

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia in Land Lot 217, District 17, Parcels 0290, 0020, 0280, 0030, 0270, 0040, 0260, 0050, 0250, 0060, 0240, 0070, 0230, 0080, 0220, 0090, 0210, 0100, 0110, 0300, 0310, 0320, 0330, 0340, 0350, 0360, 0370, 0380; and Land Lot 218, District 17, Parcels 0010, 0020, 0030; 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as **16, 19, 22, 29, 32, 37, 42, 47, 52, 57, 62, 69, 72, 77, 82, 91, 92, 101, & 111 Hedges Street; 41, 43, 44, 52, 53, 58, 63, 73, 83, 93, 101, & 107 West Dixie Avenue.**

**WHEREAS**, application has been filed by **INLINE COMMUNITIES, 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 Lot 217 of the 17th District, City of Marietta, Cobb County, Georgia and being more particularly described as follows:

Begin at the northernmost point of the mitered intersection of easterly right-of-way of Powder Springs Road and the northerly right-of-way of Hedges Street; THENCE continuing along said right-of-way of Powder Springs Road along an arc of curve to the right for an arc length of 150.02 feet, having a radius of 2954.24 feet, being subtended by a chord bearing North 13 degrees 22 minutes 43 seconds East, for a distance of 150.00 feet to a point on the mitered intersection of the easterly right-of-way of Powder Springs Road and the southerly right-of-way of Cemetery Street; THENCE North 58 degrees 25 minutes 14 seconds East a distance of 29.39 feet along said miter to a point located on the southerly right-of-way of Cemetery Street; THENCE South 88 degrees 35 minutes 18 seconds East a distance of 646.59 feet along said right-of-way to a point; THENCE South 02 degrees 01 minutes 59 seconds West a distance of 184.84 feet to a point located on the northerly right-of-way of Hedges Street; THENCE North 88 degrees 42 minutes 13 seconds West a distance of 268.56 feet along said right-of-way to a point; THENCE North 88 degrees 30 minutes 29 seconds West a distance of 411.55 feet along said right-of-way to the easternmost point of the mitered intersection of the easterly right-of-way of Powder Springs Road and the northerly right-of-way of Hedges Street point; THENCE North 41 degrees 07 minutes 14 seconds West a distance of 29.92 feet along said miter to a point, said point being THE TRUE POINT OF BEGINNING. Said tract contains 2.91 more or less.

Together with;

All that tract or parcel of land lying and being in Land Lot 217 of the 17th District, City of Marietta, Cobb County, Georgia and being more particularly described as follows:

Begin at the northernmost point of the mitered intersection of easterly right-of-way of Powder Springs Road and the southerly right-of-way of Hedges Street; THENCE along the right-of-way of Hedges Street South 88 degrees 30 minutes 29 seconds East a distance of 363.51 feet to a point; THENCE leaving said right-of-way South 88 degrees 42 minutes 13 seconds East a distance of 180.87 feet to a point; THENCE South 02 degrees 14 minutes 20 seconds West a distance of 187.24 feet to a point; THENCE South 88 degrees 41 minutes 59 seconds East a distance of 101.88 feet to a point; THENCE South 01 degrees 25 minutes 27 seconds West a distance of 184.87 feet to a point on the northerly right-of-way of Dixie Avenue; THENCE North 88 degrees 37 minutes 47 seconds West a distance of 515.71 feet along said right-of-way to a point; THENCE North 88 degrees 30 minutes 34 seconds West a distance of 171.79 feet along said right-of-way to the eastern most point of a mitered intersection of the easterly right-of-way of Powder Springs Road and the northerly right-of-way of Dixie Avenue point; THENCE North 39 degrees 33 minutes 08 seconds West a distance of 27.79 feet along said right-of-way to a point; THENCE North 09 degrees 27 minutes 49 seconds East a distance of 168.30 feet along said right-of-way to a point; THENCE North 09 degrees 15 minutes 24 seconds East a distance of 103.72 feet along said right-of-way to a point; THENCE along a curve to the right for an arc length of 69.15 feet, having a radius of 3169.50 feet, being subtended by a chord bearing North 09 degrees 52 minutes 54 seconds East, for a distance of 69.15 feet along said right-of-way to western most point of the mitered intersection of the easterly right-of-way of Powder Springs Road and the northerly right-of-way of Hedges Street; THENCE North 48 degrees 13 minutes 17 seconds East a distance of 19.60 feet along said miter to a point, said point being THE TRUE POINT OF BEGINNING. Said tract contain 5.39 acres more or less.

Also together with:

All that tract or parcel of land lying and being in Land Lot 218 of the 17th District, City of Marietta, Cobb County, Georgia and being more particularly described as follows:

Begin at the northernmost point of the mitered intersection of the easterly right-of-way of Powder Springs Road and the southerly right-of-way of Dixie Avenue; THENCE South 88 degrees 30 minutes 34 seconds East a distance of 164.30 feet along Dixie Avenue to a point; THENCE leaving said right-of-way South 01 degrees 10 minutes 07 seconds West a distance of 184.61 feet to a point; THENCE North 86 degrees 10 minutes 47 seconds West a distance of 122.35 feet to a point; THENCE North 82 degrees 21 minutes 03 seconds West a distance of 77.32 feet to a point located on the easterly right-of-way of Powder Springs Road; THENCE North 09 degrees 17 minutes 47 seconds East a distance of 158.41 feet along said right-of-way to the western most point of the mitered intersection of the easterly right-of-way of Powder Springs Road; THENCE North 41 degrees 57 minutes 44 seconds East a distance of 18.92 feet along said miter to a point, said point being THE TRUE POINT OF BEGINNING. Said tract contains 0.77 acres more or less.

Said tracts or parcels contains 9.05 acres, more or less (394,218 square feet).

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OIT (Office Institution Transition) and R-4 (Single Family Residential – 4 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 November 9, 2016, and amended as follows:
  - #8 – No parking zones shall be established along the streets, except where designated.
  - #12(f) – Variance to waive the open space requirements of the PRD-SF ordinance due to proposed land swap with the City of Marietta in which improved park trail property will be transferred to the City in exchange for City-owned property needed for stormwater management. Variance is granted conditioned upon the exchange of property being completed between the applicant and the City of Marietta.
  - #15 – Upon the approval of the City Council, if granted on November 30, 2016, following a public hearing, the Director of Public Works and the City Attorney may complete the actions necessary to finalize the exchange of land with the Owner for the following purposes:
    - a. Exchange of right-of-way whereby the City receives at least the same, or greater, amount of right-of-way as is being transferred to the Applicant/Owners; and
    - b. Exchange of City-owned property adjacent to the Subject Property for purposes of stormwater management for at least the same, or greater, amount of property identified as “Area A” and “Area C” on the Detailed Site Plan, which Areas shall be improved by the applicant for purposes of a public trail connection and public park.
2. Further in regards to the architectural elevations for the InLine Communities development, the following are included as conditions of the approved plan:
  - a. The homes in the community shall be traditional in nature and consistent with the plans received by the City on November 9, 2016, and which are hereby approved by the City Council of Marietta as part of this motion and per the attached.
  - b. Design features incorporated into the homes shall be:
    - i. Mixture of materials with material changes taking place on interior corners or where roof massing accommodates change of material.
    - ii. Window muntins appropriate by the architect on front, side and rear of the homes.
    - iii. Shutters as deemed appropriate by the architect on front and side elevations of the homes.
    - iv. Mixture of materials to continue, as appropriate onto side and rear elevations.
    - v. There shall be a maximum of 20’ horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc. per heated floor space level). This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.

**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.

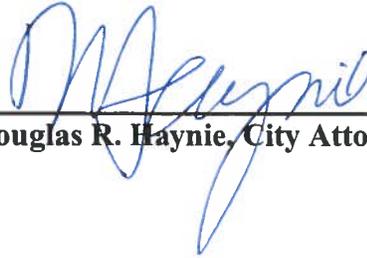
**Section 6:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

**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:** November 9, 2016

**APPROVED:**

**ATTEST:**



**R. Steve Tumlin, Jr., Mayor**



**Stephanie Guy, City Clerk**