

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lots 258, 259, 260, and 261, District 19, Parcels 0030, 2nd Section, Marietta, Cobb County, Georgia, and being known as **1400 Powder Springs Road**.

WHEREAS, application has been filed by **TYLER CHANDLER HOMES, LLC** 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:

All that tract or parcel of land lying and being in Land Lots 258, 259, 260, and 261 of the 19th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Beginning at the intersection of the northwesterly right-of-way of Powder Springs Road (variable right-of-way) and the northeasterly right-of-way of Murray Circle (50 foot right-of-way); said point being the POINT OF BEGINNING; thence along said northeasterly right-of-way south 84 degrees 10 minutes 57 seconds west a distance of 26.01 feet to a point; thence north 60 degrees 14 minutes 31 seconds west a distance of 159.17 feet to a point; thence leaving said northeasterly right-of-way of Murray Circle north 29 degrees 52 minutes 38 seconds east a distance of 175.16 feet to a one-half inch open top pipe; thence running north 66 degrees 11 minutes 52 seconds west a distance of 169.68 feet to a point; thence running south 84 degrees 03 minutes 14 seconds west a distance of 169.08 feet to a point and corner; thence running north 08 degrees 54 minutes 42 seconds west a distance of 161.63 feet to a point; thence running north 22 degrees 03 minutes 31 seconds east a distance of 225.18 feet to a point; thence running north 21 degrees 58 minutes 47 seconds east a distance of 174.41 feet to a point and corner; thence running south 68 degrees 05 minutes 07 seconds east a distance of 64.58 feet to a point; thence running south 67 degrees 24 minutes 28 seconds east for a distance of 240.65 feet to a point; thence running south 68 degrees 20 minutes 02 seconds east a distance of 239.42 feet to a point; thence south 67 degrees 46 minutes 54 seconds east a distance of 89.77 feet to a point; thence running south 50 degrees 07 minutes 07 seconds east a distance of 32.98 feet to a three-quarter inch iron pin found; thence running south 49 degrees 18 minutes 34 seconds east for a distance of 65.10 feet to a point; thence south 49 degrees 06 minutes 16 seconds east for a distance of 124.95 feet to a one-half inch rebar found on said northwesterly right-of-way; thence along said northwesterly right-of-way south 48 degrees 35 minutes 46 seconds west for a distance of 22.42 feet to a point; thence running north 41 degrees 33 minutes 59 seconds west for a distance of 10.04 feet to a point; thence south 48 degrees 25 minutes 54 seconds west for a distance of 19.98 feet to a point; thence running south 41 degrees 25 minutes 52 seconds east for a distance of 9.97 feet to a point; thence running south 48 degrees

33 minutes 17 seconds west for a distance of 599.77 feet to a point; said point being the POINT OF BEGINNING.

Said tracts or parcels contains 8.961 acres, more or less (390,341.16 square feet).

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

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

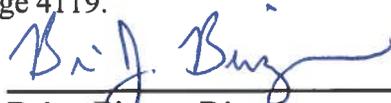
1. Letter of stipulations from J. Kevin Moore, Moore, Ingram, Johnson & Steele, LLP, to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta, dated September 14, 2016, with the following changes:
 - a) Stipulation #23 will require that the covenants for the subdivision will have an architectural control committee and that the covenants themselves will be subject to the review and approval by the city staff and the city attorney.
 - b) Stipulation #7 shall be amended to read as follows: “All units within the proposed townhome community shall be “for sale” units. There shall be no more than a maximum of five (5) percent of the units being leased at any one time, which restriction shall be included in the Declaration of Covenants, Easements, and Restrictions, as recorded in the deed records of Cobb County.”
 - c) Stipulation #22 shall be amended to read as follows: “Professional landscaping consisting of ornamental and screening trees, along with appropriate low-lying planting material, shall be planted along the berm and street frontage. The full landscaping and fencing plan, including the detailed street frontage treatment, is subject to approval upon submittal of the Detailed Plan in accordance with the PRD-SF Zoning District standards.”

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.

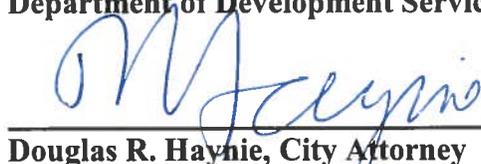
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



**Brian Binzer, Director
Department of Development Services**

Approved as to form:



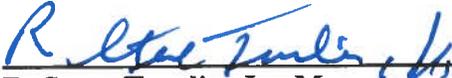
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: September 14, 2016

APPROVED:

ATTEST:



R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk