

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia in Land Lot 655, Parcels 0040 & 0050; Land Lot 713, Parcel 0360; Land Lot 714, Parcels 0010 & 0030; Land Lot 715, Parcels 0010, 0020, 0050; Land Lot 725, Parcel 0010; Land Lot 726, Parcel 0010; Land Lot 727, Parcel 0010; Land Lot 787, Parcel 0010; Land Lot 788, Parcel 0010; and Land Lot 786, Parcel 0030, District 16, of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as property on Bells Ferry Road, 2247 Bells Ferry Road, property on Laura Lake Road, 150, 151, & 154 Laura Lake Road, and 1775 Bells Ferry Road.

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**WHEREAS**, application has been filed by **BEAZER HOMES, LLC (DIVERSIFIED TRUST COMPANY, INC.)** 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:

All that tract or parcel of land lying and being in Land Lots 714, 715, 725, 726, 727, 787 and 788 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

BEGINNING at a 3/4" open top pipe found at the Land Lot corner common to Land Lots 654, 655, 714 and 715; from point thus established and running along the Land Lot line common to Land Lots 655 and 714 the following courses: South 87° 07' 26" East a distance of 731.80 feet to an iron pin set; thence South 87° 39' 47" East a distance of 95.85 feet to a 1/2" open top pipe found; thence South 87° 27' 08" East a distance of 61.46 feet to an iron pin set; thence leaving said Land Lot line North 69° 36' 12" East a distance of 175.58 feet to a 1/2" rebar found; thence North 69° 36' 18" East a distance of 236.35 feet to a 3/8" rebar found; thence North 68° 12' 30" East a distance of 14.00 feet to a 3/4" open top pipe found; thence North 68° 55' 24" East a distance of 185.84 feet to an iron pin set in the southwesterly Right of Way of Bells Ferry Road (Variable R/W); thence running along said Right of Way South 18° 27' 59" East a distance of 392.07 feet to an iron pin set; thence leaving said Right of Way North 88° 17' 44" West a distance of 626.16 feet to a 3/4" crimp top pipe found; thence South 18° 19' 57" East a distance of 124.27 feet to a 3/4" crimp top pipe found; thence South 87° 55' 02" East a distance of 328.17 feet to a 3/4" open top pipe found; thence South 01° 32' 47" West a distance of 1015.03 feet to a point on the northerly terminus of Laura Lake Road (50' R/W) per deed book 1325, page 383, said point also being 25 feet north of the Land Lot corner common to Land Lots 713, 714, 727 and 728; thence running along the westerly terminus

of said Right of Way South 01° 17' 49" West a distance of 30.00 feet to a 1" open top pipe found; thence continuing along the Land Lot line common to Land Lots 727 and 728 South 01° 13' 24" West a distance of 11.11 feet to a point on the southerly terminus of said Right of Way; thence leaving said Right of Way South 01° 13' 24" West a distance of 455.80 feet to a 1/2" rebar found; thence South 01° 30' 52" West a distance of 198.33 feet to a 1-1/2" open top pipe found; thence leaving said Land Lot line and running through Land Lots 727 and 726 North 88° 20' 41" West a distance of 2666.32 feet to a 1" open top pipe found; thence South 06° 44' 35" West a distance of 652.21 feet to a 1" open top pipe found at the Land Lot line common to Land Lots 725, 726, 787 and 788; thence running along the Land Lot line common to Land Lots 726 and 787 South 87° 20' 02" East a distance of 1403.49 feet to a 1" iron pin found at the Land Lot corner common to Land Lots 726, 727, 786 and 787; thence leaving said Land Lot line and running along the Land Lot line common to Land Lots 786 and 787 the following courses South 01° 08' 09" West a distance of 337.19 feet to an iron pin set; thence South 01° 42' 56" West a distance of 328.24 feet to an iron pin set; thence leaving said Land Lot line South 88° 10' 55" East a distance of 481.58 feet to a point; thence South 88° 10' 41" East a distance of 217.79 feet to a point; thence South 88° 11' 01" East a distance of 522.51 feet to an iron pin set on the north westerly Right of Way of Bells Ferry Road (Variable R/W); thence running along said Right of Way the following courses: South 27° 53' 08" West a distance of 172.19 feet to a point; thence South 27° 53' 08" West a distance of 77.85 feet to a point; thence South 27° 53' 14" West a distance of 33.38 feet to an iron pin set; thence leaving said Right of Way North 88° 06' 10" West a distance of 151.46 feet to a point; thence North 87° 19' 52" West a distance of 403.37 feet to a point; thence North 87° 19' 52" West a distance of 539.38 feet to an iron pin set on the aforementioned Land Lot line common to Land Lots 786 and 787; thence running along said Land Lot line South 00° 46' 10" West a distance of 163.00 feet to an iron pin set; thence South 01° 49' 06" West a distance of 196.56 feet to a 1/2" rebar found; thence South 01° 45' 33" West a distance of 32.16 feet to a 1/2" rebar found; thence South 01° 20' 17" East a distance of 63.57 feet to a 30" oak tree at the Land Lot corner common to Land Lots 786, 787, 798 and 799; thence leaving said Land Lot line and running along the Land Lot line common to Land Lots 787 and 798 North 88° 06' 26" West a distance of 1412.03 feet to a 1/2" rebar found in concrete monument at the Land Lot corner common to Land Lots 787, 788, 797 and 798; thence leaving said Land Lot line and running along the Land lot line common to Land lots 788 and 797 North 87° 56' 13" West a distance of 484.10 feet to a 1/2" rebar found on the northeasterly Right of Way of Interstate 75 (Variable R/W) to a point; thence leaving said Land Lot line and running along said Right of Way North 37° 10' 04" West a distance of 216.83 feet to a point; thence North 37° 34' 39" West a distance of 514.87 feet to an iron pin set; thence leaving said Right of Way and running along a 974 contour line; thence running along said contour line and through Land Lots 788, 725, 726 and 715 the following courses: North 34° 07' 04" East a distance of 28.26 feet to a point; thence North 40° 09' 04" East a distance of 20.78 feet to a point; thence North 40° 03' 04" East a distance of 15.64 feet to a point; thence North 04° 06' 22" West a distance of 22.09 feet to a point; thence North 36° 51' 47" West a distance of 10.00 feet to a point; thence North 22° 45' 48" West a distance of 10.98 feet to a point; thence North 07° 56' 11" West a distance of 10.85 feet to a point; thence North 14° 32' 39" East a distance of 13.36 feet to a point; thence North 74° 58' 28" East a distance of 14.99 feet to a point; thence North 34° 42' 14" East a distance of 18.31 feet to a point; thence North 07° 18' 04" East a distance of 15.75 feet to a point; thence North 16° 10' 56" West a distance of 8.07 feet to a point; thence North 28° 07' 50" West a distance of 21.57 feet to a point; thence North 56° 31' 07" West a distance of 34.34 feet to a point; thence North 18° 39' 29" West a distance of 32.05 feet to a point; thence North 02° 55' 01" West a distance of 37.68 feet to a point; thence

North 20° 46' 29" West a distance of 18.06 feet to a point; thence North 11° 03' 34" West a distance of 33.13 feet to a point; thence North 04° 24' 21" East a distance of 54.10 feet to a point; thence North 21° 28' 37" East a distance of 49.27 feet to a point; thence North 18° 11' 22" East a distance of 32.46 feet to a point; thence North 23° 09' 50" East a distance of 27.44 feet to a point; thence North 50° 42' 41" East a distance of 8.36 feet to a point; thence North 82° 03' 18" East a distance of 57.57 feet to a point; thence North 58° 25' 01" East a distance of 38.66 feet to a point; thence North 30° 10' 50" East a distance of 54.45 feet to a point; thence North 28° 01' 43" East a distance of 31.76 feet to a point; thence North 52° 25' 19" East a distance of 61.17 feet to a point; thence North 16° 22' 12" East a distance of 37.97 feet to a point; thence North 06° 46' 24" East a distance of 43.72 feet to a point; thence North 11° 54' 19" East a distance of 50.33 feet to a point; thence North 12° 43' 15" West a distance of 47.80 feet to a point; thence North 28° 36' 15" West a distance of 40.10 feet to a point; thence North 37° 46' 07" West a distance of 41.53 feet to a point; thence North 19° 41' 54" West a distance of 36.73 feet to a point; thence North 02° 51' 03" East a distance of 35.90 feet to a point; thence North 16° 19' 58" East a distance of 30.96 feet to a point; thence North 32° 15' 34" East a distance of 24.54 feet to a point; thence North 29° 02' 42" East a distance of 25.81 feet to a point; thence North 26° 13' 54" East a distance of 66.19 feet to a point; thence North 71° 50' 02" East a distance of 36.91 feet to a point; thence North 55° 57' 10" East a distance of 154.67 feet to a point; thence North 45° 36' 29" East a distance of 31.35 feet to a point; thence North 56° 05' 41" East a distance of 39.48 feet to a point; thence North 25° 07' 13" East a distance of 47.16 feet to a point; thence North 18° 28' 09" East a distance of 45.20 feet to a point; thence North 28° 51' 27" East a distance of 54.73 feet to a point; thence North 08° 26' 52" East a distance of 58.29 feet to a point; thence North 10° 23' 10" East a distance of 34.44 feet to a point; thence North 01° 14' 14" East a distance of 48.57 feet to a point; thence North 07° 57' 30" East a distance of 48.84 feet to a point; thence North 13° 00' 25" East a distance of 50.02 feet to a point; thence North 17° 32' 27" East a distance of 48.09 feet to a point; thence North 27° 12' 54" East a distance of 97.30 feet to a point; thence North 40° 27' 28" East a distance of 29.03 feet to a point; thence North 29° 57' 49" East a distance of 41.26 feet to a point; thence North 51° 26' 09" East a distance of 32.57 feet to a point; thence North 43° 06' 47" East a distance of 43.97 feet to a point; thence North 33° 30' 44" East a distance of 31.30 feet to a point; thence North 43° 07' 17" East a distance of 31.80 feet to a point; thence North 22° 51' 00" East a distance of 75.53 feet to a point; thence North 46° 42' 02" East a distance of 45.52 feet to a point; thence North 55° 48' 37" East a distance of 101.02 feet to a point; thence North 66° 50' 28" East a distance of 45.81 feet to a point; thence North 58° 47' 00" East a distance of 68.59 feet to a point; thence North 53° 14' 27" East a distance of 23.27 feet to a point; thence North 54° 54' 10" East a distance of 44.84 feet to a point; thence North 35° 44' 47" East a distance of 81.04 feet to a point; thence North 49° 55' 54" East a distance of 38.07 feet to a point; thence South 86° 09' 55" East a distance of 36.43 feet to a point; thence North 78° 48' 25" East a distance of 46.07 feet to a point; thence South 66° 07' 26" East a distance of 52.49 feet to a point; thence South 31° 51' 03" East a distance of 48.02 feet to a point; thence South 16° 53' 59" East a distance of 31.55 feet to a point; thence South 20° 35' 46" East a distance of 17.97 feet to a point; thence South 45° 29' 23" East a distance of 74.06 feet to a point; thence South 17° 21' 50" East a distance of 31.10 feet to a point; thence South 50° 13' 30" East a distance of 34.66 feet to a point; thence North 41° 11' 15" East a distance of 32.95 feet to a point; thence South 68° 54' 04" East a distance of 17.03 feet to a point; thence South 76° 47' 14" East a distance of 21.56 feet to a point; thence South 70° 31' 31" East a distance of 16.91 feet to a point; thence South 18° 32' 38" East a distance of 14.52 feet to a point; thence South 11° 44' 58" West a distance of 20.58 feet to a point; thence South 21° 15' 59" West a distance of 8.68 feet to a point; thence

South 10° 38' 57" East a distance of 22.47 feet to a point; thence South 60° 37' 51" East a distance of 13.88 feet to a point; thence North 00° 23' 55" West a distance of 11.14 feet to a point; thence North 15° 49' 33" West a distance of 19.30 feet to a point; thence leaving said contour South 42° 02' 09" East a distance of 375.84 feet to a 1/2" rebar with cap found; thence North 24° 42' 55" East a distance of 317.69 feet to a 1/2" rebar with cap found; thence South 53° 02' 14" East a distance of 363.77 feet to a 1/2" rebar with cap found; thence North 05° 34' 29" East a distance of 370.42 feet to a point; thence North 74° 17' 51" West a distance of 215.71 feet to a point; thence North 11° 47' 20" East a distance of 182.87 feet to a point; thence North 24° 28' 01" East a distance of 134.21 feet to a point; thence running along a curve to the right an arc length of 177.63 feet, (said curve having a radius of 148.60 feet, with a chord bearing of North 32° 55' 05" West, and a chord length of 167.24 feet) to a point; thence North 01° 23' 33" West a distance of 53.89 feet to a point; thence running along a curve to the left an arc length of 150.51 feet, (said curve having a radius of 424.55 feet, with a chord bearing of North 10° 44' 15" West, and a chord length of 149.72 feet) to a point; to the left an arc length of 66.43 feet, (said curve having a radius of 52.47 feet, with a chord bearing of North 58° 25' 28" West, and a chord length of 62.08 feet) to a point; thence South 69° 09' 40" West a distance of 71.38 feet to a point; thence running along a curve to the right an arc length of 158.38 feet, (said curve having a radius of 151.55 feet, with a chord bearing of North 78° 12' 51" West, and a chord length of 151.27 feet) to a point; to the right an arc length of 72.04 feet, (said curve having a radius of 72.98 feet, with a chord bearing of North 25° 08' 55" West, and a chord length of 69.15 feet) to a point; thence North 04° 13' 21" East a distance of 35.44 feet to a point; thence running along a curve to the left an arc length of 34.73 feet, (said curve having a radius of 28.25 feet, with a chord bearing of North 44° 45' 58" West, and a chord length of 32.59 feet) to a point; thence North 77° 46' 09" West a distance of 26.32 feet to a point; thence running along a curve to the right an arc length of 51.26 feet, (said curve having a radius of 138.65 feet, with a chord bearing of North 67° 37' 47" West, and a chord length of 50.97 feet) to a point; thence North 44° 48' 49" East a distance of 20.51 feet to a point; thence running along a curve to the left an arc length of 39.73 feet, (said curve having a radius of 118.65 feet, with a chord bearing of South 68° 39' 55" East, and a chord length of 39.55 feet) to a point; thence South 77° 46' 09" East a distance of 26.06 feet to a point; thence running along a curve to the right an arc length of 61.62 feet, (said curve having a radius of 48.25 feet, with a chord bearing of South 42° 53' 02" East, and a chord length of 57.51 feet) to a point; thence South 04° 13' 21" West a distance of 37.33 feet to a point; thence running along a curve to the left an arc length of 52.98 feet, (said curve having a radius of 52.98 feet, with a chord bearing of South 25° 42' 31" East, and a chord length of 50.80 feet) to a point; to the left an arc length of 137.93 feet, (said curve having a radius of 131.55 feet, with a chord bearing of South 77° 54' 10" East, and a chord length of 131.70 feet) to a point; thence North 68° 56' 19" East a distance of 50.40 feet to a point; thence running along a curve to the right an arc length of 67.98 feet, (said curve having a radius of 163.47 feet, with a chord bearing of North 79° 01' 37" East, and a chord length of 67.49 feet) to a point; to the right an arc length of 212.67 feet, (said curve having a radius of 436.55 feet, with a chord bearing of South 14° 32' 56" East, and a chord length of 210.57 feet) to a point; thence South 01° 23' 33" East a distance of 53.99 feet to a point; thence running along a curve to the left an arc length of 144.44 feet, (said curve having a radius of 148.24 feet, with a chord bearing of South 29° 02' 39" East, and a chord length of 138.80 feet) to a point; to the left an arc length of 39.11 feet, (said curve having a radius of 101.36 feet, with a chord bearing of South 74° 03' 35" East, and a chord length of 38.87 feet) to a point; thence South 87° 15' 57" East a distance of 45.90 feet to a point; thence running along a curve to the right an arc length of 119.56 feet, (said curve having a radius of 111.63 feet, with a chord bearing of South 65° 05' 36"

East, and a chord length of 113.92 feet) to a point; to the right an arc length of 111.58 feet, (said curve having a radius of 770.02 feet, with a chord bearing of South 34° 47' 27" East, and a chord length of 111.48 feet) to a point; thence South 25° 07' 51" East a distance of 94.73 feet to a point; thence running along a curve to the right an arc length of 121.02 feet, (said curve having a radius of 275.46 feet, with a chord bearing of South 16° 09' 40" East, and a chord length of 120.05 feet) to a point; to the left an arc length of 67.52 feet, (said curve having a radius of 146.31 feet, with a chord bearing of South 10° 21' 52" East, and a chord length of 66.92 feet) to a 1/2" rebar with cap found at the Land Lot corner common to Land Lots 714, 715, 726 and 727; thence running along the Land Lot common to Land Lots 714 and 715 North 01° 28' 45" East a distance of 1196.27 feet to a point; thence leaving said Land Lot line North 86° 56' 34" West a distance of 475.66 feet to a point; thence South 00° 00' 00" East a distance of 19.86 feet to a point; thence South 67° 55' 32" West a distance of 213.36 feet to a point; thence North 44° 38' 40" East a distance of 281.36 feet to a 3/4" crimp top pipe found on the Land Lot line common to Land Lots 654 and 715; thence running along said Land Lot line South 86° 56' 34" East a distance of 478.23 feet to the TRUE POINT OF BEGINNING.

Said tract contains 175.028 Acres (7,624,238 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 – Cobb County) and RA-8 (Single Family Residential – 8 units/acre – City) to PRD-SF (Planned Residential Development – Single Family).

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

1. Letter of stipulations and conditions from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated January 10, 2023.
2. A 30-foot buffer shall be established and maintained (where not limited by overhead power line easement) along exterior property lines abutting the Barrington Hills subdivision.

**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, 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