

**AN ORDINANCE TO AMEND SECTION 1004A OF THE  
PEACHTREE CITY ZONING ORDINANCE TO REZONE A 5.62-ACRE TRACT OF  
LAND ON NEWGATE ROAD FROM LUR-13 LIMITED USE RESIDENTIAL TO  
GR-48-17 GENERAL RESIDENTIAL TO PERMIT A 100-UNIT AGE-RESTRICTED  
APARTMENT COMPLEX FOR SENIOR ADULTS,  
AND FOR OTHER PURPOSES**

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that:

**Section 1.** Article X, Requirements by district, of the Peachtree City Zoning Ordinance, specifically Section 1004A Property rezoned to GR, be amended to add Section 1004A.2 as follows:

*(Section 1004A.2) Newgate Road tract (GR-4817)*

- (a) The property described below shall be rezoned from its present classification of LUR-13 Limited Use Residential to GR-48-17 General Residential. Said property is more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 134 OF THE 7<sup>th</sup> DISTRICT, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST RIGHT OF WAY OF NEWGATE ROAD (60' R/W) BEING 508.00' NORTH OF A POINT WHERE THE WEST RIGHT OF WAY OF NEWGATE ROAD AND THE NORTH RIGHT OF WAY OF GEORGIAN PARK INTERSECT; THENCE RUNNING N 54 50 09 W A DISTANCE OF 248.37' TO AN IRON PIN FOUND ON THE EAST RIGHT OF WAY OF GEORGIA HIGHWAY 74 (R/W VARIES), THENCE RUNNING ALONG SAID R/W N 37 51 22 E A DISTANCE OF 36.55' TO AN IRON PIN FOUND, THENCE COUNTINUING ALONG SAID R/W N 35 15 15 E A DISTANCE OF 600.00' TO A IRON PIN SET, THENCE CONTINUING ALONG SAID R/W N 42 03 54 E A DISTANCE OF 134.50' TO AN IRON PIN FOUND, THENCE LEAVING SAID R/W AND RUNNING S 13 17 35 E A DISTANCE OF 171.12' TO AN IRON PIN SET, THENCE RUNNING S 09 51 05 E, A DISTANCE OF 148.57' TO AN IRON PIN SET, THENCE RUNNING S 08 43 00 E A DISTANCE OF 188.47' TO AN IRON PIN FOUND, THENCE RUNNING S 23 58 55 W A DISTANCE OF 157.24' TO AN IRON PIN SET, THENCE RUNNING S 00 50 25 W A DISTANCE OF 102.46' TO AN IRON PIN FOUND, THENCE RUNNING S 36 37 57 W A DISTANCE OF 255.92' TO AN IRON PIN FOUND, THENCE RUNNING N 74 54 09 W A DISTANCE OF 97.50' TO AN IRON PIN FOUND ON THE EAST RW OF NEWGATE ROAD, THENCE CURVING TO THE LEFT

ALONG SAID R/W A CHORD BEARING OF N 10 06 19 E A CHORD DISTANCE OF 47.11' , BEING SUBTENDED BY AN ARC DISTANCE OF 47.15' TO A POINT, CONTINUING ALONG SAID R/W N 06 08 01 E A DISTANCE OF 54.99' TO A POINT, THENCE CURVING TO THE RIGHT ALONG SAID R/W A CHORD BEARING OF N 13 27 34 E A CHORD DISTANCE OF 151.04' , BEING SUBTENDED BY AN ARC DISTANCE OF 151.45' TO A POINT, CONTINUING ALONG SAID R/W N 20 47 06 E A DISTANCE OF 11.79' TO A POINT, THENCE CURVING TO THE RIGHT ALONG SAID R/W A CHORD BEARING OF N 45 37 30 E A CHORD DISTANCE OF 21.00', BEING SUBTENDED BY AN ARC DISTANCE OF 21.67' TO A POINT, CONTINUING ALONG SAID R/W CURVING TO THE LEFT A CHORD BEARING OF N 69 21 36 W A CHORD DISTANCE OF 77.51' , BEING SUBTENDED BY AN ARC DISTANCE OF 292.72' TO A POINT, CONTINUING ALONG SAID R/W CURVING TO THE RIGHT A CHORD BEARING OF S 04 03 18 E A CHORD DISTANCE OF 21.00' , BEING SUBTENDED BY AN ARC DISTANCE OF 21.67' TO A POINT, THENCE CONTINUING ALONG SAID R/W S 20 47 06 W, A DISTANCE OF 11.79' TO A POINT, THENCE CURVING TO THE LEFT ALONG SAID R/W A CHORD BEARING OF S 15 57 55 W A CHORD DISTANCE OF 109.66' , BEING SUBTENDED BY AN ARC DISTANCE OF 109.79' TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 5.62 ACRES.

- (b) This tract is illustrated on the Boundary Survey prepared by Delta Surveyors, Inc. (dated April 20, 2010), a copy of which is attached hereto as Exhibit "A" and incorporated herein by express reference.
- (c) It is intended that the GR-18-17 zoning designation be established for the property specifically for the development of a ninety-six (96) 400-unit apartment complex for senior adults and that age restrictions be placed on the property to accommodate residents 62 years of age and older.
- (d) Development shall take place substantially in conformance with the schematic master plan prepared by Foley Design Associates Architects, Inc. (last revised May 18, 2010) for "Kedron Senior Residences," a copy of which is attached as Exhibit "B". It is understood the building layout, internal circulation, parking areas and stormwater detention areas may change once detailed site and grading plans are prepared; however, any increase in the total number of residential units or any modification to the conditions and requirements of this section shall require a new rezoning action.

(Section 1004A.2.1)      *Permitted uses.*

1. No more than ninety-six (96) apartments, all but two of which shall be age-restricted in accordance with Paragraph 1004A.2.3(13) below, within the

overall development. Two (2) non-revenue producing units for on-site property management will not be age restricted, and occupancy of those units shall be restricted to employees serving the property.

2. Ancillary uses, such as, but not limited to, the uses set forth in Section 1004A.2.3(23), a beauty salon, barber shop, fitness studio or dining facility located wholly within the building.
3. Publicly owned building, facility or land.
4. Building, facility or land for the distribution of utility services.
5. Building, facility or land for non-commercial park, recreation or open space purposes solely for the use of the occupants, staff, and guests of the development.
6. Customary home occupations, as identified herein.
7. Accessory uses, as identified herein.

*(Section 1004A.2.2) Conditional uses.*

No conditional uses shall be permitted within this zoning district.

*(Section 1004A.2.3) Other requirements.*

1. Minimum floor area per dwelling unit:

- a. 1 Bedroom/ 1 Bath 725 SF
- b. 2 Bedroom/ 1 Bath 927 SF
- c. 2 Bedroom/ 2 Bath 992 SF

2. Minimum front building setback.

- a. Building: 40'
- b. Parking: 10'

3. Minimum side setback.

15'; provided that the building layout and separation is in accordance with current building and life safety codes and approved by the city's Building Official and Fire Marshal.

4. Minimum rear setback.

20'; provided that the building layout and separation is in accordance with

current building and life safety codes and approved by the city's Building Official and Fire Marshal.

5. Maximum building height.

Each building shall be no more than three (3) stories in height and shall not exceed 48 feet in height from finish grade to the ridge line or the tallest portion of the roof. The building height shall be reviewed and approved by the Building Official and Fire Marshal as a part of the site plan approval process.

6. Building architecture, exterior materials and color selection shall follow the City's design guidelines ordinance.

7. A minimum of one (1) parking space shall be provided for each residential unit within the development. The parking area shall be designed in accordance with city specifications. Vehicular parking spaces shall measure no less than 9' x 18' and golf cart parking spaces shall measure no less than 6' x 10'. It is understood the parking areas for residents will be enclosed with a security fence with electronic security gates.

Dumpsters, loading and service areas shall not be located within any building setback areas and shall be properly screened from view in accordance with city ordinances.

8. Multi-use path connections.

The Applicant shall coordinate with City Staff to determine the location of a multi-use path connection from this development to the existing multi-use path on Newgate Road and shall be responsible for designing and constructing this multi-use path connection at no cost to the city.

79. The maintenance of all internal parks, landscaped areas and signage shall be the sole responsibility of the Developer; provided, however, that in the event a community association is formed for the development, such community association may assume responsibility for this requirement; and provided further, that if Developer dedicates property to the City, the City shall be responsible for such maintenance upon acceptance of the dedication.

810. The Developer shall coordinate with the Fayette County Water Department and the Peachtree City Fire Department to ensure that its project is served by appropriately sized water lines.

911. Any development on the Subject Property shall comply with the city's post-

construction stormwater runoff management ordinance and provide water quality Best Management Practices (BMP's) on greenbelt areas dedicated to the city, if any.

4012. The location of any floodplain on the Subject Property shall be field located and surveyed prior to preparation of the engineering drawings. No development or land-disturbing activity shall be permitted within the floodplain, except as otherwise permitted by law.
4413. The Developer shall coordinate with the Peachtree City Building, Fire and Police Departments to ensure their understanding of the proposed development, internal circulation routes, emergency response, building design and life safety issues.
4214. The Developer shall pay impact fees as identified within the City's Impact Fee Ordinance in effect at the time of permit application submittal.
4315. Except as provided in Section 1004A.2.1(1), the Subject Property and any residential units constructed thereon shall be restricted to housing for elderly persons as defined in 42 U.S.C. § 3607 (that being, persons 62 years of age or older). The Developer shall adhere to policies and procedures that demonstrate the intent required under this provision. In addition, the Developer, and its successors and assigns, shall comply with rules issued by the Secretary of the United States Department of Housing and Urban Development and/or the Georgia Department of Community Affairs for verification of occupancy.
4416. The Developer shall notify the City of any changes in ownership or management of the Subject Property or the development located thereon.
4517. The Developer shall work with City Staff and the Fire Marshal to identify a suitable location for the security gates with the intent being to move the gates as far into the property, and away from any city right-of-way, as possible. At no time shall the entire development be gated such that vehicular traffic is completely restricted; provided, however, that parking for residents shall be secured.
- a) For purposes of this condition, "accessible," shall mean not restricted by a vehicular or pedestrian gate system. "Secured," shall mean that ingress and egress is restricted via the use of fences and gates. "Controlled," shall mean that ingress and egress will be limited via the use of manual locks, magnetic locks, call boxes, card readers, security cameras, and/or similar devices. The use of said devices to control access through doorways shall be at the discretion of the Developer.
- b) At least one (1) entrance to any Building located upon the Subject Property, to be identified as the main public entrance, shall be accessible by vehicles and pedestrians. Access to the main public entrance shall be controlled. The Developer shall provide visitor and employee parking in

the vicinity of the main public entrance. Visitor and employee parking shall be for the use of the employees, visitors and potential residents. A section of the parking to be identified as resident parking shall be for the use of the residents and their visitors only. The resident parking shall be controlled and secured. Sections of any building upon the Subject Property in the vicinity of the resident parking shall be controlled and secured.

- 4618. The Developer shall provide covered parking for golf carts on the property.
- 4719. The final site plan and architectural plans shall ensure that all mechanical units are properly screened from view from adjacent properties.
- 4820. The landscape plan for the Subject Property shall be reviewed and approved in accordance with the City's landscape ordinance.
- ~~19. The Developer shall work with City Staff to determine the location of the access to the existing golf cart path on Newgate Road. This shall include reviewing a proposed new path connection to provide expeditious access into commercial property adjacent to the Subject Property. The path shall be designed and constructed by the Developer at no expense of the City.~~
- 2021. The Developer shall prepare an annual audit report as required by the State of Georgia Department of Community Affairs to prove compliance with the requirements of Paragraph Fifteen (15) of this Agreement. A copy of the annual audit report shall be provided to the City Manager.
- 2422. Parking lot lighting shall be limited to decorative (post-top) fixtures and outdoor lighting shall be located and oriented such that adjacent properties and roadways are not adversely affected and such that no direct light is cast upon adjacent properties and roadways. The mounting height of outdoor lighting fixtures shall be limited to twenty feet (20'); provided, however, that wall-mounted light fixtures may be mounted higher than twenty feet (20'). The following types of lighting shall not be permitted: cobra-head, shoe-box, or pole-mounted flood lights.
- 2223. All signs erected on the property shall comply with the City sign ordinance in effect at the time of application for permits for such signs.
- 2324. The Developer shall provide the following amenities on the Subject Property: community room, fitness center, game room, hair salon, Picnic area with grill and covered pavilion, community gardening center with planter beds, and golf cart spaces and recharging stations. Such amenities shall be provided for at least fifteen (15) years after the issuance of the last Certificate of Occupancy for any structure located thereon; provided, however, that the Developer shall have the discretion to replace or substitute these amenities with other amenities in order to adjust the needs of the tenants and to compete with similar residential communities.

~~24. Parking shall be provided in accordance with the City's Zoning Ordinance and Landscape Development Ordinance.~~

**Section 2.** All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

**Section 3.** Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

**Section 4.** This ordinance shall be in full force and effect upon its official adoption by the City Council.

This 3rd day of March 2011.

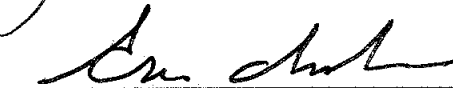


Don Haddix, Mayor









Attest:

  
City Clerk