

7-8-8-050 - Certificate of approval required.

A. Except as provided hereafter, a certificate of approval issued by the city upon order of the board of review shall be required before any of the following is commenced within the historic district:

1. The demolition of any building designated as historic. Provided, however, that the action of the historic board of review shall constitute a recommendation and no certificate of approval hereunder shall become final until approved by the Marietta City Council. Further provided, however, that any certificate of approval approved by the city council must be implemented by the issuance of a building permit and commencement of substantial and ongoing construction within the period of 12 months from the date of final approval by the city council and if the issuance of a building permit and substantial and ongoing construction is not so commenced the final certificate issued by the city council shall expire and be void at the end of the 12-month period.

The following additional requirements shall be met:

- a. Except as provided in [subsection] c., below, any applicant requesting a demolition permit shall be required to provide a date certain for the commencement of new construction of a new building to replace the demolished building which shall be no greater than 90 days from the completion of demolition.
 - b. Any applicant requesting a demolition permit shall be required to brick, stucco or otherwise reface any and all deteriorating walls that are open to public viewing as part of the demolition permit if no date certain exists to build a new structure or if due to other circumstances a new structure cannot be built in a manner provided in subparagraph a., above.
 - c. Any applicant requesting a demolition permit who certifies that a new- building will not be constructed on the demolition site shall restore the site within 30 days of completion of demolition to a condition which is safe, properly drained, stabilized, grassed and otherwise in compliance with the Marietta City Code.
2. The moving or relocation of any historic building.
 3. Except housecleaning, any material work on the exterior appearance of existing buildings classified as historic by additions, reconstruction, rehabilitation, alteration, or any maintenance (including exterior color), or any material exterior changes.
 4. Any new construction of a building or accessory building or structure subject to view from a public street. Provided, however, that the action of the historic board of review regarding new construction shall constitute a recommendation and no certificate of approval hereunder shall become final until approved by the Marietta City Council. Further provided, however, that any certificate of approval approved by the city council for new construction must be implemented by the issuance of a building permit and commencement of substantial and ongoing construction within the period of 12 months from the date of final approval by the city council and if the issuance of a building permit and substantial and ongoing construction is not so commenced the final certificate issued by the city council shall expire and be void at the end of the 12-month period.

5. Changes in existing walls, fences, steps, sidewalks, streets and paving, or construction of new walls or fences, steps, sidewalks, streets and paving, if along public street rights-of-way, public lanes or public alleys.
 6. Material work on the exterior appearance of existing contemporary buildings by additions, reconstruction, alteration, rehabilitation or maintenance (including exterior color), subject to view from a public street or walk.
 7. The erection or display on any lot, building or structure of any sign, light or other appurtenant fixture.
- B. An approved certificate of approval must be implemented by the issuance of a building permit (when required by the City Code) and the commencement of substantial and ongoing construction within a period of 12 months from the date of approval and if the issuance of a building permit (when required by the City Code) and the substantial and ongoing construction is not so commenced, the certificate shall expire at the end of the 12-month period. Notwithstanding any other provision under this Code section, all actions permitted shall be governed by the applicable construction codes and ancillary ordinances governing construction as of the date of the issuance of the permit.
- C. An application for a certificate of approval affecting the same property shall not be submitted, reviewed, amended, filed or considered more than once every six months; provided, however, this restriction shall not apply to items A.5., A.6. and A.7., above. Provided, further, that the holder of any previously approved and valid certificate of approval may petition the Marietta City Council for a waiver to file an application with the historic board of review to amend said existing certificate of approval.
- D. Any and all certificates of approval issued prior to January 8, 2010, shall expire 90 days from the date of adoption of this ordinance [Oct. 12, 2011].
- E. Exemptions.
- 1.** Improvements made within the right-of-way or upon government-owned property shall be exempt from the provisions of this article.
 - 2.** **Temporary modifications to any existing buildings or structures resulting from a permit issued under the Motion Picture, Television and Photographic Production Ordinance (Article 5-13). All modification will be restored to original condition within ten (10) days of completing filming.**