

EXHIBIT A

STATE OF GEORGIA

ORDINANCE NO. \_\_\_\_\_

CITY OF TUCKER

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FROM R-85 TO R-75 (RZ-17-001) IN LAND LOT 211 OF THE 18TH DISTRICT TO ALLOW FOR A SINGLE-FAMILY DETACHED DEVELOPMENT.**

**WHEREAS:** Notice to the public regarding said rezoning has 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 August 12, 2019;

**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 and concurrent variance requests based on the criteria found in Section 46-1560 and Section 46-1633 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 August 26, 2019 hereby ordains and approves Rezoning 17-001 to the R-75 zoning district to allow for a single-family detached development, subject to the following conditions:

1. Use of the subject property shall be limited to no more than 13 single family detached residential units in a unified development (1.93 units per acre).
2. The property shall be developed in generally conformance with the revised site plan dated June 20, 2019 submitted to the Community Development Department, with revisions to meet these conditions.
3. The minimum lot size shall be 10,000 square feet.
4. The lot width at street frontage and building line of lots 1, 2, 5, 6, 7, and 8 may be reduced from 75-feet, per the site data chart on the site plan submitted on to the Community Development Department. The lot width at building line for lot 10 may be reduced from 75-feet, per the site data chart on the site plan submitted on June 20, 2019 to the Community Development Department (CV-19-0004).
5. The front setback of lots 3 through 8 and 10 shall be reduced from 30-feet to 20-feet, per the site plan submitted on June 20, 2019 to the Community Development Department (CV-19-0005).

6. The side setback for all lots shall be reduced from 7.5-feet to 10-feet between buildings, per the site plan submitted on June 20, 2019 to the Community Development Department (CV-19-0006).
7. Dwellings shall have a minimum heated floor area of 1,800-square feet.
8. The driveway on each lot shall be a minimum of 20-feet, as measured from the garage door to the back of sidewalk.
9. Each unit shall provide a minimum two-car garage that meets the garage standards of Article 5 of the City of Tucker Zoning Ordinance.
10. Each lot shall have an area sufficient for a deck or patio to be located outside of all stream buffers.
11. No stream buffer variances will be granted.
12. Within the undisturbed buffer, no clearing or grading may occur. Within the impervious stream buffer, the land may be cleared and graded.
13. A 20-foot planted buffer shall be recorded along the southern property line of the final plat where it borders the rail line. No structures, playground equipment, etc shall be placed in the 20-foot buffer.
14. Within the 20 foot planted buffer, a 10-foot permanent easement shall be dedicated to the City of Tucker along the rear of the site adjacent to the rail line for the future construction of a trail, with the additional 10-foot of the buffer area available for and shown as a temporary easement for construction of such trail during any period of construction. The easement shall be dedicated at no cost to the City by time of final platting.
15. A minimum 5-foot pedestrian access easement shall be recorded between two of the lots at the rear of the development to allow access to the city trail. No structures, playground equipment, fences, etc shall be placed in the 5-foot pedestrian access easement.
16. Owner/Developer shall extend Saren Court as shown as on the site plan submitted on June 20, 2019 to the Community Development Department. Said extension shall meet the minimum requirements for roadway design and sight distance and are subject to approval by the City of Tucker and DeKalb County Fire.
17. The right-of-way of any street to be developed on the Subject Property shall have a minimum right-of-way width of 50-feet.

18. Owner/Developer shall construct a five foot (5') wide sidewalk along one side of the entire frontage of the proposed Saren Court extension and must wrap the sidewalk around the cul de sac as to provide direct sidewalk access to all lots.
19. Owner/Developer shall provide detention, water quality and channel protection in accordance with the Georgia Stormwater Manual. Detention shall be provided for the one through 100-year storm events with no increased runoff. For the purpose of these calculations, the existing runoff rate shall be considered to be a wooded, predeveloped condition.
20. Owner/Developer shall comply with Section 22-34 of the City of Tucker Code of Ordinances concerning tree protection. A minimum tree density of 15 units/acre shall be required.
21. The development of the project is contingent on approval from DeKalb County Watershed Management.
22. Owner/developer shall conduct a hydrologic analysis to determine a base flood elevation prior to issuance of a land disturbance permit. The lowest finished floor elevation of all structures shall be a minimum of three feet (3') above the revised 100-year floodplain elevation, as approved by the City of Tucker Director of Community Development.
23. Hours of construction shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m to 5:00 p.m. on Saturdays, with no construction on Sundays or holidays.
24. The subject property shall have a mandatory homeowner's association, created by the Developer, that will require, among other things, maintenance of the common areas and detention pond.
25. Owner/Developer shall replace the two existing corrugated metal pipes under the proposed road with a material that complies with the City of Tucker Land Development Code. The size, slope, and design shall be approved by the City of Tucker Director of Community Development. Owner/Developer shall obtain all permits from the Environmental Protection Division and the U.S. Army Corps of Engineers as required.
26. The detention and sedimentation control facilities shall not be placed in any transitional buffer zones, floodplains, wetlands, stream buffer zones, or state buffer zones. The outlet point of the detention shall be above the 100-year floodplain elevation.
27. The centerline elevation of the proposed extension of Saren Court shall be a minimum of one foot (1') above the 100-year floodplain elevation.

28. Owner/Developer shall provide a maintenance bond to the City of Tucker equal to the amount necessary to repair the existing Saren Court. After the construction of the final home and prior to final acceptance of the street, the City of Tucker will conduct a pavement analysis. Owner/Developer shall be responsible for the repair of any deterioration from the pre-construction condition of Saren Court, up to and including resurfacing the entire street.
  
29. Architectural elevations indicative of actual construction shall be submitted to Mayor and City Council for review during the rezoning process and may be subject to additional architectural conditions that reflect the proposed architecture.

So effective this 26th day of August, 2019.

Approved by:

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Frank Auman, Mayor

Attest:

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Bonnie Warne, City Clerk

SEAL