

REFERENCE NO. 20150701

ORDINANCE NO. 7853

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 712.11 is hereby amended as follows:

712.11 Residential Infill Development Overlay District



A. Purpose and Intent.

It is in the public interest to maximize efficiency of the utilization of public services, infrastructure, and facilities as a means to achieve balanced growth and to provide a cost-effective method for municipal service delivery. Within the residential areas of the identified urban core of Marietta, there exists an opportunity to achieve maximum utilization of land resources that have been by-passed or under-utilized in the development of the urban area. An increase in the density normally allowed by the underlying zoning district is deemed an appropriate incentive to promote infill development and redevelopment within this urban core for single-family residential detached districts.

The specific objectives of this ordinance as related to infill development and redevelopment in the identified urban core of Marietta are:

- Accommodate growth by encouraging and facilitating new single family housing on vacant and underutilized land, in areas that already have infrastructure, utilities, and public facilities, while addressing the needs of Marietta's residents;
- Accommodate growth by encouraging and facilitating new single family housing on properties currently developed as duplex units;
- Accommodate growth by aligning zoning and land use in a manner that is consistent with trends in urban redevelopment;

- Encourage efficient use of land and public services in the context of existing communities;
- Provide flexibility in development standards to facilitate infill development and redevelopment;
- Encourage construction of housing in close proximity to employment and services;
- Promote neighborhood preservation and enhancement through redevelopment of blighted, distressed and underutilized properties.

B. Applicability.

This district implements the Infill Development Zone (IDZ). The provisions of this district apply to all residential parcels designated within the IDZ and within designated redevelopment areas. The boundary of this district shall be shown on the Official Zoning Map of the City of Marietta and all parcels contained within the zone, which meet the eligibility section below, are able to utilize the provisions set forth in this ordinance.

All land uses and development, including but not limited to buildings, driveways, parking areas, streets, buffers, tree protection/landscaping, and pedestrian/bicycle ways, shall be located and/or provided for in accordance with the provisions of the zoning ordinance and land development regulations, except as modified by this chapter.

C. Eligibility.

Properties may use the IDZ ordinance if they meet the following criteria:

- Parcels created by legal division, testamentary procedure, or laws of descent prior to April 11, 1984; and
- Parcels whose gross size is two (2) acres or smaller; and
- Parcels that can and will be served by public water and sewer; and
- Parcels that have a residential zoning designation; and
- Parcels identified in the applicability section of this ordinance.

D. Relationship to existing zoning districts.

All provisions of the city code that would apply to a non-infill project shall also apply to infill projects unless specifically modified in this ordinance. The developer of property that falls within the area covered by this ordinance may choose to develop his/her property using these standards. If the developer chooses to use the standards set forth in this ordinance then the standards of this section shall take precedence over those of the underlying zoning designation and other sections of the zoning ordinance, unless otherwise stated herein. If the developer chooses to use the standards of the underlying zoning designation, the standards of this ordinance will not apply to his/her property.



E. Exclusions.

The following activities shall be excluded from use of the Infill Development Zone (IDZ) requirements and development review, although they may be reviewed under separate administrative procedures where noted in this section or in other sections of the Marietta Municipal Code.

- Non-residential property. All non-residentially zoned lots are excluded from this ordinance but shall comply with the provisions set forth in other sections of the Marietta Municipal Code. Compliance with these provisions shall be verified through the building permit process.
- Marietta Historic Districts. Properties that are contained within a locally designated Historic District as identified on the Official Historic Map of Marietta or the Official Zoning Map of Marietta are exempt from this ordinance but shall comply with all other Municipal Codes that pertain to this property.

F. Permitted Uses.

Permitted uses for individuals using this ordinance shall be the same as those allowed under the R-4 zoning designation.

G. Temporary/Conditional Uses Allowed by the Director.

Temporary or conditional uses for individuals using this ordinance shall be the same as those allowed under the R-4 zoning designation.

H. Special Uses Permitted by the Board of Zoning Appeals.

Special uses permitted by the Board of Zoning Appeals for individuals using this ordinance shall be the same as those allowed under the R-4 zoning designation.

I. Special Uses Permitted by the City Council.

Not applicable in this district.

J. Accessory Structures.

Accessory structures for individuals using this ordinance shall be the same as those allowed under the R-4 zoning designation, except that all accessory structures shall be setback at least ~~10~~ 5' from the side and rear lot lines. In no case may the accessory structure be closer to any right-of-way than the principal building. In cases where the accessory structure is more than fifteen (15') feet in height, any window that has visibility to a directly adjacent property shall have obscured windows that do not allow visibility to the directly adjacent property.



K. Use Limitations.

Use limitations for individuals using this ordinance shall be the same as those allowed under the R-4 zoning designation.

L. Infill Development Application Procedures.

All applicants submitting for development approval through the Infill Development Zone Ordinance shall follow the following procedures and standards as set forth herein.

1. Five (5) copies of a site plan drawn to scale, supplementary data, and architectural facades, shall be submitted to the Planning and Zoning Department for review by all relevant city staff. The applicant shall also submit evidence that they have obtained property owner authorization to accompany the aforementioned documentation and shall submit evidence that all City taxes have been paid on this property. Once staff has reviewed the information and deemed this information to be complete and in compliance with the standards set forth in this ordinance, an exemption plat shall be recorded according to the current process for such plats.
2. In the event that the Development Services Director determines that a proposal using the IDZ is not consistent with surrounding developments, or is being proposed in an area identified for large-scale redevelopment activity, then staff has the authority to disapprove such a submittal. Within 15 days of denial, an applicant may appeal in writing this decision to the Marietta City Council. An appeal properly made shall be placed on the next available regular meeting of the Mayor and City Council.

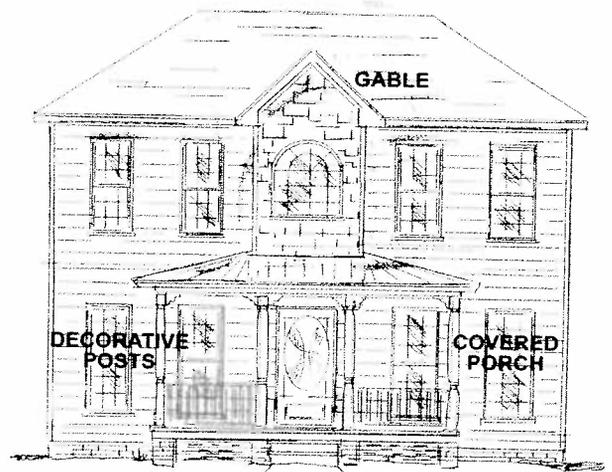
M. Standards.

1. Any residentially zoned property within the IDZ that was recorded by subdivision plat or deed, using the proper municipal process at that time, prior to April 11, 1984 is deemed a buildable lot for a single family detached residential structure, even though the lot may have less than the minimum area for any residential zone. Lots developed in this fashion shall use standards as set forth in this section.
2. All Bulk and Area Requirements identified in paragraph N below must be met.
3. Sidewalks: A minimum 5-foot sidewalk is required to be installed adjacent to all public and private roadways. However, the Director of Development Services and the Director of Public Works shall have the authority to:
 - a. Reduce the required width of the sidewalk a width similar to sidewalks on adjacent property, subject to Americans with Disability Act or Georgia Accessibility Laws.
 - b. Waive the requirement for installation of the sidewalk, but donation of right of way may be required to allow for the construction of a sidewalk in the future.
4. Landscaping: One tree, having a minimum DBH of 3" must be planted adjacent to all public and private roadways. These trees must be planted a minimum of 30 feet on center and shall be consistent with the requirements of the Tree Protection and Landscape Ordinance.
5. For all developments containing 8 or more units, 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. To meet this requirement, developed lots may be allowed to be incorporated into adjacent home owners associations subject to approval by the HOA community.

6. All 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.
7. 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.

N. Bulk and Area Regulations.

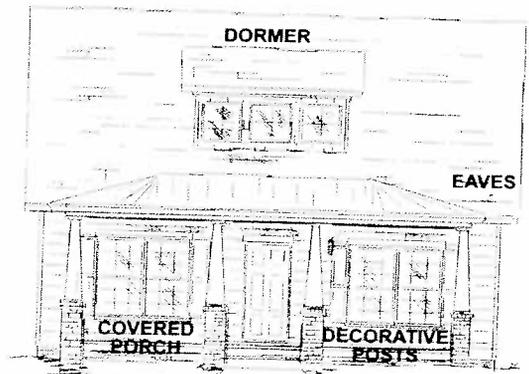
Minimum Lot Size:	5,000 sq. ft.
Maximum Density:	8 dwelling units per acre
Minimum Lot Width:	40 ft. - if required parking is front entry or in front/side setback 30 ft. - if required parking is rear entry or in rear setback
Maximum Building Height:	35 ft.
Minimum Floor Area/unit:	1,800 sq. ft.
Maximum Building Coverage:	NA
Maximum Impervious Surface:	75%
Front Setback_(arterial):	25 ft.
Front Setback (collector):	15 ft.
Front Setback (local):	15 ft.
Side Setback (major):	15 ft.
Side Setback (minor):	10 ft. between buildings
Rear Setback:	15 ft.



O. Adjacency to Planned Development

Property that is developed under this ordinance may be allowed to reduce Bulk and Area Regulations (Paragraph N above) when it is directly adjacent to or within 100 feet of a planned development (PRD-SF, PRD-MF, MXD) with a Detailed Plan that is approved by the City Council, but only as indicated below:

Minimum Lot Size:	4,500 sq. ft.
Front Setback (collector):	10 ft.
Front Setback (local):	10 ft.
Side Setback (major):	10 ft.
Rear Setback:	10 ft.



P. Architectural Standards.

All new developments created under the IDZ shall include a number of minor design and site planning elements to ensure quality and compatibility with general housing trends within the city. The standards are as follows:

1. Front porches cannot be closer than 10' from any front property line;

2. Building materials shall be of wood, fiber-cement siding or other siding of similar or superior quality, stone or brick and shall include four-sided architecture; and garage doors must be decorative and architecturally similar to the house.
3. Optimize privacy of residents and minimize infringement on the privacy of adjoining land uses through the strategic placement of windows, door entrances, porches, and similar structures, especially as it relates to accessory structures;
4. Building orientation should maintain the integrity of the streetscape and provide direct, safe access to the street; and
5. Buildings shall use at least five (5) of the following design elements:
 - Dormers along the facades facing public streets;
 - Gables (pitch not less than 4:12) along the facades facing public streets;
 - Recessed entries along the facades facing public streets;
 - Covered porch or entries with decorative pillars or posts along the facades facing public streets;
 - Window shutters along the facades facing public streets;
 - Cupolas along the facades facing public streets;
 - Bay or bow window (minimum 12 - inch projection) along the facades facing public streets;
 - Eaves (minimum 6 - inch projection) along the facades facing public streets;
 - Off-sets in building face or roof (minimum 12-inches) along the facades facing public streets; and
 - Detached garages in the side or rear yard of the property that contains a similar façade to that of the primary structure or attached garages that have side or rear yard access which are not visible on the front façade of the structure.

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.

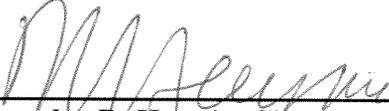
Section 4: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



Brian Binzer, Director
Department of Development Services

Approved as to form:



Douglas R. Haynie, City Attorney

Approved by City Council:

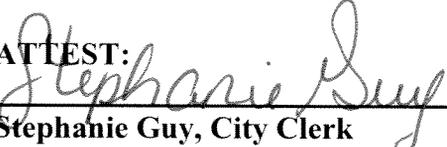
APPROVED:

DATE: October 14, 2015



R. Steve Tumlin, Mayor

ATTEST:



Stephanie Guy, City Clerk