

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia, Land Lots 434 & 503, District 17, Parcel 0050, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as **1032 South Marietta Parkway**.

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**WHEREAS**, application has been filed by **KELLY TOWERS III (INTERNATIONAL ASSOCIATION OF MACHINISTS)** for a Special Land Use Permit (SLUP) for household trash/garbage hauling and storage at 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 434 and 503 of the 17th District and 2nd Section of Cobb County, Georgia, described as follows:

Beginning at an iron pin on the southeasterly side of clay street at the easterly corner of the bishop property; thence north 65 degrees 57 minutes east along the south side of clay street a distance of 160.6 feet to an iron pin; thence north 55 degrees 30 minutes east, still along the south side of clay street a distance of 390.1 feet to an iron pin; thence north 83 degrees 2 minutes east a distance of 62.8 feet to an iron pin on the east land lot line of said land lot 434; thence south 28 degrees 14 minutes east into said land lot 503 a distance of 598 feet to an iron pin; thence south 52 degrees 16 minutes west a distance of 335.2 feet to an iron pin on the east land lot line of said land lot 434; thence north 89 degrees 14 minutes west a total distance of 968.5 feet to an iron pin on the easterly side of Hudson Road; thence northerly along the easterly side of Hudson Road a distance of 238.9 feet to an iron pin at the southwesterly corner of the bishop property; thence south 79 degrees 37 minutes east along the southwesterly side of the bishop property a distance of 73.1 feet to an iron pin; thence north 63 degrees 40 minutes east along the southeasterly side of the said Bishop property a distance of 315.9 feet to an iron pin; thence north 57 degrees 5 minutes east, still along the Bishop property, a distance of 112.2 feet to the iron pin on the southeasterly side of Clay Street at the point of beginning.

Said tract or parcel contains 12.63 Acres, more or less.

**Section 2:** The above-described property is hereby granted a Special Land Use Permit in the corporate limits in the City of Marietta, Georgia to allow a telecommunication tower.

**Section 3:** The following variances are incorporated as conditions of the Special Land Use Permit:

1. Variance to waive the 50-foot landscape buffer and fence along the property line adjacent to residentially zoned property (960 Hudson Road). [*§712.07 (B.5)*]
2. Variance to waive the required landscaping outside the perimeter fencing. [*§712.07 (B.6)*]

**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:**

  
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Rusty Roth, Director  
Department of Development Services

**Approved as to form:**

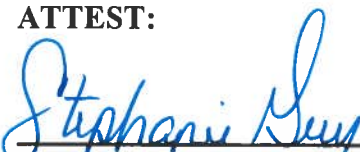
  
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Douglas R. Haynie, City Attorney

**Approved by City Council:**

**DATE:** September 11, 2019

**APPROVED:**

**ATTEST:**

  
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Stephanie Guy, City Clerk

  
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R. Steve Tumlin, Jr., Mayor