FILE REFERENCE NO: 20200348
ORDINANCE NO: 8165

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lot 1144, District 16, Parcel 1680 of the 2nd Section, Cobb County, Georgia, and being known as **308 Montgomery Street.**

WHEREAS, application has been filed by **MARK LEWIS** 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 certain lot, tract or parcel of land lying and being in Land lot 1144, the 16th District and the 2nd Section of Cobb County, Georgia, being a part of Parcel 2 of Block 8 of The Marietta Housing Authority, being more fully described by metes, bounds, courses and distances as follows:

Commence at the point where the southern right of way of Montgomery Street (a 50 foot right of way) and the western right of way of Cole Street (a 50 foot right of way) would intersect if both rights of way were extended in straight lines; from this point, proceed south 02 degrees 21minutes OO seconds west a distance of 19.95 feet to a point, for purposes herein called the POINT OF BEGINNING; turning thence, proceed south 02 degrees 21 minutes 00 seconds west a distance of 4.60 feet to a point; turning thence, proceed a chord length of 132.80 feet in a chord direction of 24 degrees 01 minutes 36 seconds west (length 136.05 feet/radius 178.87 feet) to an iron pin calculated on the northwestern right of way of Cole Street; turning thence, proceed north 87 degrees 39 minutes 00 seconds west a distance of 25.70 feet to an iron pin calculated; turning thence, proceed north 01degree 43minutes 18 seconds east a distance of 145.33 feet to an iron pin calculated on the apparent southern right of way of Montgomery Street; turning thence, proceed north 89 degrees 25 minutes 06 seconds east a distance of 52.86 feet to a point; and, turning thence, proceed a chord length of 28.26 feet in a chord direction of south 42 degrees 34 minutes 39 seconds east (length 31.37 feet/radius 20.00 feet) to a point, herein above noted as the POINT OF BEGINNING.

Said tract or parcel of land contains 0.74 acres.

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 R-4 (Single Family Residential – 4 units/acre) with an increase in density.

Section 3: The following variance and stipulation are incorporated as conditions of zoning:

1. Variance to increase the density from 4 units/acre to 4.05 units/ acre.
2. Sidewalks will be required as part of the building permit for each parcel.

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:

D. R. Haynie

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