

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia Land Lot 9, District 17, Parcels 0040 & 0160 of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as **1520, 1540, & 1560 Cunningham Road.**

**WHEREAS**, application has been filed by **VENTURE 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 located in Land Lots 8 & 9 of the 17<sup>th</sup> District, 2<sup>nd</sup> Section, City of Marietta, County, Georgia, being Cobb County, Georgia Tax Parcel 17000900040 further identified as 1540 Cunningham Road, Marietta, GA 30008, being 7.9 +/- Acres, and all that tract or parcel of land located in Land Lot 9 of the 17<sup>th</sup> District, 2<sup>nd</sup> Section, City of Marietta, County, Georgia, being Cobb County, Georgia Tax Parcel 17000900160 further identified as 1560 Cunningham Road, Marietta, GA 30008, being .6 +/- Acres, and being further depicted on the Cobb County, Georgia.

Said tract or parcel of land contains 8.782± acres (382,544 square feet).

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-20 (Single Family Residential – County) and R-2 (Single Family Residential – 2 units/acre – City) to PRD-SF (Planned Residential Development – Single Family).

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

1. Letter of stipulations and variances from Sean G. Randall of Venture Communities, LLC to Russell J. Roth, Director of Development Services, and Shelby Little, Planning & Zoning Manager for the City of Marietta, dated August 12, 2020. However, in paragraph #2, the total number of homes shall be changed to a maximum of fifty-two (52); and in paragraph #4, the minimum distance between homes shall be 8 feet for at least 80 percent of the homes..
2. The homes shall be “for sale” only, and no more than five percent (5%) of all the homes within the residential development shall be allowed to be renter occupied at any time.

3. Homes must be designed and constructed so as to meet the definition of Four-Sided Architecture.

**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, Acting Director  
Department of Development Services

**Approved as to form:**

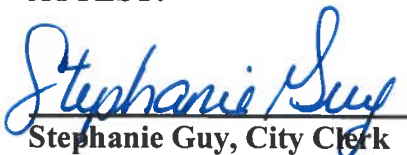
  
\_\_\_\_\_  
Douglas R. Haynie, City Attorney

**Approved by City Council:**

**DATE:** August 12, 2020

**APPROVED:**

**ATTEST:**

  
\_\_\_\_\_  
Stephanie Guy, City Clerk

  
\_\_\_\_\_  
R. Steve Tumlin, Jr., Mayor