FILE REFERENCE NO: 20200365
ORDINANCE NO: 8166

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lots 506 & 575, District 17, Parcel 0620 of the 2nd Section, Cobb County, Georgia, and being known as **a portion of 565 Cobb Parkway South.**

WHEREAS, application has been filed by **PRESTWICK LAND HOLDINGS & 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:

All that tract or parcel of land lying and being in Land Lots 506 and 575 of the 17th District, 2nd Section of Cobb County, Georgia, being more particularly described as follows:
To find THE TRUE POINT OF BEGINNING, commence at a point where the northeasterly right of way of U.S. Highway 41, (also known as Cobb Parkway and having a 150 foot right of way) and the southern line of Land Lot 575 intersect; thence continuing northwesterly direction and along the northeasterly right of way of U.S. Highway 41 for a distance of 212.40 feet to a point; thence continuing along said right of way North 23° 51' 50" West for a distance of 87.71 feet to THE TRUE POINT OF BEGINNING; thence continuing in a northwesterly direction and along said right of way North 23° 51' 50" West for a distance of 198.29 feet to a point; thence leaving said right of way and continuing in a northeasterly direction North 65° 15' 31" East for a distance of 354.91 feet to a point; thence continuing in a southeasterly direction South 24° 16" 24" East for a distance of 230.15 feet to a point; thence continuing in a southwesterly direction South 65° 43' 36" West for a distance of 75.24 feet to a point; thence continuing in a northwesterly direction North 25° 54' 21" West for a distance of 55.50 feet to a point; thence continuing in a southwesterly direction South 64° 51' 49" West for a distance of 134.49 feet to a point; thence continuing in a southeasterly direction South 25° 08' 11" East for a distance of 22.30 feet to a point; thence continuing in a southwesterly direction South 64° 51' 50" West for a distance of 145.38 feet to THE TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 1.6 acres.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from CRC (Community Retail Commercial) to RHR (Residential High Rise).

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

1. Variance to reduce the minimum tract size for a property zoned RHR from 2 ac. to 1.59 ac. [*§708.13 (H)*]
2. Variance to reduce the minimum building height from 5 stories to 4 stories. [*§708.13 (H)*]
3. Variance to reduce the front yard setback for a property zoned RHR from 50' to 10'. [*§708.13 (H)*]
4. Variance to reduce the side yard setbacks for a property zoned RHR from 30' to 20'. [*§708.13 (H)*]
5. Variance to reduce the parking minimum from 148 to 86 parking spaces. [*§716.07 and §708.13 (H)*]

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:

Rusty Roth

Rusty Roth, Acting 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

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy

Stephanie Guy, City Clerk