FILE REFERENCE NO: 20141323
ORDINANCE NO: 7785

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 11600, District 16, Parcels 0570 & 0590, 2nd Section, Marietta, Cobb County, Georgia and being known as 263 & 271 Lemon Street.

WHEREAS, application has been filed by **ZION BAPTIST CHURCH OF MARIETTA, INC** for a Special Land Use Permit for property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: The following property to wit:

271 Lemon Street
All that tract or parcel of land lying and being in Land Lot 1160 of the 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

COMMENCING at the southwesterly most point of a mitered right of way intersection on the northerly right of way of Lemon Street (variable right of way) and the westerly right of way of Hunt Street (apparent 30-foot right of way), said point also being POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING, westerly along the northerly right of way of Lemon Street on a bearing of North 88 degrees 47 minutes 30 seconds West, for a distance of 67.79 feet to a point at the common property corner with Zion Baptist Church of Marietta Inc. (263 Lemon Street); THENCE, northerly, leaving said right of way along the common property line with Zion Baptist Church of Marietta Inc. on a bearing of North 01 degrees 52 minutes 04 seconds East, for a distance of 162.94 feet to a 2" open top pipe found at the common property corner with DB Dreamworks (181 Hunt Street) and Zion Baptist Church of Marietta Inc.; THENCE, easterly, leaving the common property line with Zion Baptist Church of Marietta Inc. and following the common property line with DB Dreamworks on a bearing of South 89 degrees 54 minutes 27 seconds East, for a distance of 73.00 feet to a point on the westerly right of way of Hunt Street; THENCE, leaving the common property line with DB Dreamworks and continuing southerly along the westerly right of way of Hunt Street on a bearing of South 01 degrees 52 minutes 06 seconds West, for a distance of 159.38 feet to a point on the mitered right of way

intersection; THENCE, continuing along the mitered right of way on a bearing of South 47 degrees 39 minutes 35 seconds West, for a distance of 7.23 feet to the POINT OF BEGINNING.

The herein described parcel of land contains 11,928 square feet or 0.274 acre more or less.

263 Lemon Street

All that tract or parcel of land lying and being in Land Lot 1160 of the 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

COMMENCING at the south westerly point of a mitered intersection on the northerly right of way of Lemon Street (variable right of way) and the westerly right of way of Hunt Street (apparent 30-foot right of way), THENCE westerly along the northerly right of way of Lemon Street on a bearing of North 88 degrees 47 minutes 30 seconds West, for a distance of 67.79 feet to a point; said point also being POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING, continuing westerly along the northerly right of way of Lemon Street on a bearing of North 88 degrees 47 minutes 30 seconds West, for a distance of 72.98 feet to an point at the common property corner with Zion Baptist Church of Marietta Inc. (255 Lemon Street); THENCE, northerly, leaving said right of way along the common property line with Zion Baptist Church of Marietta Inc. on a bearing of North 01 degrees 51 minutes 32 seconds East, for a distance of 163.30 feet to a #4 rebar found on the common property corner with ZBC Properties (258 Forest Avenue) and Zion Baptist Church of Marietta Inc.; THENCE, easterly, leaving the common property line with Zion Baptist Church of Marietta Inc. and following the common property line with ZBC Properties on a bearing of South 87 degrees 42 minutes 17 seconds East, for a distance of 46.19 feet to a 2" open top pipe found on the common property corner with ZBC Properties and DB Dreamworks (181 Hunt Street); THENCE, easterly, leaving the common property line with ZBC Properties and continuing westerly along the common property line with DB Dreamworks on a bearing of South 89 degrees 54 minutes 27 seconds East, for a distance of 26.82 feet to a point on the common property corner with Zion Baptist Church of Marietta Inc. (271 Lemon Street)and DB Dreamworks; THENCE, southerly, leaving the common property line with DB Dreamworks and following the common property line with Zion Baptist Church of Marietta Inc. on a bearing of South 01 degrees 52 minutes 04 seconds West, for a distance of 162.94 feet to the POINT OF BEGINNING.

The herein described parcel of land contains 11,882 square feet or 0.273 acre more or less.

Section 2: A Special Land Use Permit for a community garden and private park and currently zoned R-4 (Single Family Residential – 4 units/acre).

Section 3: The following stipulations are incorporated as conditions of zoning:

1. Variance to allow for installation of an accessory structure, gazebo and shed, without the presence of a primary structure. *[§708.04 (F)]*
2. Variance to reduce the setback for a fence from 2 ft. to 0 ft. to allow for a 4 ft. decorative fence to be placed on the property line. *[§710.04 (D.1)]*
3. Variance to waive tree requirement of street trees along Hunt Street. *[§712.08 (G.2)]*
4. Variance to allow understory trees along Lemon Street under overhead utility lines. *[§712.08 (G)]*

Section 4: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 5: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Brian Binzer, Director
Department of Development Services

Approved as to form:

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: **January 14, 2015**

APPROVED:

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy, City Clerk