**FILE REFERENCE NO: 20200295**
**ORDINANCE NO: 8164**

## AN ORDINANCE

**REZONING** property in the corporate limits of the City of Marietta, Georgia Land Lot 1159, District 16, Parcel 0350 of the 2nd Section, Cobb County, Georgia, and being known as **268 CHURCH STREET.**

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**WHEREAS**, application has been filed by **MICHAEL LANGSTON** 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 1159 of the 16th district, 2nd Section, cobb county, Georgia and being more particularly described as follows:

Beginning at an iron pin on the easterly side of Church Street at its intersection with the southeasterly side of North Marietta Parkway and running thence north 53 degrees 58 minutes 51 seconds east along the southeasterly side of North Marietta Parkway 35.49 feet to an iron pin; running thence south 87 degrees 23 minutes 26 seconds east a distance of 119.65 feet to an iron pin; running thence south 01 degrees 45 minutes 52 seconds east a distance of 58.61 feet to an iron pin found; running thence north 89 degrees 12 minutes 18 seconds west a distance of 150.0 feet to an iron pin on the easterly side of Church Street; running thence along the easterly side of Church Street north 00 degrees 03 minutes 59 seconds west a distance of 41.08 feet to an iron pin and the point of beginning.

Said tract or parcel of land contains .2± acres (8,712 square feet).

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-4 (Single Family Residential – 4 units/acre) to OIT (Office Institution Transitional).

**Section 3:** The following variances are incorporated as conditions of zoning:

1. Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet. [*§708.21 H*]
2. Variance to reduce the minimum lot width from 75' to 60'. [*§708.21 H*]
3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [*§708.21 H*]

4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [*§708.21 H*]
5. Variance to reduce the side yard setback along the north side from 15' to 8.5'. [*§708.21 H*]

**Section 4:** The following stipulation is incorporated as conditions of zoning:

1. The exterior of the property be brought into compliance within three (3) months.
2. A solid fence, six feet in height, will be constructed across the rear line of the property where it abuts property zoned PRD-SF and a row of evergreen trees, a minimum of eight feet in height at the time of planting will be installed along the interior (268 Church St. side) of the fence along the rear line. The fence will be installed not later than August 15, 2020 and the applicant will attempt to have the landscaping installed by October 15, 2020, but in no event later than November 1, 2020.

**Section 5:** 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 6:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 7:** 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:**

Rusty Roth

**Rusty Roth, Director**
**Department of Development Services**

**Approved as to form:**

**Douglas R. Haynie, City Attorney**

**Approved by City Council:**

**DATE:** June 10, 2020

**APPROVED:**

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

**ATTEST:**

**Stephanie Guy, City Clerk**