

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF ROCKDALE COUNTY, AS AMENDED, BY REZONING PROPERTY LOCATED AT 1076 HONEY CREEK RD SE CONYERS GA 30013 FROM R-M (MULTI-FAMILY) ZONING DISTRICT TO THE R-M (MULTI-FAMILY) ZONING DISTRICT; TO IMPOSE CONDITIONS UPON THE AMENDMENT; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.**

WHEREAS, an application to rezone a certain property was filed with Rockdale County, Georgia, which involved the following:

<b>CHANGE CONDITIONS CASE NO. 2023-01</b>	A request by Kaleb Smith to amend the conditions of approval for zoning case REZ 2021-05.		
<b>APPLICANT:</b>	Kaleb Smith		
<b>PROPERTY OWNER:</b>	Helen Moon McCullough, Eric Jason Robinson per probate		
<b>LOCATION:</b>	1076 Honey Creek Rd		
<b>LAND LOT(S):</b>	174	<b>DISTRICT:</b>	10 <sup>TH</sup>
<b>TAX PARCEL NO.:</b>	0790020011	<b>TOTAL ACREAGE:</b>	10.37 acres

WHEREAS, said rezoning proposal was reviewed by staff and public hearings were held following public notice and all other requirements of Section 238-4 of The Unified Development Ordinance of Rockdale County, Georgia, as amended;

WHEREAS, the Future Land Use Map of Rockdale County's Comprehensive Plan designates said property as Light Industrial, which pursuant to Section 202-6 permits the R-M Zoning District.

NOW, THEREFORE, be it ordained by the Board of Commissioners of Rockdale County, Georgia, and by the authority of same as follows:

**Section I**

The Official Zoning District Map for Rockdale County, as amended, is hereby further amended so as to rezone the 10.37-acre property, more particularly described in the Legal Description attached hereto as Exhibit "A" depicted on the ALTA/NSPS Land Title Survey attached hereto as Exhibit "B" and as seen in the site plan attached hereto as Exhibit "C".

**Section II**

The zoning amendment authorized in Section I is approved subject to all conditions, including any conditions of zoning, attached hereto as Exhibit "D", which is hereby incorporated by this reference and applies to the 10.35-acre property. All permits issued pursuant to this change in zoning shall be in strict compliance with these conditions, as well as all other applicable provisions of the Code of Rockdale County. The change in zoning hereby approved does not authorize the violation of any zoning district regulations.

**Section III**

The Official Zoning District Map of Rockdale County, Georgia, established as a part of the Rockdale County Zoning Ordinance, as amended, is hereby further amended to reflect the change in zoning of said property authorized in Section I, along with the conditions authorized in Section II.

**Section IV**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

That this Ordinance shall become effective upon adoption.

This 12 day of September, 2023.

**ROCKDALE COUNTY, GEORGIA  
BOARD OF COMMISSIONERS**



Osborn Nesbitt, Sr., Chairman




Sherri L. Washington, Commissioner Post I



Dr. Doreen Williams, Commissioner Post II

Attest:

By:   
Jennifer Rutledge, County Clerk

Approved as to Form:

By:   
M. Qader A. Baig, County Attorney

First Reading: 8/31/2023

Second Reading: 9/12/2023

**Exhibit "A"**

**Legal Description**

**Legal Description**

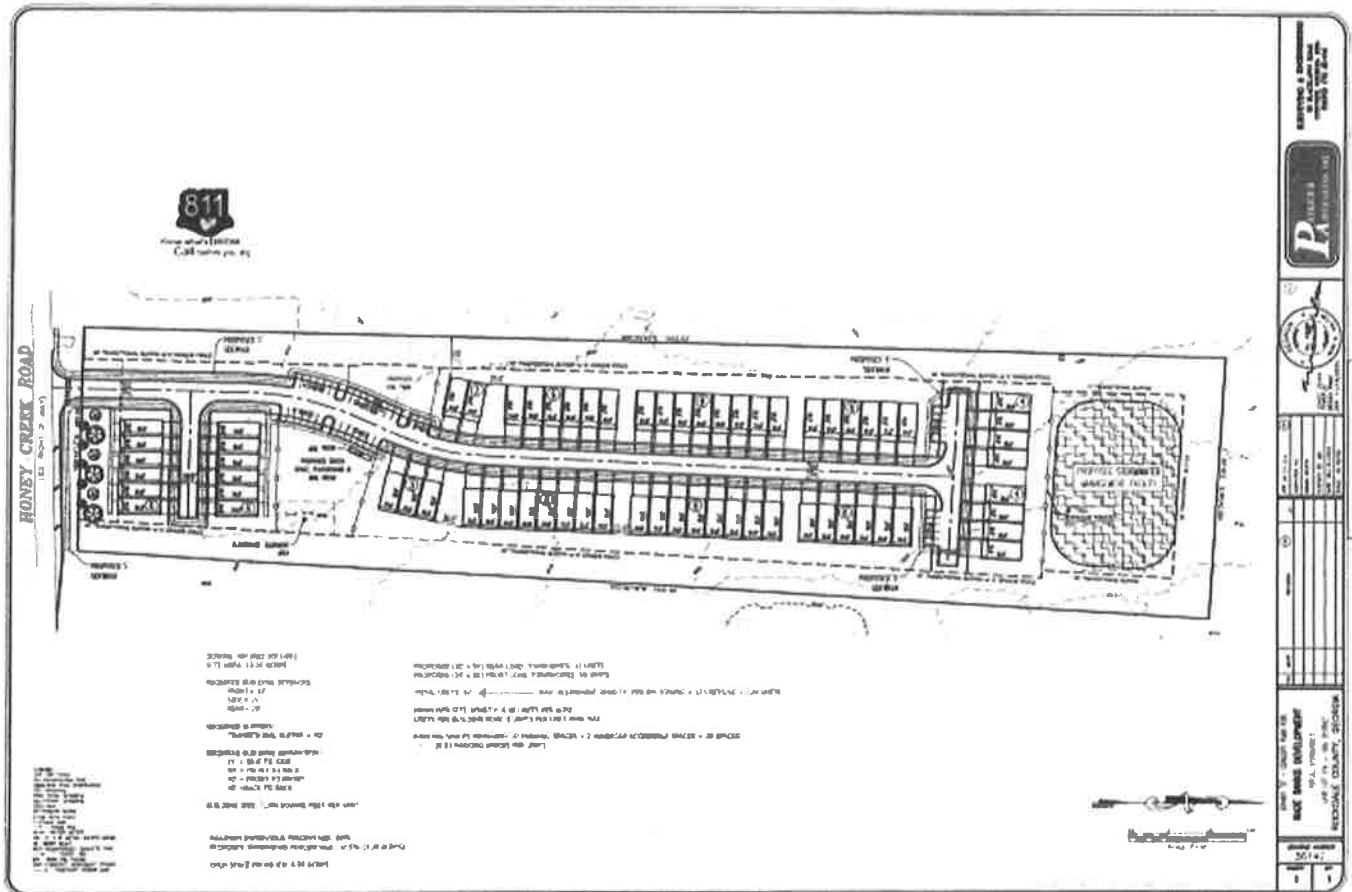
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 174 of the 10th, District, Rockdale County, Georgia and being more particularly described as follows:

Commencing at a point located at the intersection of the East right-of-way (R/W) line of SR 20 (R/W varies) and the North R/W line of Honey Creek Road (80' R/W public), thence along said North R/W line of Honey Creek Road South 89 degrees 31 minutes 52 seconds West a distance of 1120.74' to a point, said point being THE TRUE POINT OF BEGINNING; thence North 01 degrees 19 minutes 19 seconds West a distance of 1453.52' to a 1" crimp top pipe found; thence South 89 degrees 19 minutes 10 seconds East a distance of 338.39' to an 2" axle; thence South 00 degrees 45 minutes 14 seconds West a distance of 1441.40' to an 1" crimp top pipe found; thence South 88 degrees 25 minutes 39 seconds West a distance of 285.98' to a point and THE TRUE POINT OF BEGINNING.

Said tract having an area of 10.370 acres.



**Exhibit "C"**  
**Proposed Site Plan**



**Exhibit "D"**  
**Zoning Conditions**

**1. To restrict the use of the property as follows:**

- A. The Rezoning Site Plan prepared by Patrick and Associates, dated June 12, 2023, attached hereto as Exhibit "D", shall become the guiding layout and design. The actual location of the green space, playground, water quality area, detention, streets, sidewalks, amenity areas, and other depicted improvements shall be subject to actual site conditions and the requirements of the Code of Rockdale County.
- B. The site shall be restricted to townhouse development, not to exceed 67 units, and permitted accessory uses. 12 units shall be rear loaded, and 55 units may be front loaded. Number of units shall not exceed 8 units, with approval of a variance by the Zoning Board of Appeals.
- C. All garage doors shall be "classic style" or higher quality.
- D. Balconies, covered porches, and/or stoops shall be supported with architectural columns, architectural brackets, or pillars that provide a complimentary architectural appearance to the adjacent building elevation. The elevations shall be in compliance with those provided by the applicant attached hereto as Exhibit "E".
- E. All exterior lighting fixtures directly attached to the dwelling units shall be "classic style" or higher quality and compliment the building architecture.
- F. *The Covenants, Conditions, and Restrictions shall include a clause to limit the maximum number of homes that can be rented or leased within the development at any one time to be no more than five (5) percent.***
- G. Contingent upon approval of the rezoning, there shall be no request made to annex any part of the RM site for 30 years from the date of the approval.

**2. To satisfy the following site development considerations:**

- A. Five (5) foot wide concrete sidewalks shall be provided along the Honey Creek Rd right-of-way.
- B. All internal concrete sidewalks shall be five (5) feet wide and installed on both sides of the proposed streets.
- C. A five (5) foot minimum landscape strip shall be provided within Honey Creek Rd right-of-way, between roadway and sidewalk. A five (5) foot minimum landscape strip shall be provided on all internal public roads between roadway and sidewalk. This five (5) foot landscape strip on internal public roads shall be planted with street trees and shade trees on fifty (50) foot centers (maximum) in a single row. All trees planted in this landscape strip shall be counted towards any Rockdale County required tree recompense credits or tree density units as mandated by the required development permit.
- D. All internal streets shall be a minimum of twenty-four (24) feet wide from face of curb to face of curb and shall be built to Rockdale County standards and dedicated to Rockdale County as noted on the guiding layout (Exhibit "D" Rezoning Site Plan).
- E. Driveways for front and rear loaded townhomes shall maintain a minimum of 18 feet between the garage and the back of the sidewalk and shall have a width minimum that is equivalent to the width of the garage.
- F. All roadway and yard grassed areas shall be sodded.

- G. All utilities shall be placed underground.
- H. Natural vegetation shall remain on the property until the issuance of a development permit.
- I. The amenity areas shall include a minimum of a mail kiosk, green space, and playground.
- J. All amenity areas shall be accessible through five (5) foot wide concrete sidewalks.
- K. Streetlights shall be provided throughout the residential development along the internal streets where residential units directly abut. All streetlights shall be residential in character and meet the minimum lighting standards of Rockdale County, GA as defined in the current edition of the development regulations at the time of development permitting.
- L. A minimum of 39 overflow parking spaces shall be provided throughout the development by head-in parking spaces.
- M. The applicant provided a Traffic Impact Study prepared by NV5 Engineers and Consultants, Inc for PEC Plus dated May 17, 2021, for the development of 10.370 acres with 67-townhome units attached hereto as Exhibit "G". Any recommendations for improvements shall be required to be shown on the Land Disturbance Permit (LDP).