeting of the historic board of review shall be held the week prior to the regular city council meeting for the City of Marietta.
- I. The historic board of review and the historic preservation committee shall be served and advised by a common attorney as engaged by the city with concurrent advisement from said two boards. Current serving city attorney shall not be eligible to represent concurrently the two boards.¹

(Ord. No. 7563, 10/12/2011, § 1)

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

¹ 20180089 Ord. 8003 passed 2/14/18

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]. Provided, however, the height limit set forth in the first sentence hereof may be increased to 54 feet provided that there is a minimum setback of 12 feet. "Setback" 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 setback 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.

Height shall be measured in accordance with the definition of "height" contained in the Marietta City Zoning Code and shall be measured from the ground point which is the highest point within the footprint of the proposed building prior to commencement of any grading or construction and measured to the top of the parapet wall, excluding from such measurement any elevator shaft, HVAC equipment or rooms and any utilities.

No variances from the above height restriction may be granted.

(Ord. No. 7563, 10/12/2011, § 1) (Ord. No. 7961, 6/14/17, §14)

7-8-8-100 - Penalty.

Unless otherwise provided herein, any person violating the provisions of this chapter shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed six months.

(Ord. No. 7563, 10/12/2011, § 1)

7-8-8-110 - Severability.

The provisions of this section are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

(Ord. No. 7563, 10/12/2011, § 1)

7-8-8-120 - Effective date; council appointments.

This article shall be effective January 1, 2012, and all appointments hereunder shall be made on or before that date.

(Ord. No. 7563, 10/12/2011, § 1)