

RECOMMENDED CONDITIONS

Z-19-1243517

Rezone from R-75 (Residential Medium Lot) to R-60 (Residential Small Lot-60)

October 28, 2019

1. The development shall contain no more than 49 single-family lots.
2. A 20-foot “tree save” buffer shall be established along the east, west, and south borders of the property. Trees in the buffer shall be preserved except trees that are found to be diseased or insect infested by the county extension service, the state forestry commission, a certified arborist, or the county arborist. Where existing trees in the tree save buffers are sparse, they shall be supplemented by evergreen trees and understory trees to create a landscape screen, subject to approval by the County Arborist.
3. To ensure continued preservation of the tree save buffer after properties are sold and re-sold, titles to individual lots on the perimeter of the east, west, and south borders of the property shall contain a transcript of Condition No. 2.
4. Trees located in the rear yards of lots 32-41 and 42-49 shall be preserved as shown on the site plan titled, “Village at Kelly Lake”, prepared by Land Solution Associates, LLC and dated 10-1-19, except trees that are found to be diseased or insect infested by the county extension service, the state forestry commission, a certified arborist, or the county arborist.
5. To ensure continued preservation of the trees in rear yards of lots 32-41 and 42-49 after properties are sold and re-sold, titles to these lots shall contain a transcript of Condition No. 4.
6. Any perimeter wall or fence shall be located on the interior side of the 20-foot tree save buffer. “Interior side” means the side closest to the proposed development.
7. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

8. There shall be a mandatory homeowner's association ("HOA") with automatic membership for all homeowners and their successors.

9. At no time shall more than 35% of the homes located within the subdivision be rental units. Additionally, the leasing of non-owner occupied units for short term rentals of less than six months shall be strictly prohibited. The rental restrictions shall be detailed in the Declaration of Restrictive Covenants recorded for the community, a copy of which shall be delivered to DeKalb County simultaneously with the recording of the Final Subdivision Plat.