



**ZONING ORDINANCE**  
**DIVISION 700**  
**TITLE, APPLICABILITY AND PURPOSE**

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**700.01 Title**

The title is the *1998 Zoning Ordinance of the City of Marietta*.  
(Code 1996, Sec. 7-8-2-2-010)

**700.02 Applicability**

These regulations shall apply to all present and future land development located within the incorporated area of Marietta, Georgia. The requirements contained herein are declared to be minimum requirements necessary to carry out the purpose of this article. This article shall regulate the height, number of stories, and the size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density and distribution of population; the location and use of buildings and other structures: and the use, condition of use or occupancy of land and trade, industry, housing, recreation, transportation, agriculture or for any other purpose; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, enforcement and amendment; creating a Board of Zoning Appeals and defining the powers and duties thereof; providing penalties and resolutions and for other purposes.  
(Code 1996, Sec. 7-8-2-2-020)

**700.03 Purpose**

The purpose shall be to protect the aesthetic values of land and property, public health and the following purposes listed below:

- A. To protect existing development in the City.
- B. To prevent flooding of improved property.
- C. To prevent overcrowding of schools and other public facilities.
- D. To achieve such timing, density, and distribution of land development and use as will prevent overloading public infrastructure systems for providing water supply, sewage disposal, drainage, sanitation, police and fire protection, and other public services.
- E. To achieve such density, distribution and design of land development and use as will protect the traffic movement capabilities of streets within the City and prevent traffic hazards.
- F. To encourage such distribution of population, land development and use as will facilitate the efficient and adequate provision of public services and facilities.
- G. To achieve such density, design, and distribution of housing as will protect and enhance residential property values and facilitate the provision of adequate housing for every citizen.
- H. To secure such accessibility, design and density of land development and use as will reduce fire hazards and fire losses.
- I. To promote the continued and safe operation of general purpose airports within the general vicinity of Marietta.
- J. To promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the City of Marietta.
- K. To encourage greater efficiency and economy of land development through natural resource conservation.
- L. To preserve the City's natural beauty and encourage architecturally pleasing development.
- M. To improve the quality of life through protection of the City's total environment including the prevention of air, visual, water and noise pollution. (Code 1996, Sec. 7-8-2-2-030)



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**700.04 Severability**

It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this article are severable, and if any phrase, clause, sentence, paragraph, or section of this article be declared unconstitutional or invalid, it shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article.  
(Code 1996, Sec. 7-8-2-24-010)

**700.05 Effective date**

This article shall be effective immediately upon its adoption by the Mayor and Council.  
(Code 1996, Sec. 7-8-2-24-020)

**700.06 Repeal of conflicting ordinances and validity of prior approvals and actions**

- A. This is the Zoning Ordinance of the City of Marietta, and all other conflicting ordinances or resolutions are hereby repealed; provided, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those zoning approvals or use permits issued under previous zoning ordinances or resolutions; however, modification or repeal of these past conditions of approval may be accomplished as provided by this ordinance.
- B. All variances and exceptions heretofore granted by the Board of Zoning Appeals shall remain in full force and effect and all terms, conditions and obligations imposed by the Board of Zoning Appeals shall remain in full force and effect and be binding. Prior ordinances shall remain in effect insofar as required for the initiation of any proceedings against violations thereof and for the prosecution of any violations heretofore commenced.
- C. Notwithstanding anything contained herein and notwithstanding any zoning classification change, all previous special stipulations, conditions, restrictions, agreements and terms contained in prior zoning ordinances shall remain in full force and effect and shall not be amended by this document and shall carry forward to any new zoning classification and shall be binding upon said property. Prior ordinances shall remain in effect and shall remain as such special stipulations, conditions, restrictions, agreements and terms, even though the zoning category itself may be changed hereunder.  
(Code 1996, Sec. 7-8-2-24-030)

**700.07 Development projects under construction**

Nothing in this article shall require any change in the development or proposed use of properties which are legally under construction or for which a development plan or preliminary plat has been approved within 5 years of the effective date of this article and the development of which shall be commenced within one year after the effective date of this article. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.  
(Code 1996, Sec. 7-8-2-10-010 and Sec. 7-8-2-24-040)