

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 712, Supplementary Use Regulations, Section 712.08, Tree Protection and Landscaping, Paragraph N. is hereby amended as follows:

N. Interior Landscaping of Vehicle Use Areas.

If sufficient cause is demonstrated that the required trees within the 10 foot landscape strip or within planter islands cannot be met, then the plan must show a method of alternative compliance. Sufficient cause is deemed to be when enforcing any of the requirements for the 10 foot landscape strip and/or the planter islands would violate any state or federal law, any ordinance of the City of Marietta, or zoning stipulation specific to the applicant. Should the placement of the trees within the 10 foot landscape strip and/or within the planter islands conflict with any existing above- or below-ground utilities, the Director of Development Services is hereby authorized to grant an administrative variance to allow one of the following solutions:

1. Specific trees conflicting with existing utilities may be relocated elsewhere within the 10 foot landscape strip, so long as the proposed location will not create potential crowding issues.
2. Specific trees conflicting with existing utilities may be relocated elsewhere on the site but within the front setback.
3. Specific trees conflicting with utilities that cannot be relocated elsewhere on a property, as determined by the Director of Development Services, may be considered for removal; however, every effort will be made to maintain trees as intended by this ordinance.
4. Full canopied tree species conflicting with existing above-ground utilities may be substituted for a fastigiated variety listed in TABLE G-2.
5. Medium or large canopied street trees planted in townhome or small lot subdivisions may be substituted with a tree listed in TABLE G-2, Small Lot Tree Species Selection List. Requests to replace street trees within an established subdivision zoned PRD-SF, PRD-MF, or MXD must be presented for consideration to the Director of Development Services as a revised tree plan by the Homeowners Association.
6. Payment into the Tree Replacement Fund for the appropriate size of tree (according to TABLE G-1.) using calculations specified under Section M.2.

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 or 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
Rusty Roth
Director of Development Services

Approved as to Form:

M. Haynie
Doug Haynie, City Attorney

Approved by City Council:

DATE: July 13, 2023

APPROVED:
R. Steve Tumlin
R. Steve Tumlin, Mayor

ATTEST: *Stephanie Guy*

Stephanie Guy, City Clerk