

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 1216, District 16, Parcels 0180, 0190, & 0200 of the 2nd Section, Cobb County, Georgia, and being known as **104 Cole Street and 314 & 320 Fort Street.**

WHEREAS, application has been filed by **THAD HIGGINS (JEAN E. JOHNSON JR & JOHN S. THOMBLEY)** for a Rezoning with a Special Land Use Permit (SLUP) 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 lot 1216 of the 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a hole in the concrete at the intersection of the easterly right-of-way of Cole Street (26' r/w per D.B. 4518, pg. 494) and the southerly right-of-way of Fort Street (42' r/w), said point being the point of beginning;

Thence running along the southerly right-of-way of Fort Street s88°23'30"e a distance of 159.95 feet to a #4 rebar found; Thence leaving said right-of-way S05°06'11"W a distance of 83.74 feet to a #4 rebar found; Thence S04°56'58"w a distance of 43.07 feet to a #4 rebar found; Thence S88°05'49"w a distance of 15.51 feet to a #4 rebar found; Thence S78°43'27"w a distance of 85.04 feet to a #4 rebar found; Thence N01°18'56"E a distance of 20.79 feet to a pk nail found; thence N01°55'59"E a distance of 7.49 feet to a nail found; thence returning to the easterly right-of-way of Cole Street, N89°14'26"W a distance of 102.96 feet to a #4 found; thence continuing along said right-of-way, N01°10'44"E a distance of 119.30 feet to a hole in concrete, which is the point of beginning,

Said tract being 0.50 acres (21,860 square feet), more or less.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OI (Office Institutional) to R-4 (Single Family Residential – 4 units/acre).

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

1. The garages shall be used for parking and storage of vehicles and may not be enclosed to provide for additional residential space. This shall be included as a deed restriction on all sales information.

2. The applicant will donate sufficient right of way to allow for future road and sidewalk improvements, shown on the attached site plan.
3. Remove existing retaining wall along Fort Street.

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 8, 2020

APPROVED:

ATTEST:



R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk