

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 718, Section 718.02, Administrative variances, is hereby amended as follows:

718.02 Administrative variances

- A. The Director of the Department of Development Services is hereby authorized to grant variances (except for density and use) from the development standards of this article, where, in their opinion, the intent of the article can be achieved and equal performance obtained by granting the variance. The fee for an administrative variance is listed in the Planning & Zoning section of the City of Marietta Fee Chart, located under the "Open Records Request" section of the City Clerk's landing page. The authority to grant such variances shall be limited to 10% of any development standard except as noted below:
- Front or major side setbacks - up to 20 feet.
 - Side setback - up to 4 feet per side.
 - Rear setback - up to 10 feet.
 - Buffer area - up to 10 feet.
 - Required parking - 20% of the total required
- B. Procedures for processing the request for an administrative variance:
1. Application. Applications for administrative variances shall be filed with the Department of Development Services. The following documents shall be required:
 - a. Completed application with all applicable signatures
 - b. Required fee
 - c. Survey, site plan, or drawings necessary to convey all relevant information
 2. Adjacent property owners. The applicant shall be responsible for notifying all adjacent property owners (excluding property owners across a public or private street) of the request. Written responses shall be forwarded to the Director of Development Services. If the applicant is able to provide written consent of all adjacent property owners, the posting period listed below in Section 3 shall be waived. The applicant shall provide proof to the Director of Development Services that an attempt to contact adjacent property owners was made prior to a decision being reached.
 3. Posting. Staff shall post in a conspicuous place on the subject property a sign or signs, which shall contain notice of the request and an administrative decision date, for a minimum of seven (7) calendar days.
 4. Decision. After the sign has been posted for a minimum of seven (7) days, or written consent is received from all adjacent property owners, whichever is sooner, the Director of Development Services shall make a decision on the request within 30 calendar days.

5. Notification and appeal. After the Director of Development Services reaches a decision on the request, staff shall notify all adjacent property owners in writing of the outcome and appeal process specified under Section 718.06.

Section 2: 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 3: All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4: 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:

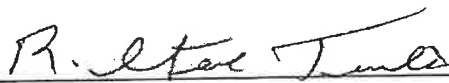


Douglas R. Haynie, City Attorney

Approved by City Council:

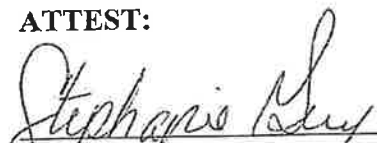
APPROVED:

DATE: March 8, 2023



R. Steve Tumlin, Jr., Mayor

ATTEST:



Stephanie Guy, City Clerk