

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FROM R-75 to RSM (RZ-22-0001) IN LAND LOTS 165 & 166 OF THE 18<sup>th</sup> DISTRICT TO ALLOW FOR FIFTY-TWO SINGLE FAMILY ATTACHED DWELLINGS.**

**WHEREAS:** Notice to the public regarding said rezoning have been duly published in The Champion, the Official News Organ of Tucker; and

**WHEREAS:** A Public Hearing was held by the Mayor and City Council of Tucker on May 9, 2022 and June 13, 2022;

**WHEREAS:** The Mayor and City Council is the governing authority for the City of Tucker;

**WHEREAS:** The Mayor and City Council has reviewed the rezoning request based on the criteria found in Section 46-1560 of the Zoning Ordinance of the City of Tucker;

**NOW THEREFORE,** the Mayor and City Council of the City of Tucker while in Regular Session on June 13, 2022 hereby ordains and approves Rezoning 22-0001 to allow for fifty-two single family attached dwellings, subject to the following conditions:

1. Use of the subject property shall be limited to up to a 52-unit townhome development.
2. The property shall be developed in general conformance with the site plan submitted on *May 4, 2022* to the Planning and Zoning Department, with revisions to meet these conditions.
3. The twenty units along Lawrenceville Highway shall be rear-loaded and designed so that their front façade/entry faces Lawrenceville Highway.
4. Dwellings shall have a minimum heated floor area of 1,500-square feet.
5. Each unit shall provide a minimum two-car garage.
6. The subject property shall have a mandatory homeowner's association, created by the Developer, that will require, among other things, maintenance of the common open space areas, the transitional buffer(s), stream and stream buffers, and stormwater management.
7. A mail kiosk and two parking spaces shall be provided on site.
8. Architectural detailing on townhouses shall include:
  - a. The front and rear elevations shall vary from unit to unit to avoid a monotone style and/or color palette.
  - b. Rear and side windows shall be trimmed similar to the front windows.
  - c. If units contain cantilevered balconies on the rear, they shall be painted or stained in a color that is complimentary to the individual unit colors and shall not be left as unfinished wood nor stained to appear as natural wood.
  - d. The units shall have an 8" or greater frieze board (top of wall, abutting the soffit) to accentuate the trim details.

- e. Windows shall be a color to match the color palette of the surrounding townhome veneer (for example: not white windows in a brown colored unit).
  - f. Architectural detailing shall occur consistently on all facades.
  - g. The rear elevation of each set of townhome units shall have at least two distinguishing features which shall include, but are not limited to, enclosed sunrooms, enclosed porches, rear entry door overhangs with decorative brackets, metal decorative railings, and brick privacy walls.
9. The side elevations of units 1, 5, 6, 10, 43, 47, 48, and 52 shall be clad in the primary building material of the front façades and designed with windows and other architectural features in order to provide a consistent design appearance along Lawrenceville Highway.
10. Each townhome shall have a defined walkway and/or porch/stoop from the sidewalk to the front doors.
11. All healthy specimen trees located in the common area/open space shall be preserved.
12. All invasive shrubs and vines shall be removed.
13. At least 25% of the units shall be stubbed for elevators.
14. The declarant's declaration of covenants, conditions, and restrictions shall include a clause to restrict the number of rental units to a maximum of 25%.
15. No units shall encroach into any storm drain or sanitary sewer easements.
16. No units shall encroach into the stream buffers located on the property.
17. The detention pond shall be located on a separate lot of record.
18. The development shall be limited to a single full-access curb cut on Lawrenceville Highway. The location of said curb cut should align with Terri Lynn Court, is dependent on sight distance, and subject to the approval of the Tucker City Engineer and the Georgia Department of Transportation.
19. Owner/Developer shall construct a deceleration lane on Lawrenceville Highway into the proposed entrance. Said deceleration shall be one hundred-fifty feet (150') in length with a fifty foot (50') taper.
20. Owner/Developer shall install a six foot (6') wide sidewalk along the entire frontage of Lawrenceville Highway.
21. Owner/Developer shall install a five foot (5') wide sidewalk along both sides of the proposed private streets.
22. A minimum of twenty feet (20') is required as from the back of the sidewalk on interior streets to the face of structure to allow for the parking of a vehicle in the driveway.
23. Owner/Developer shall dedicate along the entire frontage of Lawrenceville Highway such additional right-of-way to provide fifty feet (50') from the centerline or sixteen feet (16') from the back of curb, whichever is greater.

24. Owner/Developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.
25. Owner/Developer shall work with MARTA to relocate the existing bus stop on Lawrenceville Highway at the project entrance and install a bus shelter per MARTA specifications.
26. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum on-site tree density of fifteen (15) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree recompense units as required in the ordinance.
27. The development of the property is contingent upon approval from DeKalb County Department of Watershed Management.

So effective this 13<sup>th</sup> day of June 2022.

Approved by:

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Frank Auman, Mayor

Attest:

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Bonnie Warne, City Clerk

SEAL