

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 708.15, NRC, Neighborhood Retail Commercial, paragraph G, is hereby amended as follows:

708.15 NRC, Neighborhood Retail Commercial

G. Use Limitations.

1. All outside storage areas must be located in the rear yard and must be screened by a solid fence or wall no less than six feet in height.
2. No manufacturing processes are permitted.
3. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 2: Division 708.16, CRC, Community Retail Commercial, paragraph G, is hereby amended as follows:

708.16 CRC, Community Retail Commercial

G. Use Limitations.

1. All outside storage areas must be located in the side or rear yard and must be screened by a solid fence no less than six feet in height. Limited to 25% of total lot.
2. No manufacturing processes are permitted.
3. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 3: Division 708.17, RRC, Regional Retail Commercial, paragraph G, is hereby amended as follows:

708.17 RRC, Regional Retail Commercial

G. Use Limitations.

1. All outside storage areas must be located in the rear yard and must be screened by a solid fence or wall no less than six feet in height. A maximum of 25% of the total lot area may be used for such purposes.
2. No manufacturing processes are permitted.
3. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 4: Division 708.18, CBD, Central Business District, paragraph G, is hereby amended as follows:

708.18 CBD, Central Business District

G. Use Limitations.

1. All outside storage areas must be screened by a solid fence no less than six feet in height.
2. Building design and materials for structures located within the historic district as defined must be approved by the Marietta Historic Board of Review (see standards set forth in Article 7-8-8).
3. Building design and materials for structures located outside of the historic district may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.
4. For any new development or construction in this district, parking is required as per Division 716 of this article for any structure except as stated herein. The number of spaces required will be calculated on the square footage occupied by the business exempting up to the first 15,000 square feet on street level. Notwithstanding anything to the contrary contained herein, parking for hotels and motels shall be calculated on the full square footage. Exempt are those structures on the blocks directly facing the Marietta City Square. Parking requirements may be met on the same parcel or on other parcels in the CBD that are designated and dedicated with sufficient parking to meet the requirements of the structure.

Section 5: Division 708.22, LRO, Low Rise Office, paragraph G, is hereby amended as follows:

708.22 LRO, Low Rise Office

G. Use Limitations.

1. No outside storage is permitted.
2. Commercial vehicles parked on-site may be no larger than a step van.
3. No laboratories or clinics are permitted.

4. Lighting shall be established so that no direct light shall cast over any property line nor adversely affect neighboring properties.
5. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 6: Division 708.23, OI, Office Institutional, paragraph G, is hereby amended as follows:

708.23 OI, Office Institutional

G. Use Limitations.

1. No outside storage is permitted.
2. No uses which emit odors, fumes or sounds are permitted.
3. No kennels are permitted with veterinary clinics.
4. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 7: Division 708.24, OS, Office Services, paragraph G, is hereby amended as follows:

708.24 OS, Office Services

G. Use Limitations.

1. No uses which emit odors, fumes or sounds are permitted.
2. All outside storage areas must be located in the rear yard and must be screened a solid fence or wall no less than six feet in height.
3. No manufacturing processes are permitted.
4. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 8: Division 708.25, OHR, Office High Rise, paragraph G, is hereby amended as follows:

708.25 OHR, Office High Rise

G. Use Limitations.

1. No outside storage is permitted.
2. No uses which emit odors, fumes or sounds are permitted.
3. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 9: Division 708.26, LI, Light Industrial, paragraph G, is hereby amended as follows:

708.26 LI, Light Industrial

G. Use Limitations.

1. All outside storage areas must be screened by an opaque fence no less than eight feet in height. Maximum of 50% of lot may be utilized for such use.
2. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. However, metal siding may be used on building facades in areas zoned LI that are not visible from an arterial or collector roadway.
 - c. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 10: Division 708.27, HI, Heavy Industrial, paragraph G, is hereby amended as follows:

708.27 HI, Heavy Industrial

G. Use Limitations.

1. All outside storage areas must be located in the rear yard and must be screened by an opaque fence no less than eight feet in height.
2. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. However, metal siding may be used on building facades in areas zoned HI that are not visible from an arterial or collector roadway.

- c. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 11: 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 12: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 13: This Ordinance shall be effective upon signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



Rusty Roth, AICP
Director of Development Services

Approved as to Form:



Doug Haynie, City Attorney

Approved by City Council:

DATE: October 13, 2021

APPROVED:



R. Steve Tumlin, Mayor

ATTEST:



Stephanie Guy, City Clerk