REFERENCE NO. 20101353
ORDINANCE NO. 7519

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 7-8-8-080, Board of Review is hereby amended by adding Paragraph H as follows:

7-8-8-080 Board of review.

A. Creation and Composition. There is created the Marietta Historic Board of Review consisting of all the members of the Downtown Marietta Development Authority, and two other members having expertise in the fields of architecture and historic preservation to be appointed by the authority.

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 or interior/exterior architectural features, nor shall they impose any restrictions other than for the purpose of preventing any demolition or development which is not in accordance with the standards set forth in Section 7-8-8-090 of this article.

C. Terms of Office. Authority members shall serve with their term of office on the authority and appointed members shall serve for a period of two years. In the event of a vacancy of either or both of the two positions set forth in this section, the authority shall order a special election to fill the balance of the unexpired term of office within 30 days after such vacancy occurs. Provided, however, if such vacancy occurs within six months of the expiration of the term of that office, the authority may appoint a successor for the remainder of the term. Any and all nominations to fill a vacancy by appointment of the remainder of the authority shall be filed with the authority and made available to the public 14 days prior to the filling of such vacancy.

D. Serve Without Pay. Members of the board shall serve without pay.

E. Organization.
   1. The officers and the terms of those officers shall remain the same and run concurrently with the Downtown Marietta Development Authority. 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 which do not conflict with the by-laws of the Downtown Marietta Development Authority.

F. Technical Assistance. The city shall provide the technical, administrative, and clerical assistance as required by the board.

G. Rules and Regulations. All meetings shall be governed by the rules and regulations of the Downtown Marietta Development Authority.

H. Attendance. Failure for any member of the Historic Board of Review to attend four (4) regular meetings within a period of a 12 month calendar year shall be considered 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, if the member was appointed by the City Council, the chairperson shall inform the City Council as promptly as possible, so that the City Council may appoint a replacement to fill the unexpired term. If the member was appointed by the Downtown Marietta Development authority (DMDA), the chairperson shall inform the DMDA as promptly as possible, so that the DMDA may appoint a replacement to fill the unexpired term.

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 7: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Brian Binzer, Director
Department of Development Services

Approved as to form:

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: February 9, 2011

APPROVED:

R. Steve Tumlin, Mayor

ATTEST:

Stephanie Guy, City Clerk