

AN ORDINANCE

AN ORDINANCE to designate a local historic district within the City of Marietta, to prescribe the boundaries of such historic district, to list each property in the historic district, to require a certificate of appropriateness from the Historic Preservation Commission prior to any material change in appearance of property within the historic district to be shown on the official Zoning Map of the City of Marietta, and for other purposes.

WHEREAS, the purpose of creating the Historic Preservation Ordinance is to protect and enhance the historical and aesthetic attraction to tourists and visitors and thereby promote and stimulate business, and to provide for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, structures, and works of art having a special historic, architectural, cultural, or aesthetic interest or value; and

WHEREAS, the Church Cherokee Streets Historic District is both locally significant for architecture; and

WHEREAS, at least 60% of the property owners within the district have given written consent to the district designation.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1:

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the city is among its most valued and important assets, and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; and,

In accordance with the ordinance to establish a Historic Preservation Commission in the city; to provide for the designation of historic properties of historic districts; to provide for issuance of certificates of appropriateness; to provide for an appeals procedure; to repeal conflicting ordinances; and for other purposes; and,

The Mayor and Council hereby declares it to be the purpose and intent of this ordinance to designate a historic district in a geographically definable area containing buildings, structures, sites, objects, landscape features and works of art or a combination thereof which have special historic and aesthetic value or interest in representing one or more periods, styles or types of architecture typical of one or more eras in the history of the City of Marietta, Georgia.

Section 2: There is hereby created and designated in and for the city the Church Cherokee Streets Historic District with boundaries as follows:

Commencing at the southwestern intersection of Seminole Drive and Chicasaw Drive; thence headed west along the northern boundary lines of 252 Seminole Drive, 244 Seminole Drive, 238 Seminole Drive, 230 Seminole Drive, 222 Seminole Drive, across Etowah Drive and continuing along the northern boundary lines of 208 Seminole Drive, 202 Seminole Drive, 192 Seminole Drive, and 184 Seminole Drive; thence headed north across Seminole Drive and along the eastern boundary lines of 163 Seminole Drive, 550 Cherokee Street, 564 Cherokee Street, 584 Cherokee Street, and 594 Cherokee Street; thence headed west along the northern boundary of 594 Cherokee Street; thence headed south along the western boundary of 594 and 584 Cherokee Street; thence, headed west across Cherokee Street and along the northern boundary lines of 141 Frances Avenue, 133 Frances Avenue, 125 Frances Avenue, 117 Frances Avenue, 107 Frances Avenue, 101 Frances Avenue, and 566 Church Street; thence, crossing Church Street headed west; thence, headed north along the eastern boundary lines of 569 Church Street, 579 Church Street, and 599 Church Street; thence, headed west along the northern boundary line of 599 Church Street; thence, headed south along the western boundary lines of 599 Church Street, 579 Church Street, 569 Church Street, 559 Church Street, 551 Church Street, 543 Church Street, 535 Church Street, and across Hillside Avenue; thence, headed west and then south along the boundary of 493 Church Street; thence, headed west along the northern boundary of 485 Church Street to Campbell Hill Street; thence, headed south and east along the boundary of 485 Church Street; thence, headed south along the western boundary of 485 Church Street, 453 Church Street, 441 Church Street, 429 Church Street, 421 Church Street, 409 Church Street, 401 Church Street, 393 Church Street, 383 Church Street, across Sessions Street, 365 Church Street, 355 Church Street, 343 Church Street, 331 Church Street, 319 Church Street, and 309 Church Street; thence traveling east across Church Street and along the southern boundary of 308 Church Street; thence traveling north along the eastern boundary of 308 Church Street and 314 Church Street; thence traveling east along the southern property line of 322 Church Street and 321 Cherokee Street; thence headed north along the eastern boundary line of 321 Cherokee Street, 323 Cherokee Street, 337 Cherokee Street, and 347 Cherokee Street; thence headed east across Cherokee Street and along the southern boundary line of 362 Cherokee Street; thence traveling north along the eastern boundary of 362 Cherokee Street, 380 Cherokee Street, 392 Cherokee Street, and 402 Cherokee Street; thence headed west along the northern property line of 402 Cherokee Street and across Cherokee Street; thence traveling north along the eastern boundary of 403 Cherokee Street, 419 Cherokee Street, and 429 Cherokee Street; thence headed east across Cherokee Street and along the southern boundary of 440 Cherokee Street; thence traveling north along the eastern boundary of 440 Cherokee Street, 452 Cherokee Street, and 446 Cherokee Street; thence traveling east along the southern boundary of 180 Freyer Drive, 188 Freyer Drive, 196 Freyer Drive, 206 Freyer Drive, 212 Freyer Drive, 220 Freyer Drive, 226 Freyer Drive, 236 Freyer Drive, 242 Freyer Drive, and 248 Freyer Drive; thence traveling north along the eastern boundary of 248 Freyer Drive, across Freyer Drive, and continuing north along the eastern boundary of 249 Freyer Drive and 252 Seminole Drive to the point of beginning.

Section 3: The attached lists of properties are located within the Church Cherokee Streets Historic District and the owner thereof is set forth beside the name of each property:

<u>PROPERTY</u>	<u>OWNER</u>
352 CHURCH ST	ARNOLD CHRIS & KATHLEEN
308 CHURCH ST	BARNES LAND & INVESTMENTS LLC
314 CHURCH ST	BARNES LAND & INVESTMENTS LLC
362 CHEROKEE ST	BAUER RICHARD F JR & MARGIE M
220 FREYER DR	BRANNEN WILLIAM LESTER JR & JE
452 CHURCH ST	BRESHEARS RYAN E & MARY K
559 CHURCH ST	BROGGI JORDAN & MAUREEN
429 CHEROKEE ST	BROWN CHRISTOPHER G & CATHERIN
441 CHURCH ST	BROWN DEANNA C
489 CHEROKEE ST	BROWN TOM WATSON C/O PMG
497 CHEROKEE ST	BROWN TOM WATSON C/O PMG
481 CHEROKEE ST	BROWN TOM WATSON C/O PMG
473 CHEROKEE ST	BROWN TOM WATSON C/O PMG
543 CHURCH ST	BUCHANAN JOSEPH D III
191 FREYER DR	BURKLOW JON K & JENNY L
535 CHURCH ST	CLABBY JAMES W & MARY KATHLEEN
188 FREYER DR	CLARK CAMERON & CELESTIA
192 SEMINOLE DR	CLARK KELLY E
538 CHURCH ST	CLARKE MARJORIE G
584 CHEROKEE ST	CONEY CHRISTOPHER R & RUTH H
514 CHURCH ST	COOK BRADLEY & REBECCA M
401 CHURCH ST	CROWSON KATHLEEN BETH & CHASE B.
212 FREYER DR	DAY DAWN RENEE &
440 CHEROKEE ST	DUELGE JENNINE & WILLIAMS
470 CHURCH ST	DYE G MARSHALL & CYNTHIA C
202 SEMINOLE DR	EARLEY TIMOTHY J & SARAH BETH
367 CHEROKEE ST	ELLIOTT PAUL J & JUDY H
238 SEMINOLE DR	EVANS KATHARINE JESSUP
564 CHEROKEE ST	FLEMING JAMES S & KIM E
249 FREYER DR	FOSTER JON T & NATALIE J
566 CHURCH ST	FOUSHEE MICHAEL TROY & JENNIFE
524 CHEROKEE ST	FOWLER ANDREW H
446 CHEROKEE ST	FRICKER KATHY H
184 SEMINOLE DR	FRITZ BRENDA G
357 CHEROKEE ST	GEHLBACH JEFFREY ALLEN & GANN
485 CHURCH ST	GILLIS DONALD A
453 CHURCH ST	GILLIS DONALD A &
579 CHURCH ST	HARDEN RONALD C & BEVERLY C
381 CHEROKEE ST	HARPENAU MICHAEL J & PETITE M
230 SEMINOLE DR	HAYNIE DOUGLAS E & KRISTIN L
358 CHURCH ST	HELLER MARTY I
321 CHEROKEE ST	HERBERT DOULGAS HAGE
512 CHEROKEE ST	HILL JOHN ANNE W

183 FREYER DR	HYDE RICHARD LEE
599 CHURCH ST	IMLER STEPHEN W
174 SEMINOLE DR	JOHNSON DEIRDRE ANN & VAN DE B
211 FREYER DR	JOHNSON DONNA LYNN
452 CHEROKEE ST	JOHNSON J ALFRED & JANET E
331 CHURCH ST	JOHNSON THOMAS K & SUSAN M
226 FREYER DR	JOINER VIRGINIA C
528 CHURCH ST	JRS REVOCABLE TRUST & MPS REVO
569 CHURCH ST	KASSOFF MARK & LISA
346 CHURCH ST	KAY DAVID B & ELENA B
430 CHURCH ST	KELLEY TERRY V
203 FREYER DR	KING DAVID A & ALLISON A
347 CHEROKEE ST	KING KELLY R
163 SEMINOLE DR	KIRBY CLARK R
421 CHURCH ST	KIRK KENNETH A
500 CHURCH ST	KISER ROBERT R & PHYLLIS C
155 MONTGOMERY ST	BAUER, RICHARD F. AND MARGIE M. BAUER
408 CHURCH ST	LACHER ROBERT ALAN
594 CHEROKEE ST	LANGLEY AUTUMN D
328 CHURCH ST A	LEE R WILLIAM III
117 FRANCES AVE	LEPP ROBERT P & ERIN FITZPATRI
515 CHEROKEE ST	LITCHFIELD GREGG E
118 FRANCES AVE	LITCHFIELD GREGG E & SARAH B
403 CHEROKEE ST	LORING PAMELA
355 CHURCH ST	LYLE JOHN B & BRENDA M
133 FRANCES AVE	MASTERSON RUSSELL T & KRISTY Q
108 FRANCES AVE	MCGEE MATTHEW WAYNE & JESSICA
340 CHURCH ST	MCNABB MARK D & VIRGINIA V
244 SEMINOLE DR	MEADERS BEBE MOOR
141 FRANCES AVE	MENDELSON TEDD & ETHEL
206 FREYER DR	MERTES JOSEPH W & GLENDA G
392 CHEROKEE ST	MINCHEW SHELLEY P
221 FREYER DR	MORRIS JO-EVELYN
402 CHEROKEE ST	NORRIS WILLIAM G & AMY S
309 CHURCH ST	OGLETREE BARRY A
323 CHEROKEE ST	OKELLEY BRAD
486 CHURCH ST	OWEN ERIC I & MARI H
229 FREYER DR	PALMER MARK N &
107 FRANCES AVE	PARKER JOSEPH C & WALLER TARA
519 CHURCH ST	PATTERSON JOHN M
383 CHURCH ST	PEARLBERG PATRICIA L & IRVAN A
418 CHURCH ST	PETRONE NANCY E
429 CHURCH ST	POTTS COREY & MCKENZIE HIGGINB
393 CHURCH ST	PRODGERS TOBY & CYNTHIA

157 FREYER DR	PUGH DANIEL PAUL & JENNIFER
222 SEMINOLE DR	REECE PAMALA ROSE REVOCABLE LI
560 CHURCH ST	REGISTER SCOTT & KELLY A
548 CHURCH ST	RESPESS EDWARD BRADLEY
167 FREYER DR	RICCIARDI MICHAEL J & NATALI T
409 CHURCH ST	ROBERSON FRANCES E
208 SEMINOLE DR	ROBINSON BRYAN J & AMANDA B
382 CHURCH ST	ROLAND MARK M & ANNIDA DAVIS
484 CHEROKEE ST	ROSS LUCENA D & MICHAEL F
319 CHURCH ST	ROWAN KEITH & SONDR
236 FREYER DR	RUSSELL R NEAL
334 CHURCH ST	RYAN ELLENORA B & FRANCIS R
400 CHURCH ST	SANSTEAD ROBERT W & MAUREEN K
365 CHURCH ST	SCHUPP JOHN J & ELIZABETH A
241 FREYER DR	SEALS PATRICK E & NICOLE P
390 CHURCH ST	SHORE ROY ALLEN JR
469 CHURCH ST	SIMMONS CHARLOTTE C
242 FREYER DR	SIMMONS WILLIAM STIRLING & DIA
343 CHURCH ST	STARK MICHAEL D & SUSAN B
551 CHURCH ST	STEWART STEVE & MURIEL
235 FREYER DR	STRACK BRIAN PATRICK & ANGELA
125 FRANCES AVE	TEDDY JOHN R & EMILY M
393 CHEROKEE ST	THOMAS MARSHA B & KARTER R
366 CHURCH ST	THOMPSON JAMES B & HELEN E
101 FRANCES AVE	THUR JOHN K & TANYA A
180 FREYER DR	TISCHNER PETER S & TRAPP S
550 CHEROKEE ST	TOWNSEND JENNIFER LAUREN & DONELLY DANIEL P
175 FREYER DR	TRAICOFF JEFF & FULLER KATHIE
196 FREYER DR	UNGER MELODY B & THOMAS MICHAEL
419 CHEROKEE ST	VAN DYKE GEORGE
252 SEMINOLE DR	VARNER DEADRA D
322 CHURCH ST	VIA REAL ESTATE
248 FREYER DR	WILLIAMS CAROL WILSON
493 CHURCH ST	WILLINGHAM HAROLD S
337 CHEROKEE ST	WISSING GEOFFREY & ERIN
134 FRANCES AVE	WORLEY ROBERT S & CLAUDIA K
380 CHEROKEE ST	YUSAT ANDREW R & PATRICIA DEVL

Section 4: Upon designation the Church Cherokee Streets Historic District shall be shown on the Official Zoning Map of the city and kept as a public record to provide notice of such designation.

Section 5: Certificate of Appropriateness—Upon the effective date of this Ordinance no material change in the appearance of any structure, site, object, or work of art within the designated Kennesaw Avenue Historic District shall be made or be permitted to be made by the owner of occupant thereof, unless or until the application for a Certificate of Appropriateness has been

submitted to and approved by the Marietta Historic Preservation Commission, except as noted in City of Marietta Code Section 7-8-9-050.

Section 6: 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 7: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

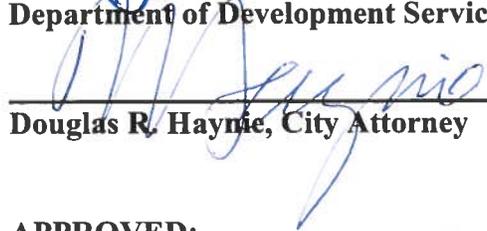
Section 8: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



**Brian Binzer, Director
Department of Development Services**

Approved as to form:

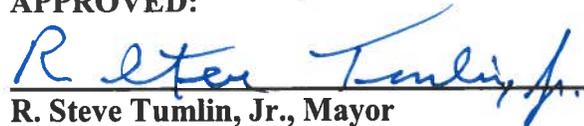


Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: August 10, 2016

APPROVED:



R. Steve Tumlin, Jr., Mayor

ATTEST:


Stephanie Guy, City Clerk