

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 728.04, Preliminary plat application procedures, is hereby amended as follows:

**728.04 Preliminary plat application procedures**

All plats which require the approval of the Mayor and Council shall be submitted for review through the preparation of preliminary plat in accordance with those standards set forth herein.

- A. The original and fifteen (15) copies of the preliminary plat and supplementary data shall be submitted to the ~~Planning and Zoning~~ Development Services Director for review by all relevant city staff. Each department will either approve or reject the plat with written comments within forty five (45) days of receipt. If not approved, the applicant shall revise the plat and resubmit until deemed in compliance with all necessary codes. If staff determines that it recommends preliminary plat Approval, a memo from the Development Services Director stating so (and outlining the process for objection and/or approval) and the proposed plat along with any staff comments shall be transmitted to the Mayor and Council who shall have ten (10) days in which to review such information for objection. If there is an objection(s) to the transmitted plat raised by any council person(s) by written notice or email to the Development Services Director within ten (10) days of the sending of the transmitted plat and memo, then consideration of the plat shall automatically be placed on the next Council meeting, regular or called, for consideration for approval. Staff shall notify the Mayor, City Council, and the applicant of the objection and the date and time of the Council meeting the plat will be on the agenda for consideration. If the plat in question is approved either as is or amended at the said next council meeting, the plat shall be approved as per the motion. If the plat is not approved, it shall be referred back to the Development Services Director for modification and resubmission by the developer/applicant. Should the Development Services Director receive no comments from the Mayor or Council within such ten (10) day period, the plat shall be deemed to be approved The proposed plat and staff comments shall be transmitted to the Mayor and Council who shall have ten days in which to review such information for approval, disapproval or amendments. Should the ~~Planning and Zoning~~ Director receive no comments from the Mayor and Council within such period, it shall be deemed to be approved and noted upon the plat as such by the certifications of the Public Works Director and ~~Planning and Zoning~~ Development Services Director.

- B. The ~~Planning and Zoning~~ **Development Services** Director shall return one copy of the preliminary plat to the applicant, with all comments, actions taken, and any changes required noted thereon. The Department of ~~Planning and Zoning~~ **Development Services** shall retain two copies of all approved preliminary plats.
- C. Approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of conditional approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat, which must be submitted for approval by the Mayor and Council upon completion of all required improvements, including but not limited to, roadways, water distribution lines, sanitary sewer lines, storm drainage facilities, and other required improvements. The Public Works Director shall verify the completion of said improvements and any other conditions prior to the acceptance of any proposed final plat.

**Section 2:** Division 728.07, Final plat application procedures, is hereby amended as follows:

#### **728.07 Final plat application procedures**

Final plats shall conform substantially to the preliminary plat as approved. If desired by the applicant, the final plat may constitute only a portion of an approved preliminary plat provided that such portion conforms to all requirements of these obligations. At the time the final plat is submitted for approval, the applicant shall provide a maintenance bond or other acceptable performance guarantee for a period of 12 months after the final plat is approved in the amount of 10 percent of the total cost of the subdivision improvements. The applicant shall be responsible for repairing streets and related subdivision improvements which may be damaged or fail due to improper installation for a period of 12 months from the date of the final plat approval by the Mayor and Council. All required subdivision improvements shall comply with Public Law 101-336, the Americans with Disabilities Act of 1990. Any improvements which do not comply with said Act shall be redone at the applicant's expense and final approval of the plat shall not be given until such work is completed in compliance with the Act. All plans submitted to the City for review shall contain a certificate that said improvements fully comply with the American with Disabilities Act of 1990, Public Law 101-336, as amended and the City will rely upon such certificate in approving preliminary and final plats.

- A. The original and fifteen (15) copies of the final plat and supplementary data shall be submitted to the ~~Planning and Zoning~~ **Development Services** Director within 12 months after approval of the preliminary plat, otherwise the approval of the preliminary plat shall become null and void unless an extension of time is applied for and granted by the City Council.
- D. The Public Works Director and ~~Planning and Zoning~~ **Development Services** Director shall investigate the final plat and supplementary data to determine whether it conforms to the approved preliminary plat (including any required changes) and all other city regulations. **The final plat and supplementary data shall be submitted to**

*the Development Services Department for review by all relevant city staff. Each department will either approve or reject the plat with written comments within forty five (45) days of receipt. If not approved, the applicant shall revise the plat and resubmit until deemed in compliance with all necessary codes. If staff determines that it recommends approval of the final plat,, a memo from the Development Services Director stating so (and outlining the process for objection and/or approval) and the proposed plat along with any staff comments shall be transmitted to the Mayor and Council who shall have ten (10) days in which to review such information for objection. If there is an objection(s) to the transmitted plat raised by any council person(s) by written notice or email to the Development Services Director within ten (10) days of the sending of the transmitted plat and memo, then consideration of the plat shall automatically be placed on the next Council meeting, regular or called, for consideration for approval. Staff shall notify the Mayor, City Council, and the applicant of the objection and the date and time of the Council meeting the plat will be on the agenda for consideration. If the plat in question is approved either as is or amended at the said next council meeting, the plat shall be approved as per the motion. If the plat is not approved, it shall be referred back to the Development Services Director for modification and resubmission by the developer/applicant. Should the Development Services Director receive no comments from the Mayor or Council within such ten (10) day period, the plat shall be deemed to be approved.* The Public Works Director shall return one copy of the final plat to the applicant, with all comments, actions taken, and any changes required noted thereon. The Department of Planning and Zoning shall retain two copies.

- B. Within 30 days of approval of the final plat by the Mayor and Council, the applicant shall have a copy of the final plat recorded by the Clerk of the Superior Court of Cobb County, Georgia. The original plat shall be returned to the submitting surveyor or engineer only after the Public Works Director has received a reproducible copy of the final plat to be filed in the City records.

**Section 3:** 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 4:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 5:** 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:** December 10, 2014

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**Steve Tumlin, Mayor**

**ATTEST:**

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**Stephanie Guy, City Clerk**