

FILE REFERENCE NO: 20150384

ORDINANCE NO: 7819

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lots 1161 and 1216, District 16, Parcels 0950, 0010, and 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 306 & 321 Lemon Street and 345 Fort Street

WHEREAS, application has been filed by **JW HOMES LLC (MARIETTA HOUSING AUTHORITY)** for rezoning 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:

306 & 321 Lemon Street and 345 Fort Street

All that tract or parcel of land lying and being in Land Lot 1161 of the 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Commencing at a 1 1/2" rebar found at the mitered intersection of the northerly right-of-way of Lemon Street (35' R/W) and the easterly right-of-way of Cole Street (30' R/W), said point being the TRUE POINT OF BEGINNING;

Thence along said miter North 39 degrees 15 minutes 50 seconds West, 17.12 feet to a 1/2" rebar found on said easterly right-of-way of Cole Street;

Thence along said easterly right-of-way North 01 degrees 20 minutes 07 seconds East, 196.60 feet to a nail set;

Thence departing said easterly right-of-way along the centerline of Slope Creek in an easterly direction 453 feet more or less to a point, said creek being subtended by a chord of the following course and distance North 80 degrees 23 minutes 09 seconds East, 431.77 feet to a point on the westerly boundary of the lands of Marietta Board of Education;

Thence departing said centerline of Slope Creek along said westerly boundary South 01 degrees 02 minutes 18 seconds West, 291.75 feet to a 1/2" capped rebar found on said northerly right-of-way of Lemon Street;

Thence along said northerly right-of-way the following courses and distances: North 88 degrees 38 minutes 46 seconds West, 299.00 feet to a 1 1/2" rebar set;

North 01 degrees 21 minutes 14 seconds East, 4.00 feet to a 1 1/2" rebar set; North 88 degrees 38 minutes 46 seconds West, 6.00 feet to a 1/2" rebar set; South 01 degrees 21 minutes 14 seconds West, 4.00 feet to a 1/2" rebar set;

North 88 degrees 38 minutes 46 seconds West, 109.28 feet to a 1/2" rebar set, said point being the TRUE POINT OF BEGINNING;

Said tract or parcel of land contains 2.494 acres.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, from PRD-MF (Planned Residential Development – Multi Family) to PRD-SF (Planned Residential Development – Single Family).

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

1. Variance to reduce the townhome driveways from 20' to 18.'
2. Variance to allow trees in the right of way, as shown on the submitted plans, with the stipulation that the homeowner's association will be responsible for the maintenance and upkeep of these trees.
3. Variance to reduce the required easement with for a private road from 50' to 30' for Alley 1, Alley 2, both Alley 4s, and unmarked alley. "Proposed Drive" will meet all standards for public streets.
4. Variance to reduce the minimum travelway for the unlabeled private street behind T1-8 to 14' (one way).
5. Variance to allow travelway to be 20' in width.
6. Variance to reduce the minimum centerline radius from 100' to 38' on a private street marked "Alley 4" and connecting to Lemon and Cole Streets.
7. Variance to allow an alternate turn around at the end of a private street with one end permanently closed and not providing a turnaround having a minimum roadway diameter of 80' and easement diameter of 100.'
8. Variance to clarify turning radius interpretation as shown as #8 on page 2 of plans.
9. Variance to allow fastigiated tree species when there are above-ground utility conflicts. Minor changes to the landscape plan, including location and change of species, may be made only upon approval of the City Arborist.
10. Variance to allow private streets to satisfy off-street parking requirements (§716.05).
11. Variance to relocate power pole on Fort Street without having to bury lines.
12. Variance to allow curb radii less than 25-ft required subject to all radii being constructed to safely accommodate an SU30 design vehicle at four (4) locations.
13. Variance from City Code 5-4-160 to allow the relocation of a utility pole and attached utilities required.

14. Stipulation that all joint utility easement widths must be approved by Marietta Power and Marietta Water.
15. Stipulation that Cole Street must be widened to a minimum of 12' from centerline or 20' from the opposite curb, whichever is greater.
16. Stipulation that sidewalks must be constructed along all parallel parking spaces connecting to other sidewalks within the development.
17. Stipulation that all streets not meeting city street width standards must be posted as "No Parking" zones; and the signs identifying "No Parking" zones must be erected prior to the issuance of any certificates of occupancy.
18. Stipulation to require sight distance easements where AASHTO sight or intersection sight distance standards are not met within the right of way.
19. Stipulation that the proposed right of way width along Cole Street at Alley 4 must be extended consistently to the northern development property line.
20. Stipulation that all proposed sidewalks must connect to existing sidewalks, where practical.
21. Stipulation that all signs, including but not limited to, street signs, "no parking" signs, and address signs, must be ornamental and similar in character to those signs in the Renaissance District.
22. Stipulation that for all homes that face the muse (green space) a sign shall be posted indicating the addresses at both ends of the fire access roads to identify the homes.
23. Stipulation requiring to show demarcation material and outline for the grass pave alley dock, which shall also be stated in the recorded covenants; and which shall not be able to be amended.
24. Stipulation requiring to show demarcation and permanent access easement for the entire turnaround on lots identified on the plans as T17 and T18 which shall also be stated in the recorded covenants; and which shall not be able to be amended.

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.

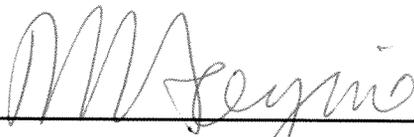
Final Ordinance submitted by:



Brian Binzer, Director

Department of Development Services

Approved as to form:



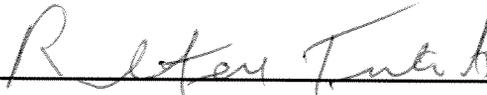
Douglas R. Haynie, City Attorney

Approved by City Council:

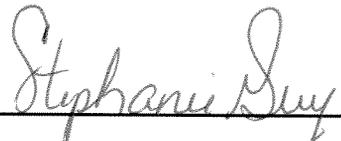
DATE: June 10, 2015

APPROVED:

ATTEST:



R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk