

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 1013, District 16, Parcels 0430 & 0420 of the 2nd Section, Cobb County, Georgia, and being known as **750 James Street and 630 (aka 730) Tower Road.**

WHEREAS, application has been filed by **KENNESTONE DEVELOPMENT PARTNERS LLC (JAMES C. DODD JR.)** 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 properties to wit:

750 James Street NW, Marietta, GA Tax Parcel No. 16101300430

All tract parcel of land lying and being in Land Lot 1013, 16th District, 2nd Section, Cobb County, Georgia, being Lot 2 of the J.C. Dodd property as per plat of survey recorded in Plat Book 9, Page 99, Cobb County, Georgia Records, which plat is incorporated herein and made a part hereof by reference.

730 Tower Road, Marietta, GA Tax Parcel No. 16101300420

All tract parcel of land lying and being in Land Lot 1013, 16th District, 2nd Section, Cobb County, Georgia, being Lot 1 of the J.C. Dodd property as per plat of survey recorded in Plat Book 9, Page 99, Cobb County, Georgia Records, which plat is incorporated herein and made a part hereof by reference.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-2 (Single Family Residential – 2 units/acre) to RA-8 (Multi-Family Residential – 8 units/acre).

Section 3: The following variances are incorporated as a condition of zoning:

1. Variance to waive the recreation area requirement (minimum size of 10,000 sq.ft., including both active and passive amenities) [§708.07 (B.1.h)].
2. Variance to reduce the minimum tract size from 4 acres to 0.52 acres [§708.07 (H)].
3. Variance to waive or reduce the 30-foot buffer requirement when an RA-8 district abuts a R-2 district [§708.09 (I)].

Section 4: The following stipulations are incorporated as a condition of zoning:

1. Building architecture shall include a slight offset or stagger of units at the exterior façade.
2. Buildings shall be four-sided brick facades.
3. Minimum area of each unit shall be 2,000 square feet.
4. An historic marker noting the history of Kennesaw Battle subdivision shall be included in the development near the entrance of the subdivision.

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.

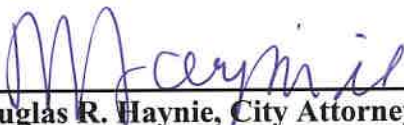
Section 7: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



Rusty Roth, Director
Department of Development Services

Approved as to form:



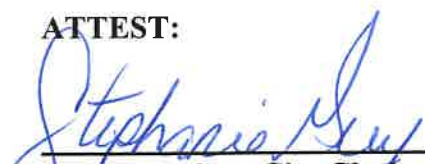
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: January 11, 2023

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor