

City of Marietta

Cobb County

Atlanta MSA

2003 Population Estimate 61,282; +3.1% change from 2000 Census.

Tree City USA for 22 years.

No tree board established by ordinance.

ZONING ORDINANCE

DIVISIONS 710, 712

Year first adopted or last revised unknown.

Addresses private property.

Includes buffer and landscape requirements.

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

700.01 Title.

700.02 Applicability.

700.03 Purpose.

700.04 Severability.

700.05 Effective date.

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

700.07 Development projects under construction.

700.01 Title.

The title is the *1998 Zoning Ordinance of the City of Marietta* .

(Code 1996, § 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, § 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

INDUSTRIAL													
LI	20,000	N/A	100	50	0.50	75	N/A	40	75	50	50	50	20
HI	40,000	N/A	150	50	1.0	85	N/A	40	75	50	50	50	20
PID	N/A	5	N/A	N/A	N/A	65	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Notes:

a. Area standards are not applicable because of the location, age and historical development of the CBD.

DIVISION 710 SUPPLEMENTARY DISTRICT REGULATIONS*

***Cross references:** Establishment of districts, div. 702; application of district regulations, div. 704; district standards and permitted uses, div. 708.

- 710.01 Reserved.
- 710.02 Temporary buildings.
- 710.03 Requirements for moving a building.
- 710.04 Fences and walls.
- 710.05 Buffers.
- 710.06 Fire safety requirements.
- 710.07 Storage.
- 710.08 Bulk sanitation containers.
- 710.09 Substandard lots of record.
- 710.10 Density calculations.
- 710.11 Height requirements exceptions.
- 710.12 Corner lots.
- 710.13 Double frontage lots.
- 710.14 Projections into yards.
- 710.15 Electrical and communications equipment or building exteriors.

710.01 Reserved.

Editor's note: Ord. No. 6150, adopted Aug. 8, 2000, deleted § 710.01, which pertained to erection of more than 1 principal structure on a lot, and derived from § 7-8-2-14-010 of the 1996 Code.

710.02 Temporary buildings.

Temporary buildings and trailers shall not be allowed in any district except when utilized for construction site contracting work. Requests to utilize a temporary building pending completion of a permanent building may be granted a Special Land Use Permit (SLUP) by the Board of Zoning Appeals for a period not to exceed 1 year. Utility hookups to temporary buildings must be screened from view through fencing or landscaping subject to the discretion of the Planning and Zoning Director. Temporary structures associated with seasonal sales at an individual lot may be approved by the Planning and Zoning Director once per calendar year for

right-of-way. Decorative or ornamental fences or walls shall be constructed of wood, brick, stone, or wrought iron in all zoning districts. The Planning and Zoning Director is hereby authorized to grant administrative variances to the fence and wall materials if they are similar in nature to those listed above.

C. When this article requires a fence to be constructed, such fence shall be completed prior to occupancy of the primary use structure. Telecommunications towers are not subject to the requirements set forth in Section 710.04, but must meet all requirements listed in Section 712.07. Retaining walls are not subject to the requirements of Section 710.04. All properties must also be in accordance with Section 716.04.

D. A fence equipped with or having barbed wire, spikes, or similar device, or electric charge shall not contain said devices within 6 feet of the ground level. No fence shall have barbed wire, spikes, or similar devices, or an electric charge in a yard fronting a street on property zoned for residential, commercial, central business district, or office use. Barbed wire, spikes, or similar devices, or an electric charge on fences shall not exceed more than 20 inches above the height of the fence.

E. All swimming pools shall be enclosed by a fence having a height of not less than 5 feet with a self-closing, self-latching gate unless otherwise approved by the Planning and Zoning Director.

(Code 1996, § 7-8-2-14-070; Ord. No. 6372, 3/13/2002, § 1)

710.05 Buffers.

Buffers, as required by this article, shall be established and maintained by the property owner to separate and partially screen noise and views. Buffers shall meet the following requirements:

A. Property owners and developers shall leave undisturbed the natural topography and growth of the land, except vegetation determined to be:

1. Dead or diseased*;
2. Natural growth where too dense for normal growth*;
3. Trees that are a danger to property or people*;
4. Poison ivy and other noxious vegetation;
5. Creeping vines and invasive species that threaten the viability of desirable plant growth (e.g. kudzu).

* Determinations must be certified by a registered arborist or licensed landscape architect for trees in these categories to be removed.

The Planning and Zoning Director or his/her designee may require additional landscape improvements in buffers that lack sufficient topography or foliage to provide for visual screening and diffusion of sound. These improvements may include natural features that supplement the existing landscape such as trees, berms, shrubs, flowers, grass, stone, rocks, and other landscaping materials.

B. Buffers must not be used for parking or contain any structure other than a permanent wall or fence as required by the city.

Vehicular access, public utilities, and stormwater drainage are allowed in a buffer provided they are crossing perpendicularly to the buffer. Such facilities shall be

designed so as to cause the least amount of intrusion possible. Stormwater retention and detention facilities shall not be placed in a required buffer. Bike paths and greenways are excluded from these restrictions.

C. The Planning and Zoning Director may provide an administrative variance of up to 20% of a required buffer for clearing when used as a slope easement. The Planning and Zoning Director shall determine the minimum area necessary for said easement and the replanting schedule to be followed upon completion of the improvements.

D. Buffers shall consist of a permanent wall or solid fence not less than 6 feet in height and a screen of evergreen plantings, so designed and developed to provide for visual screening and diffusion of sound. The Planning and Zoning Director may provide an administrative variance to allow a buffer to be established without the fence, when it can be demonstrated that the existing or proposed landscape serves a satisfactory screening function and the adjacent affected property owner consents to the issuance of said variance. The Planning and Zoning Director shall not provide an administrative variance when it has been approved as a stipulation of zoning. All required fencing shall be installed prior to issuance of the certificate of occupancy. See Section 712.08 (Tree Protection and Landscaping) for a listing of additional requirements pertaining to species and location requirements.

E. Any grading, improvements or construction adjacent thereto shall be conducted far enough from the buffer area so as not to disturb or encroach upon the buffer area.

F. Buffer area shall be counted in addition to the setback requirement.

G. Buffers need not be established in those instances in which a street separates zoning districts.

H. No buffer shall be required in circumstances in which the rezoning of a parcel or parcels of property creates a condition in which a buffer would be required along the boundary of an adjacent property or properties, where no buffer had previously been required. Where a buffer was previously required on adjacent property before the rezoning, and the size of that buffer would be increased due to the rezoning, the previously required buffer shall remain the same size.

(Code 1996, § 7-8-2-14-080; Ord. No. 6630, 3/10/2004, § 1; Ord. No. 6737, 10/13/2004, § 21)

710.06 Fire safety requirements.

Accessibility for fire equipment on hard surfaced sub-base (subgrade plus an asphalt first layer or bound crushed stone) shall be maintained through all stages of construction from the time framing begins. Minimum width of private access driveways within a development, excluding parking, shall be 20 feet and the minimum turning radius shall be 35 feet. Fire hydrants and water service shall be installed to within 300 feet of units under construction before proceeding with framing.

(Code 1996, § 7-8-2-14-090)

710.07 Storage.

Exterior storage yards (excluding vehicles for sale or lease) shall not be permitted in any

all setback requirements which pertain to residentially zoned or used properties.

D. *Removal of Antennas and/or Towers.* All towers shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If upon inspection by the Department of Public Works such tower is determined not to comply with the code standards and to constitute a danger to persons or property, then upon written notice by certified mail, return receipt requested, or by personal service being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance. The owner of the tower may appeal the determination by the Department of Public Works by filing a written appeal to the City Manager within 10 days of the receipt of the notice of non-compliance by the owner. The City Manager shall hold a hearing within 5 days of receiving said written appeal. In the event such tower is not brought into compliance within 30 days, the City may petition the municipal court for an order removing such antenna and/or tower and may petition the court for a lien upon the property for the costs of removal.

E. *Exceptions.*

1. Antennas or towers located on publicly owned property or owned by governmental bodies shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the appropriate governing body.
2. A tower under 70 feet in height owned and operated by a federally-licensed amateur radio station operator shall be exempted from these requirements. However, the owner or operator of such tower shall be required to comply with all applicable local, state and federal codes.
3. Any existing or previously approved tower or antenna shall be considered "grandfathered" and will not be required to meet any additional requirements of this ordinance other than those in place prior.

712.08 Tree protection and landscaping.

A. *Intent and Purpose.* The purpose of these standards is to facilitate the preservation and/or replacement of trees as part of the land development process within the municipal boundaries of the City of Marietta. Benefits derived from tree protection and replanting include: improved control of soil erosion, moderation of stormwater runoff and improved water quality, interception of airborne particulate matter and the reduction of some air pollutants, enhanced habitat for desirable wildlife, reduction of noise and glare, climate moderation, increased property values and aesthetic/scenic amenities.

B. *Applicability.* These regulations shall apply to all real property in the City now and in the future and to all property on which renovations to an existing building are greater than 51% of the building's appraised value as shown on the current tax records. In accordance with Division 728 (Platting Procedures), all plats (preliminary and final) and subdivision improvement plans must contain a tree protection plan which meets the standards set forth in this section. Exempt from these standards are:

1. The plantings of public and private plant nurseries, tree farms or botanical gardens which are for sale to the general public.
2. Any property undergoing renovation or for which an application for a building permit for renovation has been submitted to the City prior to the adoption of this ordinance.

3. Any property zoned Central Business District.
4. Any single-family residential lot (including duplex lots) subsequent to the recording of the final plat or an exemption plat as required herein; subject to the following provisions:
 - a) The developer of all new residential subdivisions shall be required to provide a tree survey as specified in Subsection (D) of this section. Individual residential lots not associated with new residential subdivisions shall be required to identify the location of specimen trees (as defined in Subsection (D)(4)(d)).
 - b) The removal of more than 50% of the identified specimen trees (as calculated by the Planning and Zoning Department) shall require the planting of new trees equal to the density credit specified in Table E for those trees removed in excess of the 50% limit. The actual number and size of trees planted to meet this requirement shall be determined based upon the density credit for planted trees specified in Table F. In no case shall the total tree density necessary to satisfy this requirement exceed the minimum tree density per acre specified in Table D.
 - c) In order to facilitate the preservation of existing specimen trees, the Planning and Zoning Department shall be authorized to administratively vary certain development standards beyond the variance authority granted in Section 718.02. Such additional authority may only be exercised where it can be clearly demonstrated that such variance(s) shall substantially facilitate the preservation of specimen trees. This authority shall not exceed:
 - 1) The reduction of required side or rear setbacks by 50%.
 - 2) The reduction of required lot size by 30%.
 - 3) The reduction of required lot width by 30%.
 - d) The above specified restrictions shall not apply once a structure is completed and residential occupancy is established on the lot.

C. Definitions.

1. **Buildable Area** - The portion of a lot which is not located within any minimum required yard, landscape strip/area, or buffer; that portion of a lot wherein a building may be located.
2. **Buffer** - A natural undisturbed portion of a lot which is set aside to achieve a visual and noise barrier between land uses. A buffer is achieved with natural vegetation, except for approved access and utility crossings, and must be replanted when sparsely vegetated subject to the approval of the Department of Planning and Zoning.
3. **Caliper** - American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken 6 inches above the ground for up to and including 4-inch caliper size, and 12 inches above the ground for larger sizes.
4. **Crown Dripline** - The vertical line extending from the outer surface of a tree's branch tips down to the ground containing the tree's critical root zone (see Figure A).
5. **DBH** - Diameter-at-breast-height is a standard measure of tree size and is a tree trunk diameter measured 4 1/2 feet above the ground. If a tree splits into

multiple trunks below 4 1/2 feet, then the trunk is measured at the point directly beneath the split.

6. *EDF* - Existing Density Factor (EDF) is the density of existing trees to be preserved on a site. The EDF is calculated by converting the diameter of individual trees to density factor units.

7. *Land Disturbance Permit* - An official authorization issued by the Department of Public Works, allowing defoliation or alteration of the site, or the commencement of any land disturbing activities.

8. *Protected Zone* - All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips and/or buffers according to provisions of the City of Marietta Tree Protection Ordinance.

9. *RDF* - Replacement Density Factor (RDF) is the density of new trees necessary to meet the minimum Site Density Factor.

10. *Revegetation* - The replacement of trees or landscape plant materials into the minimum required landscape areas.

11. *SDF* - Site Density Factor (SDF) is the minimum tree density required to be maintained on a developed site.

12. *Specimen Tree* - Any tree which has been determined to be of a high value because of its species, size, age, or other arboreal criteria [see Subsection (D)(4)(d)].

13. *Tree* - Any self-supporting woody plant, usually having a single woody trunk and a potential DBH of at least 2 inches.

14. *Tree Density Factor* - A unit of measurement used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size and are not equal to individual tree counts.

D. *Tree Preservation and Replacement.* A tree protection and landscaping plan shall be submitted with all other permit drawings as part of the building permit process on any non-exempt parcel of land. Land disturbing activity includes any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to clearing, dredging, grading, excavating, transporting, and filling of land, excluding agricultural practices. The intent of these standards is to provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the provisions of the ordinance are administered in the most effective manner.

1. No land disturbance permit shall be issued for projects/lots until the landscaping plan has been reviewed and approved by the Department of Planning and Zoning. All tree protection measures shall be installed prior to land disturbance and no land disturbance permit shall be issued for full site development without it being determined that the proposed development is in compliance with the provisions of these regulations. This tree preservation plan may either be a separate drawing or part of the overall landscape plan and shall include the following information:

- a) The name of the project
- b) The name of the owner and/or developer, including 24 hour contact
- c) The location of proposed building(s) and corresponding dimensions
- d) Spatial limits of land disturbance, clearing, grading and trenching

- e) All required undisturbed buffers, landscape strips and parking islands
 - f) The location of all specimen trees or stands of specimen trees with an indication whether they are to be retained or removed; accurate locations are requested when the preservation of a specimen tree is questionable, or when a site design alteration is feasible
 - g) The location of all hardwood and softwood trees with a DBH > 3["] to be counted toward meeting density requirements
 - h) Areas of tree protection and revegetation and all relevant tree density calculations
 - i) The specific name and location of all materials to be planted or maintained on the site
 - j) Procedures and schedules for the implementation, installation and maintenance of tree protection measures including, but not limited to, detail drawings of protective tree fencing (both active and passive) including signage and erosion control measures
 - k) Planting and staking specifications
2. Grading for future site development shall be considered and regulated as timbering and mining unless site development plans are submitted and approved as per City platting regulations. Applications for tree cutting, clearing or clearing and grubbing shall be in accordance with current land disturbance permit plan review procedures and shall meet the following standards:
- a) The exterior boundary of the site shall have an undisturbed 50-foot buffer area. This buffer area shall remain undisturbed except for improved perpendicular access points, which may be no wider than 24 feet. Sites over 2 acres in size must retain a minimum of 50% of those trees with a DBH greater than 6 inches (inclusive of the required buffer).
 - b) Submitted plans shall include the following information:
 - 1) Owner's name and address
 - 2) Closed property boundary showing bearing and distances of all property lines
 - 3) Limits of land disturbance activity
 - 4) 24 hour emergency contact name and phone number
 - 5) Location of and detail for the truck exit (crushed stone pad)
 - 6) Delineation and labeling of all required buffer zones
 - 7) Documentation of all existing trees with a DBH > 6"
 - c) All timber harvesting activities shall be in accordance with the U.S. Clean Water Act, Section 404 and *Recommended Best Management Practices for Forestry in Georgia* .
3. In the event that any tree on any nonexempt parcel of land shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, safety or welfare, the tree may be removed upon the written authorization of the Planning and Zoning Director.
4. The Site Density Factor (SDF) is the minimum tree density required to be

maintained on a developed site based upon the total site area (see Table D). This density requirement must be achieved whether or not a site had trees prior to development. The required unit density may be achieved by counting existing trees to be preserved, planting new trees, or some combination of the 2.

TABLE D. MINIMUM TREE DENSITY CALCULATIONS

TABLE INSET:

Total Area of Developed Site (acres)	Minimum Density Units Provided (per acre)
< 1	15
1 - 5	20
> 5	25

a) Existing Density Factor (EDF) is the density of existing trees to be preserved on a site. The EDF is calculated by converting the diameter of individual trees to density factor units using Table E.

TABLE E. DENSITY CREDIT FOR EXISTING TREES

TABLE INSET:

DBH (inches)	Density Units (Pine Species)	Density Units (Hardwoods)
3-4"	0.2	0.3
5-8"	0.3	0.6
9-12"	0.4	0.9
13-16"	0.6	1.2
17-20"	0.8	1.9
21-24"	1.2	2.8
25-40"	2.0	4.5
41+"	2.5	7.0

b) Replacement Density Factor (RDF) is the density of new trees to be planted on a site. Calculate the RDF by subtracting the EDF from the SDF. The density factor credit for each caliper size of replacement (new) trees is shown in Table F. Any number or combination of transplantable size trees can be used so long as their total density factor units will equal or exceed the RDF.

TABLE F. DENSITY CREDIT FOR PLANTED TREES

TABLE INSET:

DBH	Density Units
1" or 7 gallon	0.05
2"	0.3
3"	0.5
4-5"	0.8
6-7"	1.2
8-9"	1.5
10+"	2.0

c) For additions to existing projects, the tree density requirements are calculated as noted above for only those areas in which new land disturbance is taking place.

Ex.: Sample Tree Density Calculation

(1) A 2.2 acre site has a Site Density Factor (SDF) of $2.2 \times 20 = 44$.

(2) The Existing Density Factor (EDF) of trees to be preserved is calculated by converting the diameter of individual trees slated for preservation to density factor units as follows (all existing trees are assumed to be hardwoods):

TABLE INSET:

DBH	# of trees		unit value		Totals
24"	2	x	2.8	=	5.6
18"	8	x	1.9	=	15.2

10"	10	x	0.9	=	9.0
			Total EDF		29.8

(3) Replacement Density Factor (RDF) calculates the minimum density of new trees to be planted by subtracting the EDF from the SDF:

$$RDF = 44 - 29.8 = 14.2 \text{ units required}$$

(4) Table B is used to determine the RDF as follows:

TABLE INSET:

DBH	# of trees		unit value		Totals
2"	20	x	0.3	=	6.0
4"	8	x	0.8	=	6.4
6"	3	x	1.2	=	3.6
			Total RDF		16.0

EDF (29.8) + RDF (16.0) > SDF (44.0) therefore DENSITY SATISFIED

d) Specimen trees warrant special consideration and encouragement for preservation. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of projects, additional density credit will be given for specimen trees which are successfully saved by a design feature specifically designated for such purpose [subsections (l)(3) and (l)(4)]. Credit for any specimen tree thus saved shall be calculated at twice the assigned unit value shown in Table D. The following criteria are used by the Department of Planning and Zoning to identify specimen trees. Both size and condition criteria must be met for a tree to qualify.

Size:

- Large hardwoods: 18-inch diameter or larger
- Large softwoods: 24-inch diameter or larger
- Understory trees: 9-inch diameter or larger

Condition:

- Life expectancy of greater than 15 years
- Relatively sound and solid trunk with no extensive decay

- No more than 1 major and several minor dead limbs (hardwoods only)
- No major insect or pathological problem

E. *Methods of Tree Protection.*

1. The protective zone for designated tree save areas shall include no less than the total area beneath the tree(s) canopy, as defined by the farthest canopy dripline of the tree(s).
2. Construction site activities such as material storage, concrete washout, burnhole placement, etc., may not encroach into designated tree protective zones.
3. No disturbance shall occur within the protective zone of specimen trees or stands of trees without prior approval by the Department of Planning and Zoning.
4. The use of tree save islands and stands is encouraged over the protection of individual (non-specimen) trees scattered throughout a site. This will facilitate ease in overall site organization, increase the effectiveness of protection measures and prevent pathology.
5. Layout of the project site utility and grading plans should accommodate the required tree protective zones. Utilities must be placed between tree protective zones or incorporate those techniques described in subsections (I)(3) and (I)(4).

F. *Protective Barriers.*

1. Prior to any land disturbance, active protective fencing shall be installed so that it surrounds the critical root zones of all protected tree zones.
2. Active protective tree fences must be at least 4 feet high and may be either a wood and post construction or orange polyethylene laminar safety fencing.
3. Passive forms of tree protection may be utilized to delineate tree save areas which are remote from areas of land disturbance. These area must be completely surrounded with continuous rope or flagging (heavy mill. minimum 4 inches wide).
4. All tree protection zones (both active and passive) should be designated as such with "tree save area" signs posted visibly on all sides of the fenced area. These signs are intended to inform subcontractors of the tree protection process. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances although the developer shall be held responsible for any violations found.
5. All specimen trees or stands of trees, or otherwise designated tree protective zones must be protected from the sedimentation of erosion control. Silt screening must be placed along the outer uphill edge of tree protective zones at the land disturbance interface and shall be backed by 12 gauge 2" x 4" wire mesh fencing in areas of steep slope.
6. All erosion control must comply with Article 7-8-12 of this ordinance. All tree fencing and erosion control barriers must be installed prior to and maintained throughout the land disturbance process and building construction and may not be removed until landscaping is installed.

G. *Vehicle Use Areas.*

1. Interior landscaping: Interior landscaping of parking lots shall contain planter islands located so as to relieve the expanse of parking, provide shading and

channel water runoff. A maximum of 12 parking spaces in a row shall be permitted without a planter island. Planter islands shall have a minimum of 125 square feet in area and shall contain at least 1 non-pine species tree having at installation a minimum DBH of 2 inches and 10 feet in height. This requirement may be waived in those instances in which facing parking rows are separated by a continuous island at least 5 feet in width containing at least 1 tree every 15 feet. The remaining area shall be landscaped with appropriate materials.

2. Each area of the site which abuts public right-of-way (or improved accessways providing access to the interior of a development) must provide a planted border not less than 10 feet in width parallel to right-of-way lines (5 feet minimum for accessways). These planted border areas must have at least 1 tree having a minimum DBH of 2 inches for each 20 lineal feet of border area with a minimum of 2 trees if the strip is greater than 25 feet in length. Pine species are excluded from parking islands and along right-of-ways/accessways. The remainder of the planted area shall be landscaped with appropriate materials.

3. Accessways: Landscaped border areas may be interrupted to provide perpendicular vehicular and/or pedestrian ingress and egress, maximum 24 feet wide.

4. Encroachment: Landscaped areas shall require protection from vehicular encroachment. Car stops shall be located so as to prevent damage to any trees, fences, shrubs or landscaping by automobiles.

H. *Encroachment.* Most trees can tolerate only a small percentage of critical root zone loss. If encroachment is anticipated within the critical root zones of specimen trees, stands of trees, or otherwise designated protected tree zones, the following preventative measures shall be employed:

1. Clearing activities: Roots often fuse and tangle among trees. The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Wherever possible, it is advisable to cut minimum 2-foot deep trenches (e.g. with a ditch-witch) along the limits of land disturbance, so as to cut, rather than tear, roots. Trenching may be required for the protection of specimen trees.

2. Soil compaction: Where compaction might occur due to traffic or materials storage, the tree protective zone must first be mulched with a minimum 4-inch layer of processed pine bark or wood chips, or a 6-inch layer of pine straw.

3. Trenching: The installation of utilities through a protective zone should occur by way of tunneling rather than trenching.

4. Grade changes: Moderate fill can be tolerated within a tree's critical root zone with the prior installation of an aeration system. A decrease in grade is best accomplished through the use of retaining walls or terracing.

5. When irreparable damage has occurred to trees within the tree protective zones, the trees must be removed and replaced with new trees of comparable size.

I. *Remediation.* Remedial site reclamation and tree care procedures shall be implemented when encroachment within protective zones has caused damage to either the tree or the trees' growing site and the damage is reparable. If encroachment is anticipated, these horticultural practices should be employed as preemptive measures to improve tree survival.

1. Once a tree has been damaged, it is advisable to delay pruning until the deadwood becomes evident (1-3 years). Pruning for deadwood removal is then recommended. The removal of live plant tissue from a damaged tree can

accelerate decline. Pruning of root severed trees may reduce the possibility of windthrow. Trees which have not been affected by construction activities can be pruned for maintenance of the tree's health, appearance and safety.

2. Fertilizer applications will enhance the vigor of trees stressed by site disturbances, thereby promoting root development.

3. A tree's adequate root development, and ultimately its chances for survival, are improved with reclamation of the growing site. Whenever possible, the soil should be brought back to its natural grade. Compacted soils within the critical root zones of trees should be aerated. The air exchange, nutrient, and water holding capacities of soils can be improved with soil amendments. A 4 to 6 inch layer of mulch material, such as pine bark or wood chips, spread within the critical root zones of trees on construction sites, is extremely beneficial.

4. The availability of water to trees on construction sites should be monitored. If grade changes or excessive rain cause the accumulation of water near trees, steps must be taken to improve drainage. Conversely, if grade changes or prolonged periods without rain cause a drought situation, then irrigation may be necessary.

J. *Revegetation.*

1. The replacement of trees must occur if the EDF does not meet the calculated SDF. The quantity of replacement trees must be sufficient so as to produce a total site-tree density factor which meets the requirements established in subsection (D)(4). (Note: the terms "unit" and "tree" are not interchangeable).

2. Species selected for replacement must be quality specimens and ecologically compatible with the site. Table G lists those species of trees generally acceptable for credit in density calculations based upon use or need. The Department of Planning and Zoning has information on trees and may accept alternatives to those listed in Table G. Pine species may only be planted in buffer or screening areas to the rear of the principal use and are specifically excluded from parking islands and along right-of-ways. No more than 50% of all new trees may be pine species, regardless of their planting location.

3. Any portion of the subject property which is within a utility power easement is required to meet the height standards of the controlling entity. These areas may be required by the City to have additional vegetation installed to compensate for these restrictions, subject to approval from the Department of Planning and Zoning.

4. All trees and landscaping shall be installed in a sound workmanlike manner and according to accepted planting procedures with quality materials as provided in literature from the Georgia Forestry Commission or the Georgia Extension Service. All landscaping shall be completed within 6 months after the date of the issuance of the certificate of occupancy, however any required fencing shall be installed prior to issuance of the certificate of occupancy. Should the landscaping not be completed in this period, it shall be deemed a violation of this section.

5. The owner, occupant, tenant or agent, shall be jointly responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation. Any dead vegetation and landscaping material or any damaged nonliving landscaping materials shall be promptly replaced.

K. *General Landscaping Requirements.* Beyond tree protection and revegetation, the extent of permissible impervious surfaces and required landscaping are regulated through the standards of the controlling zoning district. Landscaping may include grass,

hedges and trees as well as natural features. All site plans submitted for new construction or renovations to an existing building in which the construction costs exceed 51% of the building's appraised value as shown on the current tax records (subject to those exemptions specified in Subsection B) must contain a separate landscape plan which includes the following information:

1. The name of the project
2. The name of the owner and/or developer
3. The location of proposed building(s) and corresponding dimensions
4. Spatial limits of land disturbance, clearing, grading and trenching
5. All required undisturbed buffers, landscape strips and parking islands
6. The location and listing of all specimen trees or stands of specimen trees
7. Areas of tree protection and revegetation and all relevant tree density calculations
8. The specific name and location of all materials to be planted or maintained on the site
9. Procedures and schedules for the implementation, installation and maintenance of tree protection measures including, but not limited to, detail drawings of protective tree fencing (both active and passive) including signage and erosion control measures
10. Planting and staking specifications
11. The percentage of the total lot containing impervious surfaces
12. The percentage of the total lot which shall remain undisturbed
13. The percentage of the total lot devoted to landscaping

L. *Acceptable Tree Species.* Table G denotes those species of trees which may be incorporated for full credit towards the tree replacement requirements of paragraph (D). Other trees may be approved on a case by case basis provided they are large growing and ecologically compatible with the site. Revegetation plans containing at least 10 new trees must incorporate at least 3 separate tree species with no single tree species accounting for more than 50% of all newly planted trees. Pine trees can be utilized for screening and buffer areas only. All planting and replanting plans are subject to approval through the Department of Planning and Zoning.

TABLE G. TREE SPECIES SELECTION LIST

TABLE INSET:

Species Common Name	Genus and Species	Canopy Size	Large Landscape Areas	Road Frontage Street	Road Frontage Yard	Parking Lot Trees Islands >200 sq. ft.	Parking Lot Trees Islands 100 to 200 sq. ft.	Buffers	Riparian/ Drainage Areas	Utility Corridors	Urban Tolerant	Notes
Alder, Hazel	<i>Alnus serrulata</i>	Very Small	X						X	X	X	N

Ash, Green	<i>Fraxinus pennsylvanica</i>	Large	X				X				X	N
Baldcypress	<i>Taxodium distichum</i>	Medium	X				X		X		X	N
Basswood, American (Linden)	<i>Tilia americana</i>	Large	X						X		X	N
Beech, American	<i>Fagus grandifolia</i>	Large	X						X			N
Birch, River	<i>Betula nigra</i>	Medium	X	X	X	X		X	X			N
Blackgum (Tupelo)	<i>Nyssa sylvatica</i>	Medium	X	X	X	X			X		X	
Buckthorn, Carolina	<i>Rhamnus caroliniana</i>	Medium	X	X	X		X		X			
Catalpa, Southern	<i>Catalpa bignonioides</i>	Medium	X						X			N
Cedar, Deodar	<i>Cedrus deodara</i>	Medium	X		X			X				
Cedar, Lebanon	<i>Cedrus libani</i>	Medium	X		X							
Chastetree (Vitex)	<i>Vitex agnus-castus</i>	Small	X					X				
Cherry, Japanese Flowering	<i>Prunus serotina</i>	Small			X			X	X	X		
Cherry, Yoshino	<i>Prunus serrulata</i>	Small			X			X		X		
Cherry, Kwanzan	<i>Prunus x yedoensis</i>	Small			X			X		X		
Cherry laurel, Carolina	<i>Prunus caroliniana</i>	Medium			X		X	X	X			N
Chestnut, Chinese	<i>Castanea mollissima</i>	Large	X		X							
Chinquapin, Allegheny	<i>Castanea pumila</i>	Small	X									
Cleyera	<i>Cleyera japonica</i>	Small						X				S

Crabapple, Japanese Flowering	<i>Malus floribunda</i>	Small		X	X			X		X		
Crapemyrtle, Common	<i>Lagerstroemia indica</i>	Small		X	X	X	X			X	X	S
Cryptomeria	<i>Cryptomeria japonica</i>	Small	X					X				
Cypress, Leyland	<i>Cupressocyparis leylandii</i>	Small	X									
Devilwood	<i>Osmanthus americanus</i>	Small	X	X	X			X		X		S
Dogwood, Flowering	<i>Cornus florida</i>	Small	X		X			X		X		
Elaeagnus, Autumn	<i>Ulmus americana</i>	Small						X			X	S
Elm, American	<i>Ulmus parvifolia</i>	Large	X		X							N
Elm, Chinese	<i>Ulmus alata</i>	Medium	X	X	X	X	X					
Elm, Winged	<i>Koelreuteria bipinnata</i>	Large	X	X	X	X	X					N
Flametree, Chinese (Bougainvillea)	<i>Chionanthus retusus</i>	Small	X	X		X			X	X	X	
Fringetree (Grancy Gray Beard)	<i>Chionanthus virginicus</i>	Small	X	X		X			X	X	X	
Ginkgo (male)	<i>Ginkgo biloba</i>	Large	X	X	X	X						
Golden Rain Tree	<i>Koelreuteria paniculata</i>	Small		X	X	X	X					
Hawthorn, Washington	<i>Crataegus phaenopyrum</i>	Small		X	X		X			X		N
Hemlock, Canadian	<i>Tsuga canadensis</i>	Medium	X									
Hickory (spp.)	<i>Carya spp.</i>	Large	X									N
Holly, American	<i>Ilex opaca</i>	Very Small			X	X		X			X	N

Holly, Chinese	<i>Ilex cornuta</i>	Very Small			X			X			X	S
Holly, Deciduous (Possumhaw)	<i>Ilex decidua</i>	Small			X		X		X			S
Holly, English	<i>Ilex x attenuata</i> 'Savannah'	Very Small			X		X	X				S
Holly, Fosters	<i>Ilex x attenuata</i> 'Foster'	Small			X		X	X			X	S
Holly, Longstalk	<i>Ilex pedunculosa</i>	Small			X	X	X	X				S
Holly, Lusterleaf	<i>Ilex latifolia</i>	Small			X			X				S
Holly, Savannah	<i>Ilex x attenuata</i> 'Savannah'	Small			X		X	X			X	S
Holly, Yaupon	<i>Ilex vomitoria</i>	Small			X			X	X			S
Honeylocust (seedless)	<i>Gleditsia triacanthos</i>	Large	X									N
Hophornbeam, American	<i>Ostrya virginiana</i>	Medium	X			X			X			N
Hornbeam, American	<i>Carpinus caroliniana</i>	Medium	X		X	X	X		X			N
Hornbeam, European	<i>Carpinus betulus</i>	Medium		X	X	X	X	X				
Juniper, Hetzi	<i>Juniperus</i>	Small						X				S
Juniper, Pfitzer	<i>Juniperus</i>	Small						X				S
Katsura Tree	<i>Cercidiphyllum japonicum</i>	Medium	X		X	X	X					
Locust, Black (seedless)	<i>Robinia pseudoacacia</i>	Medium	X	X					X		X	N
London Planetree	<i>Platanus x acerifolia</i>	Large	X	X	X	X			X		X	
Magnolia, Japanese (Saucer)	<i>Magnolia x soulangiana</i>	Medium	X		X							
Magnolia,	<i>Magnolia grandiflora</i>											

Southern		Large	X					X	X			N
Magnolia, Southern "Little Gem"	<i>Magnolia grandiflora</i> 'Little Gem'	Medium		X	X	X		X		X		N
Magnolia, Sweetbay	<i>Magnolia virginiana</i>	Medium	X		X			X	X		X	N
Maple, Hedge	<i>Acer campestre</i>	Medium	X	X	X	X			X			
Maple, Japanese	<i>Acer palmatum</i>	Small	X		X					X		
Maple, Red	<i>Acer rubrum</i>	Medium	X	X	X	X		X	X			N
Maple, Sugar	<i>Acer saccharum</i>	Large	X	X	X				X			N
Maple, Trident	<i>Acer buergeranum</i>	Small		X	X	X	X	X		X	X	
Oak, Black	<i>Quercus velutina</i>	Large	X	X	X	X						N
Oak, Chestnut	<i>Quercus prinus</i>	Large	X	X	X	X						N
Oak, Laurel	<i>Quercus hemisphaerica</i>	Large	X	X	X	X						N
Oak, Northern Red	<i>Quercus rubra</i>	Large	X	X	X	X						N
Oak, Nuttall	<i>Quercus nuttalli</i>	Large	X	X	X	X	X					N
Oak, Overcup	<i>Quercus lyrata</i>	Large	X	X	X	X	X					N
Oak, Post	<i>Quercus stellata</i>	Large	X	X	X	X						N
Oak, Sawtooth	<i>Quercus acutissima</i>	Large	X	X	X	X						
Oak, Scarlet	<i>Quercus coccinea</i>	Large	X	X	X	X						N
Oak, Shumard	<i>Quercus shumardii</i>	Large	X	X	X	X						N
Oak, Swamp White	<i>Quercus bicolor</i>	Large	X	X	X	X			X			
Oak, Water	<i>Quercus nigra</i>	Large	X	X	X							N
Oak, White	<i>Quercus alba</i>	Large	X	X	X	X						N

Oak, Willow	<i>Quercus phellos</i>	Large	X	X	X	X						N
Pagodatree, Japanese	<i>Saphora japonica</i>	Large	X		X							
Pecan	<i>Carya illinoensis</i>	Large	X	X	X							N
Pine, Virginia	<i>Pinus virginiana</i>	Medium						X				N
Pistache, Chinese	<i>Pistacia chinensis</i>	Medium		X	X	X	X				X	
Planetree, London	<i>Platanus x acerifolia</i>	Large		X	X	X						
Plum, Purpleleaf	<i>Prunus cerasifera</i>	Small						X		X		
Popular, Tulip	<i>Liriodendron tulipifera</i>	Large	X						X			N
Redbud, Eastern	<i>Cercis canadensis</i>	Small	X	X	X	X		X		X		N
Redcedar, Eastern	<i>Juniperus virginiana</i>	Medium	X		X			X				N
Redwood, Dawn	<i>Metasequoia glyptostroboides</i>	Medium	X		X			X				
Sassafras	<i>Sassafras albidum</i>	Medium	X		X							N
Serviceberry, Downey	<i>Amelanchier arborea</i>	Small	X	X	X			X	X	X	X	
Silverbell, Carolina	<i>Halesia carolina</i>	Medium	X								X	N
Smoketree	<i>Cotinus obovatus</i>	Very Small			X					X		
Sourwood	<i>Oxydendrum arboreum</i>	Medium	X		X						X	N
Sweetgum (fruitless)	<i>Liquidambar styraciflua</i> 'Rotundiloba'	Large	X			X	X					N
Sycamore, American	<i>Platanus occidentalis</i>	Large	X									N

Tupelo, Swamp	<i>Nyssa ogeche</i>	Large							X		
Walnut, Black	<i>Juglans nigra</i>	Large	X						X		N
Waxmyrtle, Southern	<i>Myrica cerifera</i>	Small	X				X	X			S
Yellowwood, American	<i>Cladrastis kentukea</i>	Medium	X		X	X					
Zelkova, Japanese	<i>Zelkova serrata</i>	Large	X			X	X				

Note: S = shrub; N = native to Marietta

M. Alternative Compliance.

1. The intent of the tree protection and landscaping ordinance is to insure that a minimum density of trees is maintained on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. To provide an alternative in such cases, contributing to the City of Marietta Tree Replacement Fund according to the tree replacement fund requirements is acceptable (see subsection 4., below). The following standards have been established for administering the alternative compliance method:

a. The Department of Planning and Zoning must review and approve all requests for alternative compliance. In no instance shall more than 90% of the required density factor be met through alternative compliance. Documentation from a certified arborist or licensed landscape architect must be provided to assure that as many trees as can reasonably be expected to survive must be planted on the site in question.

b. The land disturbance permit will only be issued after the Department of Planning and Zoning has approved the request for alternative compliance and received the necessary documentation and/or funds.

2. The tree replacement plan for this project shall be submitted for review and approval by the Department of Planning and Zoning prior to the issuance of any land disturbance permit. This plan shall include the species, size, location and minimum tree density calculations of trees to be planted off-site to meet the tree density deficit shown. Documentation must be provided from a certified arborist or licensed landscape architect that the required trees have been planted as indicated on the approved plan and according to minimum (tree establishment) specifications. (see section 4 below)

3. All trees and landscaping shall be installed in a sound workmanlike manner and according to accepted planting procedures with quality materials as provided in current literature from the Georgia Forestry Commission or the University of Georgia Cooperative Extension Service. All landscaping shall be completed within 6 months, during the planting season of September 15 through April 1, after the date of the issuance of the certificate of occupancy. Should the landscaping not be completed in this period, it shall be deemed a violation of this section. All tree replacement plans shall have a 1 year maintenance plan attached to ensure proper mulching and watering.

4. Tree Replacement Fund. As an alternative method of compliance, the City of Marietta will accept donations that will be used for the purpose of planting trees on public property. Calculations for donations shall be based on 2-inch

caliper replacement trees, the value of which is identified in the City of Marietta Fee Schedule. This value shall represent the average size and cost of materials, labor and guarantee for trees planted within the city limits. To determine the appropriate contribution, first calculate the density factor deficit (DFD) or unit value that cannot be planted on the site. Divide the DFD by 0.3 (the unit value of a 2-inch caliper replacement tree) and multiply by the value identified in the City of Marietta Fee Schedule.

Example: A 2.2 acre site has a required site density factor (SDF) of 44.0, an existing density factor (EDF) of 21.4 and can only accommodate a replacement density factor (RDF) of 9.0.

Determine the density factor deficit (DFD) using the formula:

$$\text{DFD} = \text{SDF} - \text{EDF} - \text{Approved RDF}$$

In this example, $\text{DFD} = 44 - 21.4 - 9.0 = 13.6$

Determine the acceptable contribution amount as follows:

$$13.6 + 0.3 \times \$(\text{value}) = \$(\text{contribution})$$

5. **Fund Administration.** The City of Marietta Tree Replacement Fund will be administered by the Department of Planning and Zoning. A quarterly report shall be submitted to the City Manager showing the amounts collected, amounts spent, and the types and locations of trees planted. The report will be made available to the Mayor and City Council upon their request.

N. **Interior Landscaping of Vehicle Use Areas.** If sufficient cause is demonstrated that the requirements for the 10-foot landscape strip along street rights-of-way and the planter islands required to be located in parking lots cannot be met, then the plan must show a method of alternative compliance that is equal to or exceeds the minimum requirements as identified in subsection M.1.a. of this section. 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, in cases of hardship, or any ordinance of the City of Marietta, or zoning stipulation specific to the applicant. In such cases, the Planning and Zoning Director is hereby authorized to grant variances from these standards, but said authority shall be limited to 100% of the standard(s).

O. **Enforcement, Violations and Penalties.** Enforcement of the provisions of this section shall be the responsibility of the Department of Planning and Zoning. If, after inspection of a project by the administrator or their designee, the plan materials installed on the site do not comply with the approved plan, the applicant and property owner shall be notified of such deficiencies in writing. If the administrator deems the deviations from the approved plan acceptable, they will so note, and the applicant, property owner, and/or representative will be required to submit a revised plan within 10 days showing the actual plantings. If, after inspection, the administrator or their designee determines the site does not comply with the approved plan and further determines it to be unacceptable, the applicant and property owner shall be notified in writing by the Department of Planning and Zoning of said violations, and given 10 days in which to correct all violations. Failure to make such corrections shall be a violation of this section.

P. **Appeal.** The Board of Zoning Appeals shall have the authority and duty to consider and act upon any application submitted for adjustment of standards provided herein. In addition, the Board of Zoning Appeals shall have the power to hear and decide appeals from the decision of the Planning and Zoning Director.

(Ord. No. 6005, 7/14/99, § 1; Ord. No. 6119, 4/12/2000, § 1; Ord. No. 6631, 3/10/2004, § 1; Ord. No. 6738, 10/13/2004, § 1)

FIGURE A. CRITICAL ROOT ZONE FOR TREE PROTECTION

ADD FIGURE page 113

712.09 Commercial Corridor Design Overlay District.

A. *Intent and Purpose.* The Commercial Corridor Design Overlay District is established to enhance the quality and compatibility of development, to establish consistent architectural and design guidelines, to encourage the most appropriate use of land, and to promote safe and efficient movement of traffic. The district is deemed necessary to enhance the aesthetic and visual character of lands adjacent to main commercial corridors in and around Downtown Marietta. All applicable developments proposed within this District shall be subject to procedures, standards, and guidelines specified in the following sections, in addition to those standards pertaining to the particular zoning district in which the development occurs. In particular, the purpose of the Commercial Corridor Design Overlay District is to better articulate positive visual experiences in Marietta's downtown area; to provide for the continued safe and efficient utilization of roads; to promote pedestrian mobility and safety; and to provide for the preservation of historically significant structures. This will be accomplished through evaluation of all applicable developments within the districts by City staff. Staff shall use the point system of specific criteria as described later in this section. It is the purpose of such review to determine whether the proposed plan meets the guidelines and other criteria of this ordinance.

B. *Delineation of District.*

1. The Commercial Corridor Design Overlay District shall include:

a. The rights-of-way and all parcels lying in whole or in part within 750 feet of rights-of-way line of any road designated as part of the Commercial Corridor Design Overlay District.

b. Roads that are designated as part of the Commercial Corridor Design Overlay District include Fairground Street from North Marietta Parkway to South Cobb Drive, Powder Springs Road from the South Marietta Parkway to Chestnut Hill Road, Roswell Street from Haynes Street to US 41, Atlanta Street from Waverly Way to South Cobb Drive, and the North Marietta Parkway from Kennesaw Avenue to Powder Springs Street. The overlay shall end at the western edge of US 41/Cobb Parkway and is not affecting properties on the eastern side of the thoroughfare.

2. The boundary of this district shall be shown on the Official Zoning Map of the City of Marietta.

3. If the proposed development will not be visible from the principal thoroughfare of the overlay district once the project is completed, the Director of Planning and Zoning has the administrative authority to waive the design review of the development. Parcels of land directly abutting roads designated as part of the Commercial Corridor Design Overlay Ordinance listed in Subsection 712.09.B.1.b and development that incorporate mixed-use components listed in Subsections 712.09.F.1 and 712.09.G.1 are not eligible for waiver of design review.

C. *Relationship to Existing Zoning Districts.* In all existing zoning districts located within the Commercial Corridor Design Overlay District the regulations for the zoning

district, other zoning codes, and the overlay district shall apply. In cases where there is a conflict between the regulations of the Commercial Corridor Design Overlay District and other sections of the zoning ordinance the Commercial Corridor Design Overlay District shall take precedence.

D. *Developments Exempt From the Commercial Corridor Design Overlay District.* The following activities or uses shall be exempt from the Commercial Corridor Design Overlay requirements and development review, although they may be reviewed under separate administrative procedures where noted in this section or in other sections of the Marietta Municipal Code.

1. **Nonconforming Structures.** If a nonconforming structure is to be retained then the structure shall not be rebuilt, altered, or repaired if such construction would exceed 50% of its replacement cost. If rebuilding, alteration, or repair of a nonconforming structure exceeds 50% of the replacement cost then the building shall be required to conform to all provisions of the Commercial Corridor Design Overlay District Ordinance.

2. **Single-Family Residences on Individual Lots.** All single-family structures located on single-family detached residentially zoned lots are exempt from the development plan review process but shall comply with the provisions set forth in other sections of the Marietta Municipal Code. Compliance with these provisions shall be verified through the building permit process. Any single-family residential structure that is altered for commercial use shall comply with the provisions set forth in this ordinance.

3. **Downtown Marietta Historic District.** Properties that are contained within the Marietta Historic District as identified on the Official Historic Map of Marietta are exempt from the development plan review process but shall comply with Article 7-8-8 of the Marietta Municipal Code.

E. *Design Plan Administrative Review.*

1. As part of the site planning process, administrative design review by staff is required to confirm that submitted documents conform to the requirements of this article. A checklist containing mandatory and optional elements of Subsections 712.09.F.1, 712.09.F.2, 712.09.F.3, 712.09.G.1, 712.09.G.2, and 712.09.G.3 shall be used with a minimum score required to determine compliance with the code.

2. The design review plan must contain the mandatory elements located in each subsection of the Design and Development Guidelines listed below. In addition, developments shall attain 50% of the possible point totals located in the Optional Elements categories of the Design and Development Guidelines listed below. Within the Optional Elements categories, items that are not applicable to a particular application shall not be considered in the base points for calculating percentages.

F. *Design and Development Guidelines - Tier A.* The general purpose of the Tier A design overlay is to encourage private development to display some of the basic features of a pedestrian-oriented downtown commercial corridor. Overlay conditions are intended to promote a continuous street front experience that engages the pedestrian and generates visual interest.

1. **Land Use Patterns:**

a. **Optional elements: 50 points max/25 points for approval.**

(i) Provide for a mix of uses and pedestrian oriented uses within each development or building. Store front shops, retail, office,

professional services, town homes, and condominiums are permitted uses within the Commercial Corridor Design Overlay District when they are mixed together within a building or development. (+10)

(ii) Within a mixed-use building the ground level of buildings facing a right-of-way shall have a mix of the following uses: (+10)

- (1) Retail;
- (2) Restaurants;
- (3) Cultural activities;
- (4) Entertainment;
- (5) Other service establishment similar to those listed above.

(iii) Within a mixed-use building all floors, excluding the ground floor of buildings facing a right-of-way, shall have a mix of the following uses: (+10)

- (1) Office uses;
- (2) Residential units.

(iv) Auto oriented developments are discouraged including the following: (-10)

- (1) Gas station;
- (2) Vehicle rental and/or sales;
- (3) Title pawn;
- (4) Uses similar in nature to those listed above.

b. Mandatory elements:

(i) The maximum floor area ratio for developments that do not include residential components is the standard stipulated in the underlying zoning district.

(ii) The maximum floor area ratio for mixed-use developments containing residential and commercial or office components within the same development is 2.0. In order for a development to be considered a mixed-use project it must meet all provisions set forth in this Commercial Corridor Design Overlay District Ordinance, Subsection F.1.

(iii) Projects that do not meet the abovementioned criteria for mixed-use developments shall be allowed only the permitted uses stipulated in the underlying zoning district. For example, individuals cannot build an exclusively residential development on a parcel zoned for commercial or office use.

(iv) Developments that incorporate a mixture of residential and commercial or office uses shall have at least 30% of the floor area dedicated to residential use.

(v) Developments that incorporate a mixture of residential and commercial or office uses shall have at least 20% of the floor area dedicated to commercial or office use.

- (vi) Residential units are not allowed on the ground floor of any mixed-use development in a building that is fronting any streets listed in Subsection 712.09.B.1.b. The intent of this is to ensure the commercial character of the corridors.
- (vii) The maximum number of residential units on a lot shall be 1 unit for each 1,742 square feet of lot area.
- (viii) Ninety percent of all residential units within a development shall be owner-occupied units.
- (ix) The minimum floor area for individual residential units shall be as follows:
 - (1) Nine hundred square feet for 1 bedroom units.
 - (2) One thousand one hundred square feet for 2 bedroom units.
 - (3) One thousand four hundred square feet for 3 bedroom units.
- (x) When fronting a street listed in Subsection 712.09.B.1.b, the frontage of the first floor of parking structures or garages shall be dedicated to commercial use, excluding ingress and egress. Also, when the upper stories of parking garages are visible from streets listed in Subsection 712.09.B.1.b techniques and designs shall be used that disguise the appearance of the parking garage or structure and the exterior finish and facades shall be made of wood, masonry, stone, or a combination of these.
- (xi) Commercial and office uses shall be designed and operated so that neighboring residents are not exposed to offensive noise, especially from late-night activity. No amplified music shall be audible to neighboring residents. Common walls between residential and nonresidential uses shall be constructed to minimize the transmission of noise and vibration.
- (xii) All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness.
- (xiii) All storage and work performed within the overlay district shall be conducted within a permanent opaque building that needs to conform to all provisions of the building design section of this Commercial Corridor Design Overlay Ordinance [Subsection F.3.].
- (xiv) Loading or service areas including refuse and recycling must be out of public view and must not front onto the primary street.
- (xv) No commercial use shall be designated or operated so as to expose residents to offensive odors, dust, electrical interference, and/or vibration.
- (xvi) Residential, commercial, and office uses in a mixed-use

development shall provide combined and private bulk sanitation service for the entire development.

(xvii) Electric and communications transformers shall be screened from public view through below grade installation, a hedge, or similar measure.

(xviii) All other mechanical equipment must be behind or on top of the building and screened from public view through use of a parapet wall or through landscaping.

2. Site Design:

a. Optional elements: 240 points maximum/120 points for approval.

(i) Where a building is on a corner lot or has frontage on 2 abutting streets, the design of the structure should have an angled entrance located at the street corner. (+15)

(ii) In order to create a sense of enclosure and defined space, buildings shall be arranged so that they frame and define the fronting streets giving deliberate form to streets and sidewalk areas. Defining the street is done by ensuring that neighboring buildings, when the neighboring building meets the standards set forth in the Commercial Corridor Design Overlay District, are setback a similar distance visually from the right-of-way, where applicable. (+15)

(iii) As a method to maximize greenspace in the corridor, adjacent property owners should coordinate greenspace between lots so that smaller segments of greenspace can be combined to create large open space areas. (+30)

(iv) Preserve specimen trees and/or significant tree stands as a method to produce shade and reduce the heat island effect. (+15)

(v) One curb cut is allowed per property. For every 500 feet of road frontage an additional curb cut is allowed. The purpose of this provision is to ensure efficient and effective traffic flow. The Director of the Public Works Department may waive this condition based on site conditions. (+30)

(vi) Developments with more than 1 curb cut per property. (-30)

(vii) Parking shall be located in the rear yard of properties. If rear yard parking is not possible due to irregularly shaped parcels then parking in the side yard shall also be permitted. (+20)

(viii) Parking in the front yard of properties or directly between a building and the primary public right-of-way. (-20)

(ix) Access parking through rear of the property (alleys), where possible. (+5)

(x) One nonpine shade tree shall be planted every 10 parking spaces. The planter islands shall have a minimum of a 125 square foot planter island. (+15)

(xi) Driveway width of 20 feet (not including curb and gutter) as a way to create a safe environment for both vehicles and pedestrians. (+5)

- (xii) Provide pedestrian walkways through parking areas to the sidewalk/main entrance. (+15)
- (xiii) Create interparcel access between adjacent lots to increase mobility options for vehicles and pedestrians. (+30)
- (xiv) Enter into a shared parking agreement (access easement) with adjacent uses. In addition, properties with shared parking agreement receive a 10% reduction in the required number of parking spaces. (+30)
- (xv) Provide bicycle parking facilities. (+5)
- (xvi) Outdoor dining areas and public art are encouraged at building fronts, where applicable. Outdoor dining facilities are to be located on private property except for those properly licensed in accordance with the Outdoor Cafe Ordinance, Marietta Code Chapter 8-39. (+15)

b. Mandatory elements:

- (i) A 16-foot maximum front setback from the building to the back of the curb. If part of the building must be setback from the sidewalk, treat these portions of the building as a plaza or courtyard. No more than 25% of a building frontage may be designed as a plaza or courtyard.
- (ii) A 25-foot setback is required where the rear property line directly abuts a single-family residential district. Parking may occur within the required 25-foot setback as long as a screening fence or wall not less than 6 feet in height and made of wood, stone, brick is installed within the required buffer.
- (iii) A 6-foot minimum side setback is required between a building and the side property lines and between the building and a public right-of-way. No side setbacks are required for buildings within the same development.
- (iv) If parking occurs within the side yard of a property, a landscaped buffer of 10 feet shall be required to separate the parking facility from the adjacent parcel. Landscaping shall not be required in the areas designated for interparcel access.
- (v) Five percent minimum open space per lot.
- (vi) Ninety-five percent maximum impervious surface per lot.
- (vii) Drive-through uses shall comply with the following design standards:
 - (1) A drive-through facility shall be limited to 1 driveway crossing of a pedestrian route, but shall not be limited in the number of service windows, bays, or lanes within the site provided the minimum floor area ratio of the district is met. However, if an applicant can demonstrate that construction of a single joint use driveway is constrained by the size of the parcel, by unusual topographic or otherwise site considerations such that the project as a whole would be uneconomic and would otherwise be built, or if the return routing to such a joint use driveway would

require drive lane to be constructed parallel to and within 15 feet of a major pedestrian route that could otherwise be avoided, then a drive-through use may have separate ingress and egress driveways crossing a pedestrian route.

(2) The drive-through service window, bay, or lane and all queuing lanes shall be located as far as practicable from any right-of-way, or pedestrian route.

(3) If a drive-through facility is within 50 feet of a pedestrian route and queuing lanes and service windows, bays, or lanes would otherwise be visible from the pedestrian route, landscaping shall be installed to screen the service windows, bays, or lanes from.

(4) Pedestrian circulation within the site shall be well marked, both for the operator of a vehicle and for the pedestrian, and shall comply with the requirements of the American with Disabilities Act.

(viii) Parking facing a right-of-way or improved accessway shall meet the requirements of section 712.08.G of the Tree Protection and Landscaping Ordinance.

(ix) Any building abutting a public right-of-way shall be oriented to the street. The primary entry or entries for all ground-floor units abutting the street shall open directly onto the street right-of-way, not to the interior of the site or to a parking lot. Secondary entrances may face parking lots or other interior site areas.

3. Building Design:

a. Optional elements: 185 points maximum/93 points needed for approval.

(i) Roofs should reflect the traditional character of Marietta and provide visual interest for pedestrians, which involve the following:

(1) Flat roof styles are preferred because it is the traditional style of Marietta buildings. (+25)

(2) Shed roofs (single pitch) are not preferred because they do not fit the predominant architectural style of the City. (-25)

(3) Decorative cornice lines shall be incorporated to clearly identify the top of the building. (+15)

(4) Occupied roofs, such as roof gardens, terraces, decks and balconies are encouraged. (+10)

(ii) Building facades should reflect traditional patterns and provide visual interest for the community.

(1) Clearly delineate upper and lower facades by using cornice lines, stringcourses, canopies, awnings, fenestration, and other architectural elements to create a recognizable base, middle, and top of buildings. (+25)

(2) Entryways are important to a pedestrian environment and provide a special opportunity to make a building unique while at the same time providing a highly visible

customer entrance and identifiable public address. Awnings or a change in the roofline shall be used as a way to define the entry of buildings facing right-of-ways. (+15)

(3) Recessed doorways are encouraged. Doorways should not be recessed more than 5 feet from the front facade unless a courtyard, cafe, window display, or similar space is provided between the doorway and the sidewalk. (+5)

(4) Street facades shall incorporate visual interest. Developers should use bays, storefronts, entrances, columns, and other vertical elements to "break-up" the building facade. (+15)

(5) Long, monotonous, or uninterrupted horizontal stretches of street-facing building facades shall be avoided. (-15)

(6) Storefronts shall incorporate display windows, transoms, and/or entrances that account for 50% of the ground level of building. (+10)

(7) The upper stories of all street-facing facades shall contain at least 30% opening through the use of windows, bays, porches, or other similar architectural elements. The aforementioned openings shall not to exceed 75% of the street-facing facades. (+10)

(8) Pedestrian lighting shall be used for entryways at a height of 10 feet or less. The pedestrian lighting shall also use techniques and mechanisms to reduce the glare caused by the lighting fixtures. (+5)

(9) Heavily tinted windows are discouraged. The maximum reflexivity of any window shall not exceed 13%. (-10)

(10) Windows shall incorporate decorative architectural designs including the following:

- (a) Sills. (+10)
- (b) Trim. (+10)
- (c) Lintels. (+10)

(11) Windows that do not incorporate any above mentioned design features are discouraged. (-10)

(iii) Buildings of historic significance should be retained or preserved.

(1) New additions or alterations to historically significant buildings shall be compatible with the massing, size, scale, rooflines, materials, colors, and architectural features of the original building. (+10)

(2) New additions or alterations shall not cover, remove, or damage significant architectural elements of historically important buildings that are visible from the street such as decorative cornices, windows, doors, trim around

openings, railing, storefronts, and any other historically decorative feature or facade. (+10)

(3) Demolition of historically significant buildings is strongly discouraged, where applicable. (-10)

b. Mandatory elements:

(i) Mechanical equipment located on rooftops shall be completely screened so no portion of the equipment is visible from the street.

(ii) Minimum building height of 2 stories or 18 feet.

(iii) Maximum building height of 85 feet.

(iv) Awnings shall be made of fabric, canvas, fixed metal, or similar materials.

(v) Blank, windowless walls are prohibited when facing a public street.

(vi) Window frames (except glass block) shall be recessed at least 2 inches from the exterior building face.

(vii) Exterior window trim shall not be flush with the exterior wall. The window trim shall have a minimum relief of 1/4 inch from the exterior wall.

(viii) Exterior finishes shall be primarily wood, masonry, stone, or a combination of these. Exterior finishes that are plain concrete block, plain concrete, predominantly metal, plywood, sheet pressboard, and other similar materials are not allowed.

(ix) All garages, detached and attached, shall reflect the architectural style and building materials that are used for the dwelling structure and shall not front onto the primary right-of-way. Alleys shall be used to provide adequate parking and vehicular access for the dwelling units, where possible.

4. Streetscape Design:

a. Mandatory elements:

(i) A 6-foot brick sidewalk shall be constructed that will allow for safe and efficient pedestrian flow in front of all development projects in the Tier A zone. This is imperative to ensure pedestrians feel comfortable on the sidewalk as well as important to meet the current American with Disabilities Act standards. Where applicable, a 2-foot grass separation between the curb and the sidewalk shall be installed.

(ii) An 8-foot wide private landscape zone is required to be installed along property between the sidewalk and the building face. The landscape zone proposal shall be reviewed for compliance during the design review/site plan approval process.

(1) Trees shall be placed in the landscape zone using the following specifications:

(a) Trees shall be placed not more than 30 feet apart within the landscape zone;

- (b) Where there are physical restrictions spacing of street trees shall be adjusted, provided the adjustment is the minimum needed to avoid the obstruction;
 - (c) Tree spacing can be adjusted so as not to block, obscure, or interfere with the operation of traffic signals, utilities, or any existing marquee, overhanging sign, awning, or other public infrastructure that was placed prior to the planting of the landscape zone, provided the adjustment is the minimum required for such avoidance;
 - (d) Street trees shall not be planted in a manner that will diminish adequate sight distance.
 - (e) No street tree shall be planted within 10 feet of a light standard or utility pole;
- (2) Tree species should be selected with root growth habits that will not cause damage to sidewalks or anything contained within the public right-of-way, or such tree species should be sited away from such hard-surfaced areas. Appropriate tree species are as follows:
- (a) Hornbeam, Eastern (M)
 - (b) Maple, Red (M)
 - (c) Maple, Southern Sugar (M)
 - (d) Oak, Willow (L)
 - (e) Other tree similar in nature to those listed above that is suitable to be placed in urban and pedestrian environments.
- (3) Street trees shall have a DBH of 2 inches.
- (4) Tree protection techniques and protective barriers shall be done in accordance with the Tree Protection and Landscaping Ordinance, Section 712.08 of the Marietta Zoning Ordinance.
- (5) Landscaping plans shall show all obstructions that may affect plant placement and installation limitations including all underground utilities.
- (6) All exposed dirt areas shall be covered with bark, mulch, or other weed control measures included as part of the final landscape plan.
- (7) The property owner shall ensure the upkeep, health, and aesthetics of the landscape zone through the use of proper irrigation of plant species in the landscape zone, regular maintenance of the landscape zone and replacement of items located within the landscape zone.
- (8) Within the landscape zone the developer shall provide at least 2 of the following pedestrian amenities that shall be accessible to the sidewalk:

- (a) Benches;
- (b) Trash receptacles;
- (c) Public art;
- (d) Or other similar design feature integrated into the overall design of the building or portion of the landscape zone in order to enhance the pedestrian environment.

(9) Pedestrian lighting fixtures are required every 30 feet within the landscape/pedestrian zone. Where there are physical restrictions spacing of lighting standards shall be adjusted, provided the adjustment is the minimum needed to avoid the obstruction. The lighting shall be a style approved by the City of Marietta staff. In addition to supplying the pedestrian lighting a 2' x 2' dedicated easement adjacent to the public right-of-way shall be required so City staff can provide adequate upkeep to the pedestrian lighting fixtures.

(iii) Acceleration and deceleration lanes will not be required for properties on Roswell Street.

G. *Design and Development Guidelines - Tier B.* The general purpose of the Tier B design overlay is to encourage private development to integrate some pedestrian design features and aesthetic improvements into automobile-oriented corridors, without diminishing the automobile-orientation of the corridors. Overlay conditions are intended to generate visual interest for both pedestrians and the operators of vehicles along the corridors.

1. Land Use Patterns:

a. Optional elements: 50 points max/25 points for approval.

(i) Provide for a mix of uses within each development or building. Store front shops, retail, office, professional services, townhomes, and condominiums are permitted uses within the Commercial Corridor Design Overlay District. (+10)

(ii) Within a development or building the ground level of the buildings shall have a mix of the following uses: (+10)

- (1) Retail;
- (2) Restaurants;
- (3) Cultural activities;
- (4) Entertainment;
- (5) Other service establishment similar to those listed above.

(iii) Within a development or building the upper floor of the buildings shall have a mix of the following uses: (+10)

- (1) Office uses;
- (2) Residential units.

b. Mandatory elements:

- (i) The maximum floor area ratio for developments that do not include residential components is the standard stipulated in the underlying zoning district.
- (ii) The maximum floor area ratio for mixed-use developments containing residential and commercial or office components within the same development is 2.0. In order for a development to be considered a mixed-use project it must meet all provisions set forth in this Commercial Corridor Design Overlay District Ordinance, Subsection G.1.
- (iii) Projects that do not meet the abovementioned criteria for mixed-use developments shall be allowed only the permitted uses stipulated in the underlying zoning district. For example, individuals cannot build an exclusively residential development on a parcel zoned for commercial or office use.
- (iv) Development that incorporate a mixture of residential and commercial or office uses shall have at least 30% of the floor area dedicated to residential use.
- (v) Developments that incorporate a mixture of residential and commercial or office uses shall have at least 20% of the floor area dedicated to commercial or office use.
- (vi) Residential units are not allowed on the ground floor of any mixed-use development in a building that is fronting any streets listed in Subsection 712.09.B.1.b. The intent of this is to ensure the commercial character of the corridors.
- (vii) The maximum number of residential units on a lot shall be 1 unit for each 1,742 square feet of lot area.
- (viii) Ninety percent of all residential units within a development shall be owner-occupied units.
- (ix) The minimum floor area for individual residential units shall be as follows:
 - (1) Nine hundred square feet for 1 bedroom units.
 - (2) One thousand one hundred square feet for 2 bedroom units.
 - (3) One thousand four hundred square feet for 3 bedroom units.
- (x) When fronting a street listed in Subsection 712.09.B.1.b, the frontage of the first floor of parking structures or garages shall be dedicated to commercial use, excluding ingress and egress. Also, when the upper stories of parking garages are visible from streets listed in Subsection 712.09.B.1.b techniques and designs shall be used that disguise the appearance of the parking garage or structure and the exterior finish and facades shall be made of wood, masonry, stone, or a combination of these.
- (xi) Commercial and office uses shall be designed and operated so that neighboring residents are not exposed to offensive noise, especially from late-night activity. No amplified music shall be audible to neighboring residents. Common walls between

residential and nonresidential uses shall be constructed to minimize the transmission of noise and vibration.

(xii) All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness.

(xiii) All storage and work performed within the overlay district shall be conducted within a permanent opaque building that needs to conform to all provisions of the building design section of this Commercial Corridor Design Overlay Ordinance [Subsection F.3.].

(xiv) Loading or service areas including refuse and recycling must be out of public view and must not front onto the primary street.

(xv) No commercial use shall be designated or operated so as to expose residents to offensive odors, dust, electrical interference, and/or vibration.

(xvi) Residential, commercial, and office uses in a mixed-use development shall provide combined and private bulk sanitation service for the entire development.

(xvii) Electric and communications transformers shall be screened from public view through below grade installation, a hedge, or similar measure.

(xviii) All other mechanical equipment must be behind or on top of the building and screened from public view through use of a parapet wall or through landscaping.

2. Site Design:

a. Optional elements: 225 points maximum/113 points for approval.

(i) Where a building is on a corner lot or has frontage on 2 abutting streets, the design of the structure should have an angled entrance located at the street corner. (+15)

(ii) As a method to maximize greenspace in the corridor, adjacent property owners should coordinate greenspace between lots so that smaller segments of greenspace can be combined to create large open space areas. (+30)

(iii) Preserve specimen trees and/or significant tree stands as a method to produce shade and reduce the heat island effect. (+15)

(iv) One curb cut is allowed per property. For every 500 feet of road frontage an additional curb cut is allowed. The purpose of this provision is to ensure efficient and effective traffic flow. The Director of the Public Works Department may waive this condition based on site conditions. (+30)

(v) Developments with more than 1 curb cut per property. (-30)

(vi) Parking shall be located in the rear or side yard of properties. (+15)

- (vii) Driveway width of 20 feet (not including curb and gutter) as a way to create a safe environment for both vehicles and pedestrians. (+5)
- (viii) Provide pedestrian walkways through parking areas to the sidewalk/main entrance. (+15)
- (ix) Create interparcel access between adjacent lots to increase mobility options for vehicles and pedestrians. (+30)
- (x) Enter into a shared parking agreement (access easement) with adjacent uses. In addition, properties with shared parking agreement receive a 10% reduction in the required number of parking spaces. (+30)
- (xi) Provide bicycle parking facilities. (+5)
- (xii) Outdoor dining areas and public art are encouraged at building fronts, where applicable. Outdoor dining facilities are to be located on private property except for those properly licensed in accordance with the Outdoor Cafe Ordinance, Marietta Code Chapter 8-39. (+15)
- (xiii) Any building abutting a public right-of-way shall be oriented to the street. The primary entry or entries for all ground floor units abutting the street shall open directly onto the street right-of-way, not to the interior of the site or to a parking lot. Secondary entrances may face parking lots or other interior site areas. (+15)
- (xiv) If parking occurs within the side yard of a property, a landscaped buffer of 10 feet shall be required to separate the parking facility from the adjacent parcel. Landscaping shall not be required in the areas designated for inter-parcel access. (+10)

b. Mandatory elements:

- (i) A 30-foot maximum front setback from the building to the back of the curb. If part of the building must be setback from the sidewalk, treat these portions of the building as a plaza or courtyard. No more than 25% of a building frontage may be designed as a plaza or courtyard.
- (ii) A 25-foot setback is required where the rear property line directly abuts a single-family residential district. Parking may occur within the required 25-foot setback as long as a screening fence or wall not less than 6 feet in height and made of wood, stone, brick is installed in the required buffer.
- (iii) A 6-foot minimum side setback is required between a building and the side property lines and between the building and a public right-of-way. No side setbacks are required for buildings within the same development.
- (iv) A 10% minimum open space area per lot is required for all developments.
- (v) Ninety percent maximum impervious surface.
- (vi) Parking facing a right-of-way or improved accessway shall meet the requirements of Subsection 712.08.G of the Tree Protection and Landscaping Ordinance.

3. Building Design:

a. Optional elements: 185 points maximum/93 points needed for approval.

(i) Roofs should reflect the traditional character of Marietta and provide visual interest for pedestrians, which involve the following:

(1) Flat roof styles are preferred because it is the traditional style of Marietta buildings. (+25)

(2) Shed roofs (single pitch) are not preferred because they do not fit the predominant architectural style of the city. (-25)

(3) Decorative cornice lines shall be incorporated to clearly identify the top of the building. (+15)

(4) Occupied roofs, such as roof gardens, terraces, decks and balconies are encouraged. (+10)

(ii) Building facades should reflect traditional patterns and provide visual interest for the community.

(1) Clearly delineate upper and lower facades by using cornice lines, stringcourses, canopies, awnings, fenestration, and other architectural elements to create a recognizable base, middle, and top of buildings. (+25)

(2) Entryways are important to a pedestrian environment and provide a special opportunity to make a building unique while at the same time providing a highly visible customer entrance and identifiable public address. Awnings or a change in the roofline shall be used as a way to define the entry of buildings facing right-of-ways. (+15)

(3) Recessed doorways are encouraged. Doorways should not be recessed more than 5 feet from the front facade unless a courtyard, cafe, window display, or similar space is provided between the doorway and the sidewalk. (+5)

(4) Street facades shall incorporate visual interest. Developers should use bays, storefronts, entrances, columns, and other vertical elements to "break-up" the building facade. (+15)

(5) Long, monotonous, or uninterrupted horizontal stretches of street-facing building facades shall be avoided. (-15)

(6) Storefronts shall incorporate display windows, transoms, and/or entrances that account for 50% of the ground level of building. (+10)

(7) The upper stories of all street-facing facades shall contain at least 30% opening through the use of windows, bays, porches, or other similar architectural elements. The aforementioned openings shall not exceed 75% of the street-facing facades. (+10)

- (8) Pedestrian lighting shall be used for entryways at a height of 10 feet or less. The pedestrian lighting shall also use techniques and mechanisms to reduce the glare caused by the lighting fixtures. (+5)
 - (9) Heavily tinted windows are discouraged. The maximum reflexivity of any window shall not exceed 13%. (-10)
 - (10) Windows shall incorporate decorative architectural designs including the following:
 - (a) Sills. (+10)
 - (b) Trim. (+10)
 - (c) Lintels. (+10)
 - (11) Windows that do not incorporate any abovementioned design features are discouraged. (-10)
 - (12) Buildings of historic significance should be retained or preserved.
 - (a) New additions or alterations to historically significant buildings shall be compatible with the massing, size, scale, rooflines, materials, colors, and architectural features of the original building. (+10)
 - (b) New additions or alterations shall not cover, remove, or damage significant architectural elements of historic buildings that are visible from the street such as decorative cornices, windows, doors, trim around openings, railing, storefronts, and any other historically decorative feature or facade. (+10)
 - (c) Demolition of historically significant buildings is strongly discouraged, where applicable. (-10)
- b. Mandatory elements:
- (i) Mechanical equipment located on rooftops shall be completely screened so no portion of the equipment is visible from the street.
 - (ii) Minimum building height of 2 stories or 18 feet.
 - (iii) Awnings shall be made of fabric, canvas, fixed metal, or similar materials.
 - (iv) Blank, windowless walls are prohibited when facing a public street.
 - (v) Window frames (except glass block) shall be recessed at least 2 inches from the exterior building face.
 - (vi) Exterior window trim shall not be flush with the exterior wall. The window trim shall have a minimum relief of 1/4 inch from the exterior wall.
 - (vii) Exterior finishes shall be primarily wood, masonry, stone,

or a combination of these. Exterior finishes that are plain concrete block, plain concrete, predominantly metal, plywood, sheet pressboard, or similar materials are not allowed.

(viii) All garages, detached and attached, shall reflect the architectural style and building materials that are used for the dwelling structure and shall not front onto the primary right-of-way. Alleys shall be used to provide adequate parking and vehicular access for the dwelling units, where possible.

4. Streetscape Design:

a. Mandatory element:

(i) A 6-foot sidewalk zone be constructed that will allow for safe and efficient pedestrian flow in front of all development projects in the Tier B zone. This is imperative to ensure pedestrians feel comfortable on the sidewalk as well as important to meet the current American with Disabilities Act standards.

(ii) An 8-foot wide private landscape zone is required to be installed along property between the sidewalk and the building face. The landscape zone proposal shall be reviewed for compliance during the design review/site plan approval process.

(1) Trees shall be placed in the landscape zone using the following specifications:

(a) Trees shall be placed not more than 30 feet apart within the landscape zone.

(b) Where there are physical restrictions spacing of street trees shall be adjusted, provided the adjustment is the minimum needed to avoid the obstruction.

(c) Tree spacing can be adjusted so as not to block, obscure, or interfere with the operation of traffic signals, utilities, or any existing marquee, overhanging sign, awning, or other public infrastructure that was placed prior to the planting of the landscape zone, provided the adjustment is the minimum required for such avoidance.

(d) Street trees shall not be planted in a manner that will diminish adequate sight distance.

(e) No street tree shall be planted within 10 feet of a light standard or utility pole.

(2) Tree species should be selected with root growth habits that will not cause damage to sidewalks or anything contained within the public right-of-way, or such tree species should be sited away from such hard-surfaced areas. Appropriate tree species are as follows:

(a) Hornbeam, Eastern (M)

(b) Maple, Red (M)

(c) Maple, Southern Sugar (M)

- (d) Oak, Willow (L)
 - (e) Other tree similar in nature to those listed above that is suitable to be placed in urban and pedestrian environments.
- (3) Street trees shall have a DBH of 2 inches.
- (4) Tree protection techniques and protective barriers shall be done in accordance with the Tree Protection and Landscaping Ordinance, Section 712.08 of the Marietta Zoning Ordinance.
- (5) Landscaping plans shall show all obstructions that may affect plant placement and installation limitations including all underground utilities.
- (6) All exposed dirt areas shall be covered with bark, mulch, or other weed control measures included as part of the final landscape plan.
- (7) The property owner shall ensure the upkeep, health, and aesthetics of the landscape zone through the use of proper irrigation of plant species in the landscape zone, regular maintenance of the landscape zone and replacement of items located within the landscape zone.
- (8) Pedestrian lighting fixtures are required every 30 feet within the landscape/pedestrian zone. Where there are physical restrictions spacing of lighting standards shall be adjusted, provided the adjustment is the minimum needed to avoid the obstruction. The lighting shall be a style approved by the City of Marietta staff. In addition to supplying the pedestrian lighting a 2' x 2' dedicated easement adjacent to the public right-of-way shall be required so City staff can provide adequate upkeep to the pedestrian lighting fixtures.

H. *Appeals.* The city council shall have the authority and duty to consider and act upon any application submitted for adjustment of standards provided herein.

(Ord. No. 6472, 12/11/2002, § 1)

712.10 Purpose.

A. *Purpose and Intent* The Conservation Subdivision Overlay (CSO) District is intended to allow flexible site planning and building arrangements under a unified plan of development so that innovative land planning methods may be utilized which foster natural and cultural resource conservation. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create pedestrian scale and other public benefits. The CSO district is intended to:

1. Provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
2. Provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
3. Preserve in perpetuity unique or sensitive natural resources such as