

# Offering Memorandum

## 155± Acre Site at Red Top Mountain Interchange

### with 1 Mile of Frontage on I-75



McWhirter



I-75 & Red Top Mountain Road  
City of Emerson, GA 30121  
Bartow County



## Presented by:

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www.mcwrealty.com



## Confidentiality Agreement & Disclaimer

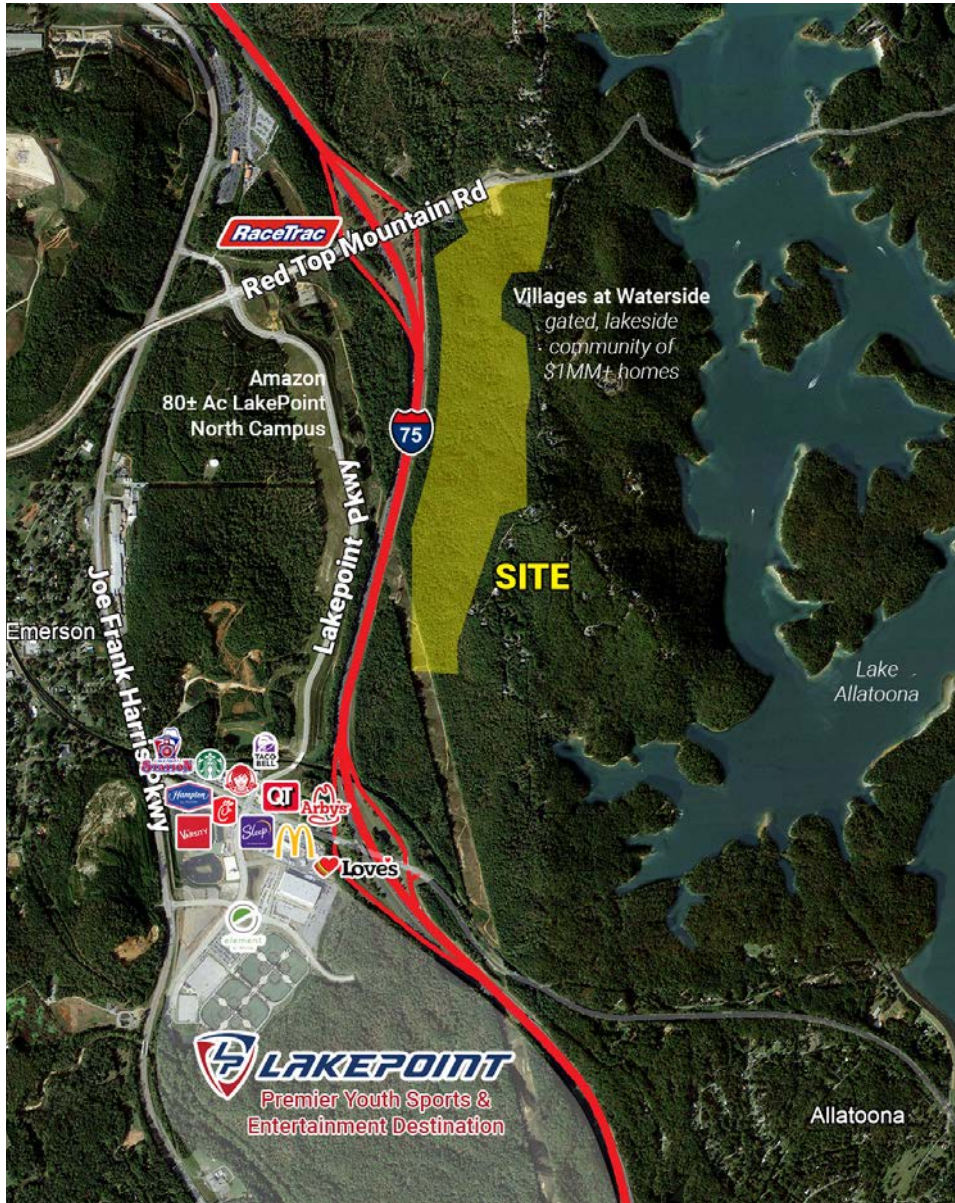
This is a confidential Memorandum intended solely for your limited use and benefit in determining whether you desire to express further interest in the acquisition of the Property. By receipt of this Memorandum, you agree that this Memorandum and its contents are of a confidential nature, that you will hold and treat it in the strictest confidence and that you will not disclose this Memorandum or any of its contents to any other entity without the prior written authorization of the Owner or McWhirter Realty Partners, LLC ("MRP"). You also agree that you will not use this Memorandum or any of its contents in any manner detrimental to the interest of the Owner or MRP.

This Memorandum contains selected information pertaining to the Property and does not purport to be a representation of the state of affairs of the Property or the owner of the Property (the "Owner"), to be all-inclusive or to contain all or part of the information which prospective investors may require to evaluate a purchase of real property. All financial projections and information are provided for general reference purposes only and are based on assumptions relating to the general economy, market conditions, competition and other factors beyond the control of the Owner or MRP. Therefore, all projections, assumptions, estimates, and other information provided and made herein are subject to material variation. All references to acreages, square footages, and other measurements are approximate. Additional information and an opportunity to inspect the Property will be made available to interested and qualified prospective purchasers. Certain documents within this Memorandum are described in summary form. These summaries do not purport to be complete nor necessarily accurate descriptions of the full agreements referenced. Interested parties are expected to review all such summaries and other documents of whatever nature independently and not rely on the contents of this Memorandum.

Neither the Owner or MRP, nor any of their respective directors, officers, affiliates, or representatives make any representation or warranty, express or implied, as to the accuracy or completeness of this Memorandum or any of its contents, and no legal commitment or obligation shall arise by reason of your receipt of this Memorandum or use of its contents, and you are to rely solely on your investigations and inspection of the Property in evaluating a possible purchase of the real property.

The Owner expressly reserves the right, at its sole discretion, to reject any or all expressions of interest or offers to purchase the Property, and/or to terminate discussions with any entity at any time with or without notice which may arise as a result of review of this Memorandum. The Owner nor MRP shall have no legal commitment or obligation to any entity reviewing this Memorandum or making an offer to purchase the Property unless and until written agreement(s) for the purchase of the Property have been fully executed, delivered and approved by the Owner and any conditions to the Owner's obligations therein have been satisfied or waived.

The information within this Memorandum has been obtained from sources believed reliable. While we do not doubt its accuracy, we have not verified it and make no guarantee, warranty, or representation about it. Any assumptions, estimates, projections, or opinions used are for example only and do not represent the current or future performance of the property. You and your advisors should conduct a careful, independent investigation of the property to determine to your satisfaction the suitability of the property for your needs.



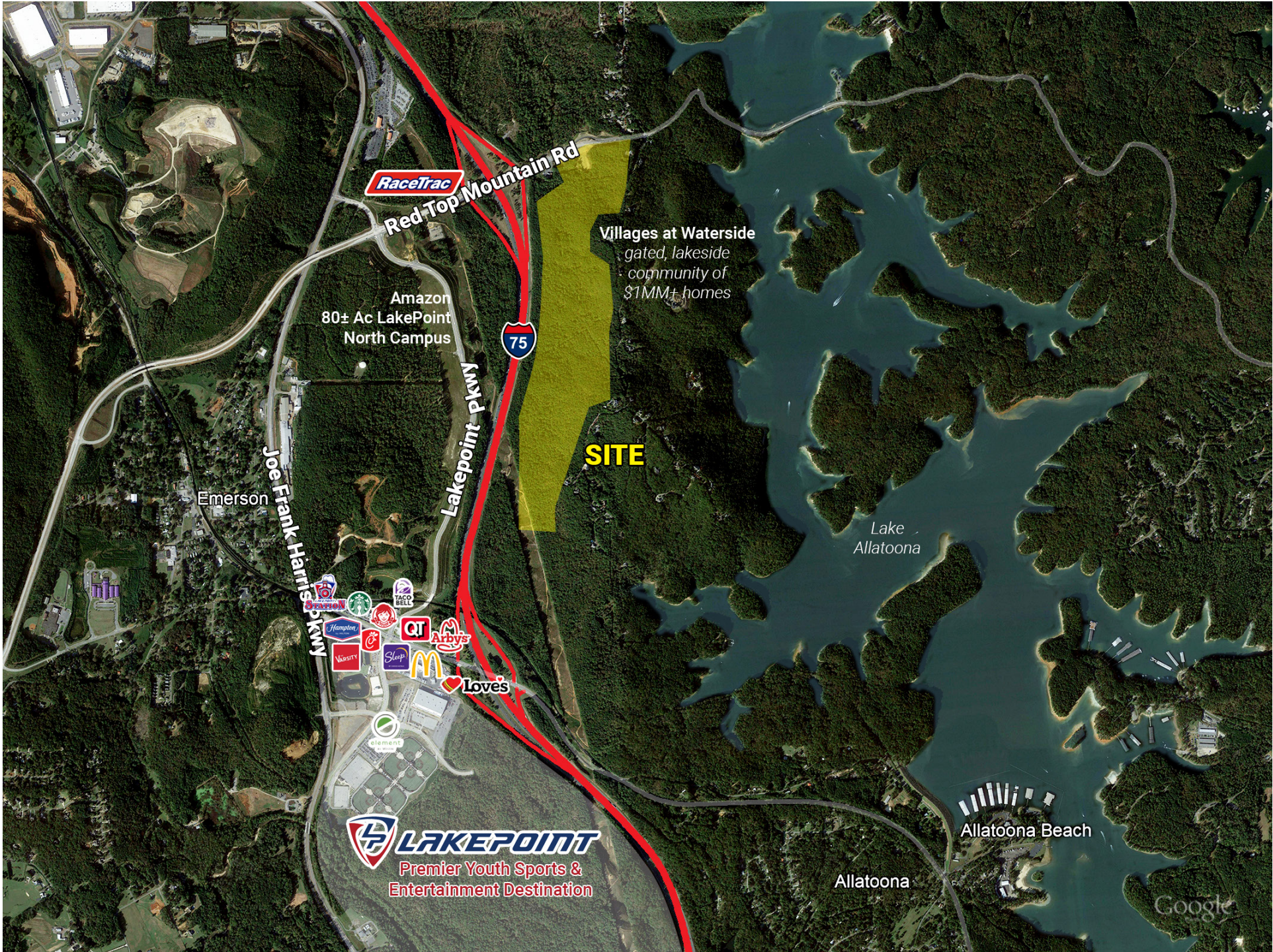
# 155± AC Mixed-Use Planned Development Opportunity

I-75 & Red Top Mountain Road  
 City of Emerson, GA 30121

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## Property Summary

McWhirter Realty Partners is pleased to offer for sale this 155± acre property in Emerson, Georgia, situated adjacent to both the Villages at Waterside, a gated residential community, and to LakePoint Sports, a 1,300± ac premier sports complex with 2 million visitors annually.

The site is zoned MU, Mixed-Use Development. The Mixed-Use zoning category is a floating zone which is established for the purpose of providing a compatible mixture of commercial, employment, residential, recreational, civic, and/or cultural uses, which are planned and developed as a project. Permitted uses include single family and multi family and neighborhood, and community retail commercial. Conditional uses may include many other uses such as office, hotel, religious, storage, and senior living facilities. See the master plan on file with the City of Emerson, on page 6.

## Location / Area

The 155± acre site is located in the City of Emerson at the main I-75 interchange that serves Lake Allatoona and Red Top Mountain State Park. The property is a short drive (10± minutes) to Historic Downtown Cartersville and a 28± minute drive to Midtown/Buckhead Atlanta.

Emerson, GA and the subject site are located 30± miles northwest of Atlanta on the "I-75 Power Alley Corridor". The I-75 Power Alley Corridor is home to the Georgia State University Stadium at Summerhill in Atlanta, the Atlanta Falcons at Mercedes Benz Stadium, the Atlanta Hawks at State Farm Arena, Georgia Tech at Grant Field, the Atlanta Braves at The Battery/Truist Park, the Atlanta United headquarters and training facility in Marietta, and Kennesaw State University Stadium in Kennesaw. Other sports and entertainment venues in the I-75 Power Alley include the Atlanta Dream women's basketball, Atlanta Blaze lacrosse, as well as the 1,300± ac LakePoint sporting community, adjacent to the subject site.

Bartow County is home to significant industries including Anheuser Busch, Shaw, Toyo Tires, Piedmont Hospital, Georgia Power, Komatsu, Chick Fil A, and Amazon. Hyundai/SK and the Seoul-based solar company Hanwha QCells are slated to be added to the list over the next few years, bringing over 5,500± jobs to the market.

## Access / Frontage

The site has excellent visibility from I-75, with an estimated traffic count of 91,297 cars per day.

## Utilities

Water and Sewer are provided in the City of Emerson delivery area and accessed on Red Top Mountain Road. Utilities are subject to independent verification.

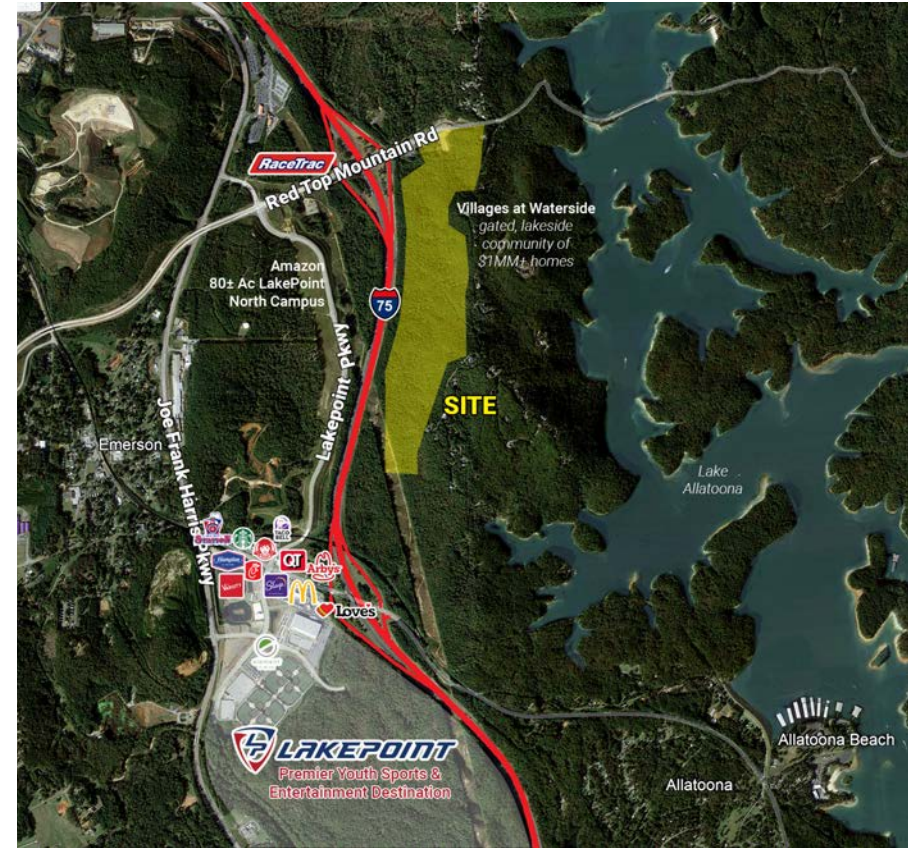
## Zoning / Future Land Use

The property is zoned MU, Mixed Use Development, and allows for various uses including: multi-family, office, hotel, restaurant, and other uses. See zoning ordinance on page 10.

The master plan on file with the City of Emerson, on page 6, contemplates a mix of retail, hotel, office, and 546 multi family units.

## Price

The Property is being offered at \$10,725,000 (\$69,193/ac).



## Area Demographics

Population	2-mile	10-mile	20-mile
2028 Projection	1,305	236,142	989,701
2023 Estimate	1,265	224,561	943,233
2020 Census	1,237	217,216	914,992
Growth 2023-2028	3.16%	5.16%	4.93%
Growth 2020-2023	2.26%	3.38%	3.09%
Income	2-mile	10-mile	20-mile
2023 Avg Household Income	\$97,507	\$104,172	\$116,338
2023 Med Household Income	\$64,581	\$81,648	\$88,170

Source: Claritas

# Master Plan on File with City of Emerson



KEY LEGEND					
1	CONVENIENCE STORE	+/- 2.35 ACRES	8	MULTI-FAMILY (305 TOTAL UNITS)	+/- 28.20 ACRES
2	HOTEL (90 ROOMS, +/- 95 PARKING SPACES)	+/- 2.43 ACRES	9	PHASE II DUAL-BRANDED HOTEL (+/- 350 ROOMS, +/- 500 PARKING SPACES)	+/- 8.75 ACRES
3	RETAIL / RESTAURANT (12,000 TOTAL SF)	+/- 5.91 ACRES	10	PHASE II OFFICES (150,000 SF)	+/- 10.35 ACRES
4	MULTI-FAMILY (241 TOTAL UNITS)	+/- 16.34 ACRES	11	PHASE II OFFICES (150,000 SF)	+/- 8.38 ACRES
5	OFFICE (30,000 SF)	+/- 3.80 ACRES	12	PHASE II OFFICES (150,000 SF)	+/- 8.61 ACRES
6	MEDICAL OFFICE (90,000 TOTAL SF)	+/- 6.63 ACRES			
7	OFFICE (150,000 SF)	+/- 7.17 ACRES			

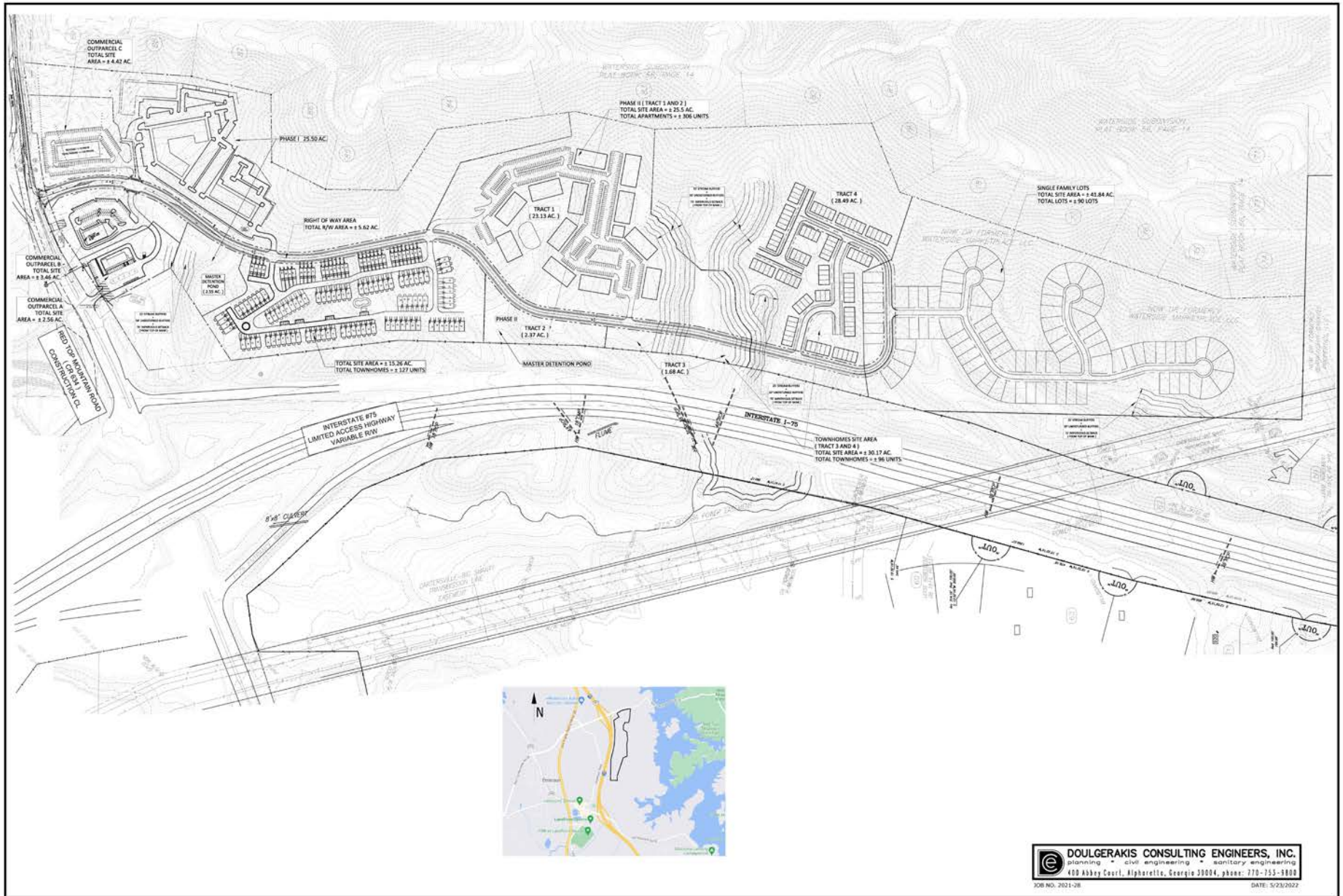


Cartersville, GA  
August 13, 2020

MASTER PLAN - PARCEL LAYOUT



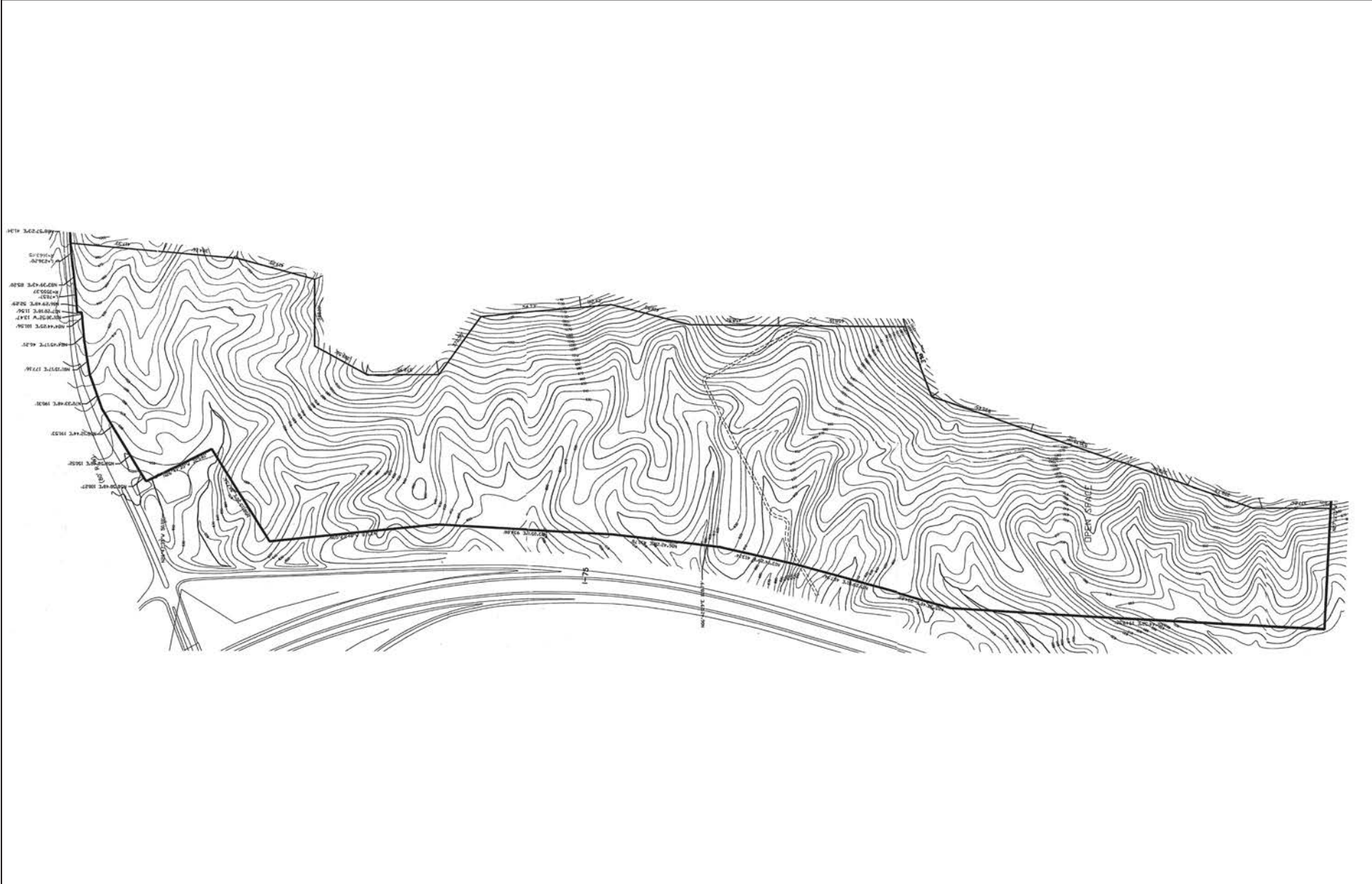
# Residential Concept Plan







# Property Topography





# City of Emerson

Chartered 1889

September 24, 2015

Chris McShane  
Managing Director Strategic Land Group  
Site Services Group, LLC  
1946 Monroe Drive NE  
Atlanta, GA. 30324

Dear Mr. McShane:

The information below is provided in response to your request for zoning verification and availability of utilities on September 23, 2015.

The property identified as parcel E010-0001-002 on Bartow County Tax Assessor Maps is currently zoned as Mixed Use (MU) as defined by the City of Emerson Zoning Ordinance.

The property is entirely contained within the City of Emerson Water and Sewer service delivery area. According to an as-built survey prepared for the City of Emerson by Moreland Altobelli Associates, Inc. on March 15, 2007 there is access to sewer on the north portion of the property adjacent to Red Top Mountain Road. Water is also available to the property.

For more information on City of Emerson Zoning please visit <http://www.emersoncityhall.com> under documents and download a copy of the latest Zoning Ordinance.

If you have any further questions or concerns, please do not hesitate to contact me at (770) 382-9819.

Sincerely,

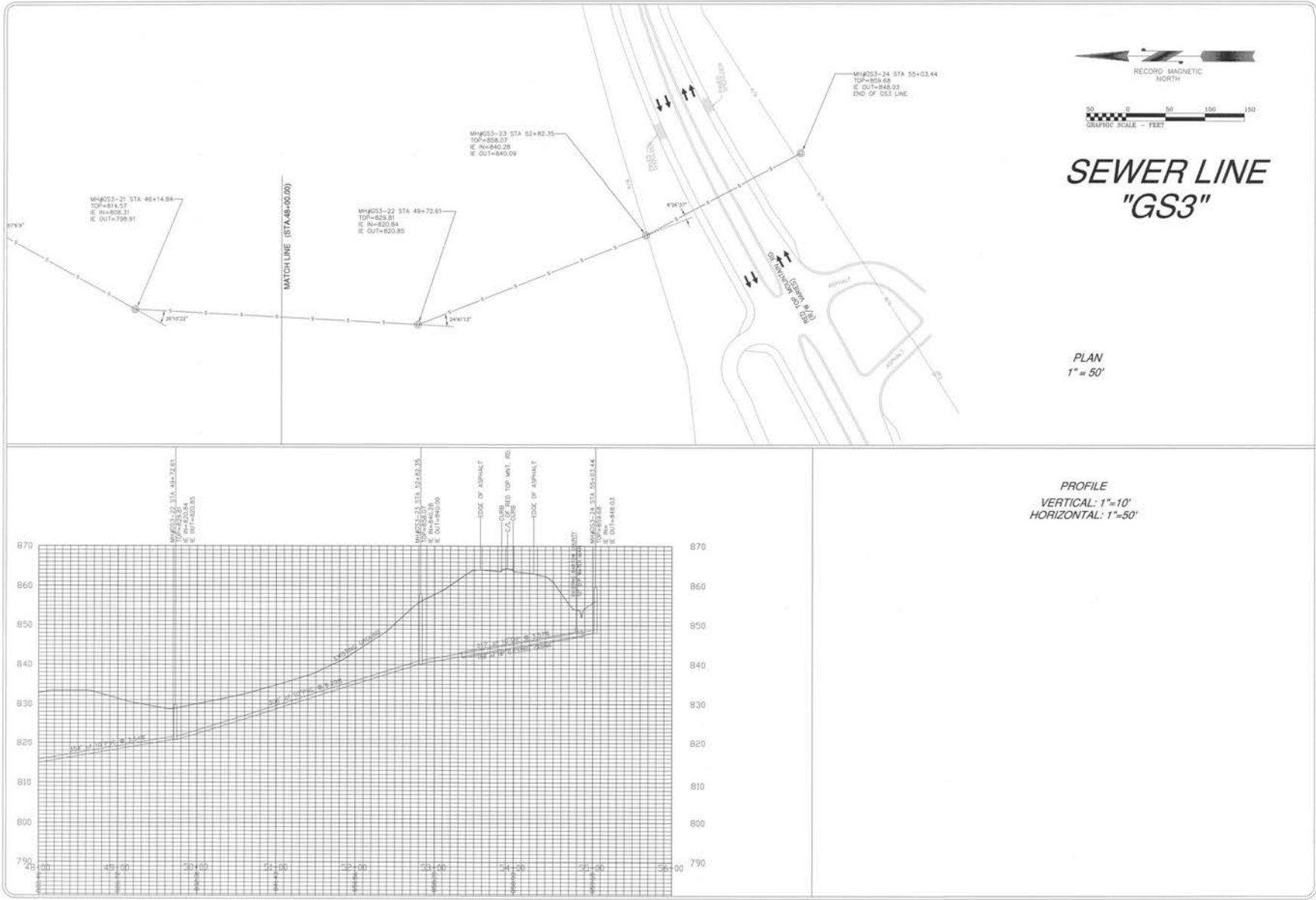


Todd Heath,  
Asst. City Manager

Post Office Box 300 • Emerson, Georgia 30137  
Phone (770) 382-9819 • Fax (770) 606-1731



# Sewer Diagram



**Moreland Altobelli Associates, Inc.**  
Engineering • Planning • Landscape Architecture • Land Acquisition • Surveying  
915 Interstate Ridge Drive, Suite "F"  
Gainesville, Georgia 30501  
PHONE: (770) 532-4001 FAX: (770) 532-4025

**CITY OF EMERSON**  
RED TOP SEWER PROJECT  
SANITARY SEWER LINES  
EMERSON, GEORGIA

ASBURY SURVEY FOR

**SHEET 4**  
of  
**4 SHEETS**

GRAPHIC SCALE - FEET

RECORD MAGNETIC NORTH

DATE: 1-3-07  
DRAWN BY: MC  
CHECKED BY: DLB  
DWG NO.: DR0206





View of LakePoint's South Campus looking Northward across I-75





View of LakePoint's North Campus looking Westward across I-75 from property.

**SITE**



VINEYARD MOUNTAIN

Villages at Waterside  
\$1MM+ homes

**SITE**

View of Vineyard Mountain looking Northward







## Proximity Map of Other Markets to I-285

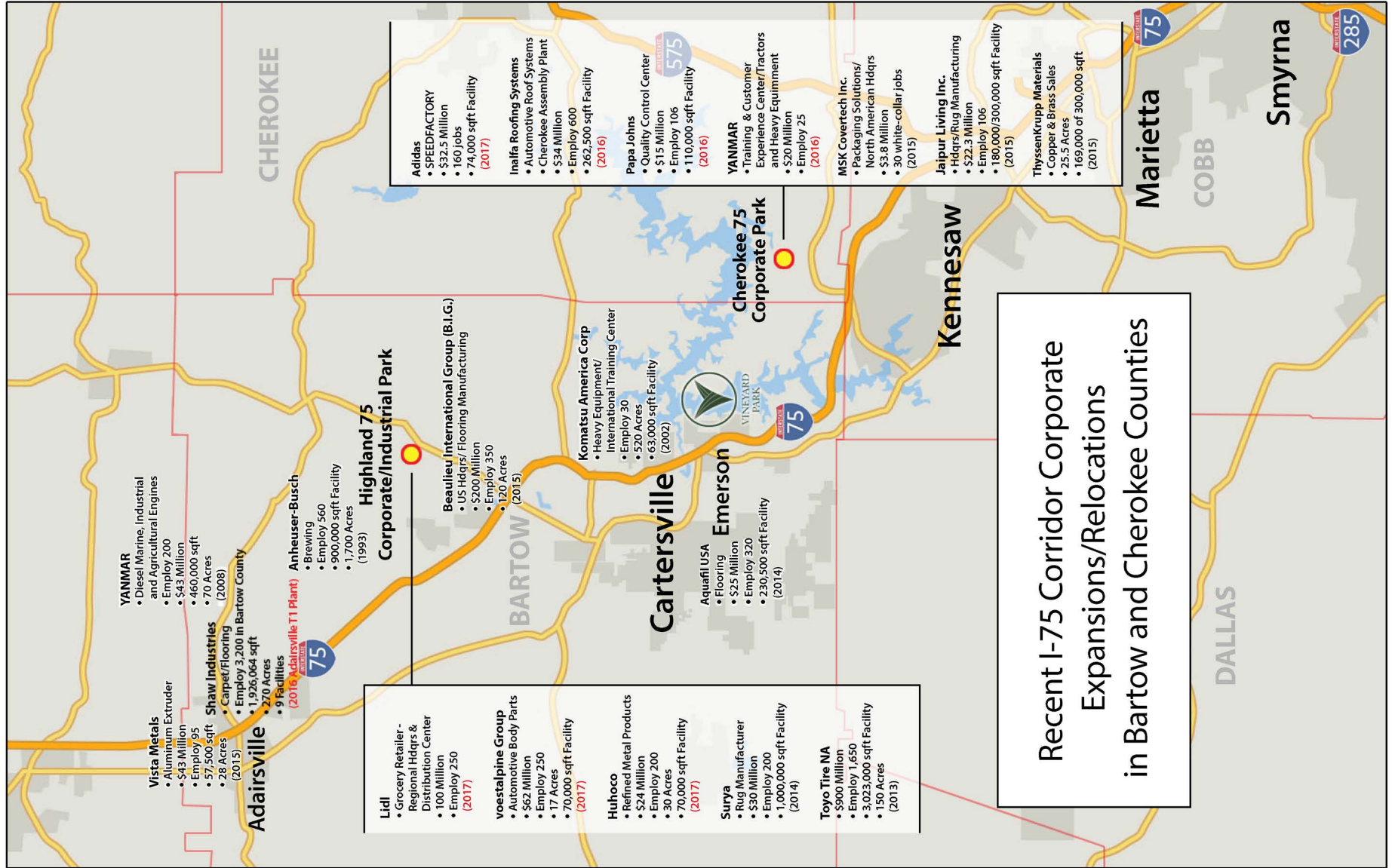
AT THE NEXUS OF THE I-75 POWER ALLEY AND THE RED TOP MOUNTAIN ROAD SPORTS, RECREATION, ENTERTAINMENT AND RESIDENTIAL CORRIDOR.

The I-75 Power Alley is a 35 mile stretch of Interstate 75, running from LakePoint Sporting Community to the north, down past the new Atlanta Braves SunTrust Park Stadium and the adjacent Battery Atlanta mixed-use development at I-75 and I-285, and on to Mercedes Benz Stadium and State Farm Arena to the south.





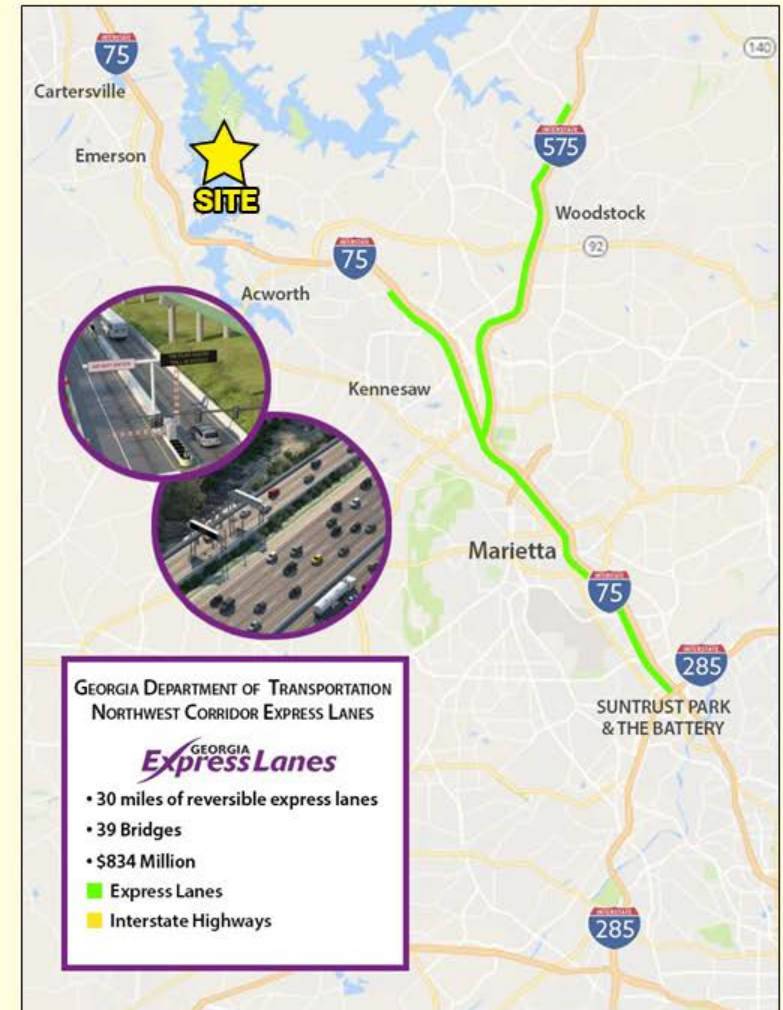
## Recent I-75 Corridor Corporate Expansions/Relocations in Bartow and Cherokee Counties





## EMERSON - LAKEPOINT OFFERS ADVENTURE WITH QUICK BIG CITY ACCESS

Georgia Department of Transportation recently opened its \$833 million Northwest Managed Lanes, which change directional traffic flow to ease congestion during peak times on northern sections of I-75.





## Zoning Ordinance

### ORDINANCE NO. 2021-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EMERSON, FOR CITY PURPOSES, AMENDING THE ZONING ORDINANCE OF THE CITY OF EMERSON; PROVIDING FOR CONDITIONAL USES; AMENDING PERMITTED USES; PROVIDING FOR RELATED REGULATIONS AND PROCEDURES; AND FOR OTHER PURPOSES ADOPTED AT THE REGULAR CITY COUNCIL MEETING HELD ON AUGUST 9, 2021.

**WHEREAS**, the City of Emerson adopted and amended from time to time the Zoning Ordinance of the City of Emerson; and

**WHEREAS**, the Zoning Ordinance is in need of modification and amendment to modify Sec. 8.69, MU, Mixed Use Development district; and

**WHEREAS**, it is the intent of this amendment to serve the public health, safety and welfare; and

**WHEREAS**, the City has determined that it is in the best interests of the public health, safety and welfare to adopt the proposed amendments, and the proposed amendments having been presented to the Emerson Planning Commission and for a first reading to the City Council and duly advertised pursuant to the Zoning Procedures Law;

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF EMERSON AS FOLLOWS**, that the Zoning Ordinance of the City of Emerson is hereby amended as follows:

#### SECTION I

##### REPEAL AND REENACTMENT OF SECTION 8.69. MU, MIXED USE DEVELOPMENT OF THE ZONING ORDINANCE

Section 8.69, MU, Mixed Use Development of the Zoning Ordinance of the City of Emerson, regulating land use and establishing minimum standards contained solely in section 8.69, is hereby repealed in its entirety, and a new section 8.69 is adopted in lieu thereof, to read in its entirety as follows:

##### “Sec. 8.69. MU, Mixed Use Development.

###### Purpose.

The mixed use zoning category is a floating zone which is established for the purpose of providing a compatible mixture of commercial, employment, residential, recreational, civic, and/or cultural uses which are planned and developed as a project. A mixed use development should complement surrounding areas. Among the goals of the mixed use zoning category are the following:

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1. Encourage residential uses in conjunction with commercial activities in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic;
2. Provide opportunities for horizontal and vertical mixed-use developments by permitting existing and planned commercial zones to be combined into unified development sites;
3. Encourage compatibility between residential and commercial uses in areas where residential zones directly abut commercial zones, by permitting greater design flexibility across the existing boundaries of the two zones;
4. Ensure that the appearance and effects of buildings and uses are harmonious with the character (topography, economy, society) of the area in which they are located.
5. Encourage the development of large tracts of land as planned communities.

###### Effect and procedure.

A preliminary master site plan of the mixed use development shall be submitted to the zoning administrator at the time of filing for rezoning to the Mixed Use (MU) zoning district. The preliminary master site plan shall contain a list of the proposed uses. Any use not specifically designated as a permitted use shall be prohibited. The plan shall represent an overall land use concept which is in keeping with the spirit and intent of the district as described in this article. Said plan shall be prepared by an architect, landscape architect, engineer, or land surveyor whose state registration is current and valid and the plan shall exhibit such seal or other to validate such. The plan shall become a condition of the rezoning and any variations to said plan after rezoning approval that would increase the area or type of a specific land use proposed in the plan shall require approval of the mayor and city council.

###### Permitted uses.

1. Uses permitted under R (single-family residential).
2. Uses permitted under C-1 (neighborhood retail commercial).
3. Uses permitted under C-2 (community retail commercial).
4. Uses permitted under RM-6 (multifamily residential).
5. Uses permitted under RM-12 (multifamily residential).
6. Uses permitted under RC (residential conservation planned unit development).

###### Conditional uses permitted by mayor and city council.

1. Bed and breakfast, provided:
  - a) The facility is operated by the resident-owner with a maximum of five guestrooms rented for a daily or weekly fee, which use is subordinate and incidental to the primary residence.
  - b) The structure shall contain 2,000 square feet or more of gross heated floor area.

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## Zoning Ordinance - Continued

- c) No freestanding signs are permitted. All signage must be attached to the structure used for the bed and breakfast house and not exceed six square feet and be indirectly illuminated.
  - d) The exterior appearance of the structure shall not be altered from its single-family character, and, if changes are made, the changes must be approved by mayor and city council.
  - e) All bed and breakfast houses must meet all applicable health and safety codes.
  - f) Maximum length of stay shall not exceed 14 days.
  - g) A minimum of one parking space per rental room is provided in addition to those required for the resident.
2. Religious institutions, including all accessory uses, including, but not limited to, child care centers, provided:
- a) Minimum lot size is five acres.
  - b) Accessory schools and cemeteries are permissible provided an additional three acres is provided in addition to the five-acre church requirement.
  - c) All parking areas shall include a 30-foot landscaped buffer when abutting any property used for single-family residential purposes.
  - d) Minimum parking space of one space per three fixed seats or one space per 50 square feet of largest assembly room for those without fixed seating.
3. Special event home, provided:
- a) Establishment must be on a minimum of a two-acre site.
  - b) A maximum of 3,000 square feet may be dedicated to the reception floor area.
  - c) Trash receptacles must be located in a rear or side yard and shall be screened on all sides. Garbage shall be collected only during the daytime hours of 9:00 a.m. and 5:00 p.m.
  - d) All applicants shall comply with the City of Emerson noise ordinance.
  - e) Capacity of the special events home will be limited to 300 persons.
  - f) The commercial operations of the facility shall not operate between 12:00 a.m. and 9:00 a.m.
  - g) Facility should only be located in appropriate areas of the city and not have a negative impact on surrounding properties.
  - h) If the facility ceases to operate as a special events home for a period of six consecutive months, the property shall lose its approval as a special events home.
  - i) Minimum parking of one space per three fixed seats or one space per 50 square feet of largest assembly room for those without fixed seating.

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- 4. Telecommunication towers and antennas - See standards in article 7, division 1.
- 5. Construction contractors' offices (including but not limited to building, heating, plumbing and electrical) and related activities provided the following conditions are met:
  - a) The use must provide for the main office of the contracting company.
  - b) A maximum of 50 percent of the net floor area will be set aside for storage of equipment and materials and the fabrication of and assembly of said materials.
  - c) There shall be no outdoor storage of materials, supplies, equipment, or construction vehicles. Construction vehicles means any vehicles whose primary purpose is use in land development including but not limited to earth-moving equipment, dump trucks, and bucket trucks.
- 6. Mixed use retail and limited manufacturing as produced by an artisan, as defined, provided the following conditions are met:
  - a) Items assembled or produced on-site as part of the manufacturing function must be offered for sale as part of the retail function;
  - b) No more than 50 percent of the floor area shall be used for manufacturing purposes;
  - c) In as much as the manufacturing component of the business entity is considered a secondary use, it should be situated in such a way as not intrude on the retail activities. Furthermore, public access to the manufacturing component shall only be permitted through the retail portion of the business entity;
  - d) All signage associated with the business entity shall only advertise the retail component;
  - e) Outdoor mechanical equipment associated with the manufacturing component of the business entity shall be screened from public view with lattice-work or some other similar screening material;
  - f) When located adjacent to an R-District, such use shall restrict its hours to 6:00 a.m. to 10:00 p.m. In addition, the building shall be designed so that no wall openings face the R-District;
  - g) Parking requirements shall be met for both retail and manufacturing functions.
- 7. Residential lofts provided the following conditions are met:
  - a) Maximum density of five units per acre.
  - b) Residential units shall be located only on the second story (entry ways may be accessed from the ground level).
  - c) Minimum parking of one space per unit.
- 8. Extended stay facilities - See standards in section 8.91.

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## Zoning Ordinance - Continued

9. Mini warehouses and self-storage facilities.
  - a) Minimum parking of one space per 40 storage units.
10. Shopping centers (over 400,000 square feet in gross floor area, excluding out parcels).
  - a) All businesses and uses within these centers must be permissible within the district in their own right (and remain subject to any relevant distancing requirements) except dry cleaning plants utilizing petrochemicals.
  - b) All loading areas shall be located to the rear.
  - c) The shopping center must allow for vehicular and pedestrian interconnectivity with the neighboring properties and out parcels, where the topography difference is less than a two to one slope.
  - d) Such use shall be located at least 750 feet from residentially zoned property.
  - e) Such use may not be established within 1,000 feet of any other shelter for the homeless.
11. RV Parks - See standards in article 7, division 10.
12. Garage sales, provided:
  - a) Limited to three consecutive days and one event every three months.
  - b) No consignment goods may be offered for sale.
  - c) Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
13. Guest homes, garage apartments and servant quarters, provided:
  - a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and ten feet from the principal building.
  - b) Such structure has 5,000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use.
  - c) No paying guests or tenants are housed.
  - d) No other similar use or structure is located on the lot.
  - e) The building's height and/or area do not exceed that of the principal building.
14. Golf courses and driving ranges, provided:
  - a) Any building or structure established in connection with such use must be set back no less than 100 feet from any property line,
  - b) Lighting shall be established in such a way that it shall not adversely affect neighboring properties.
  - c) Minimum parking of 2½ spaces per hole for golf courses and 0.75 spaces per tee for driving ranges.
  - d) Central loudspeakers are prohibited.
15. Group homes - See standards in section 8.89.

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16. Horses or noncommercial riding stables, provided they are kept on a lot not less than three acres, all buildings are set back 150 feet from all property lines, all horses are kept 50 feet from property lines and have 5,000 feet of fenced area.
17. Noncommercial clubs or lodges.
  - a) Minimum parking of one space per three fixed seats or one space per 50 square feet of largest assembly room for those without fixed seating.
18. Noncommercial horticulture and agriculture.
19. Personal care homes consisting of six or fewer individuals, inclusive of resident staff provided:
  - a) The principal structure contains a residential facade architecturally similar to adjacent buildings.
  - b) Such facilities obtain all necessary local and state licenses.
  - c) The use is limited to the principal structure only.
  - d) The maximum number of beds permitted shall be limited to one person per 250 gross square feet of heated floor space within the principal structure.
  - e) Minimum parking of one space per bedroom.

#### Use ratios.

Mixed use developments shall designate the type of mixed use planned as follows and must adhere to the type established:

1. Single-family (SF) mixed use: Detached and attached single-family residential structures shall be the dominant use, comprising the largest percentage of total building floor area.
2. Multifamily (MF) mixed use: Multifamily residential structure(s) shall be the dominant use, comprising the largest percentage of total building floor area.
3. Commercial mixed use: Commercial structures shall be the dominant use, comprising the largest percentage of total building floor area.

At a minimum each mixed use master site plan must incorporate two of the permitted uses and no one use shall be less than 15 percent of the total acreage of the entire development.

#### Bulk and area regulations.

Maximum lot coverage: 60 percent (one building); 75 percent (two or more buildings).

Minimum undisturbed area or replanted area for sites already cleared: 20 percent (excludes floodplains, stream buffers, and setback buffers).

Maximum building height: 75 feet.

Minimum lot width: 40 feet.

Front setback: 20 feet.

Side setback ten feet.

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## Zoning Ordinance - Continued

Rear setback: 15 feet.

Minimum floor area for apartment units:

550 square feet for efficiency unit.

650 square feet for one-bedroom unit.

900 square feet for two-bedroom unit.

1,100 square feet for three-bedroom unit.

Minimum floor area for single-family detached, townhomes, condominiums: 1,200 square feet.

Floor area ratios: At least 25 percent of apartment units must be 900 square feet or above.

Up to 25 percent of multifamily units may be 600 square feet or less.

Minimum parking required:

Single Family Residential and Townhomes: two spaces per unit.

Multifamily: two spaces per unit and one visitor space per five units.

Commercial: one space per 300 square feet.

Landscape and buffer requirements.

In general, the areas between the public rights-of-way and parking facilities or buildings shall be landscaped with deciduous trees and planter boxes or beds. The following additional landscape stipulations shall be required for mixed-use developments.

1. In order to reduce problems associated with runoff and water supply contamination, innovative stormwater management techniques shall be used in all mixed use district developments. This could include porous pavement and/or perforated brick or block, ground swales, reconstructed wetlands, depressions, etc. In no instance shall a retention pond be constructed as the sole means of controlling stormwater.
2. All off-street parking areas shall be set back a minimum of 15 feet from all other property lines, and at least ten feet from any public right-of-way.
3. A buffer between a mixed use development and any surrounding residential developments shall be provided in the form of a minimum ten-foot-wide, ten-foot-tall landscaped area that includes native species trees, shrubs, flowers, and grasses.
4. Pedestrian pathways and sidewalks shall provide safe and aesthetically pleasing means of on-site movement and shall be an integral part of overall site design. Pedestrian pathways to buildings, parking areas, and other amenities shall be planned and installed in all developments.

Green space requirement.

1. For every mixed use development, 25 percent of the gross tract area green space shall be required.

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2. Where applicable, the green space shall remain primarily undisturbed.
3. For housing density calculation purposes, the maximum number of lots shall be determined by dividing the area of the tract of land by the minimum lot size, as described in the bulk and area requirements for the applicable use. In making this calculation, the following shall not be included in the total area of the parcel:
  - a) 100-year floodplain.
  - b) Floodway.
  - c) Wetlands, as defined by the US Army Corps of Engineers pursuant to the Clean Water Act.
  - d) Retention/detention areas, utility areas.
  - e) Road rights-of-way and areas reserved for utilities.
4. The following are considered primary conservation areas and are required to be included within green space, unless the applicant demonstrates that with this provision would constitute an unusual hardship and be counter to the purposes of this ordinance:
  - a) 100-year floodplain.
  - b) All required stream bank buffer zones.
  - c) Floodway.
  - d) Wetlands, as defined by the US Army Corps of Engineers pursuant to the Clean Water Act.
  - e) Populations of endangered or threatened species, or habitat for such species.
  - f) Archaeological sites, cemeteries, and burial grounds.
  - g) Retention/detention areas, utility areas.
  - h) Slopes over 25 percent of at least 5,000 square feet contiguous area.
  - i) Roadways.
5. The following are considered secondary conservation areas and are required to be included within green space to the maximum extent feasible:
  - a) Important historic sites.
  - b) Existing healthy, native forests of at least one-acre contiguous area.
  - c) Individual existing healthy trees greater than eight inches in caliper, as measured from their outermost drip line.
  - d) Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
  - e) Prime agricultural lands of at least five acres of contiguous area.
  - f) Existing trails that connect the tract to neighboring areas.

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## Zoning Ordinance - Continued

6. All green space must be organized and designed so that at least 75 percent of the green space shall be in a contiguous tract. The green space shall adjoin any neighboring areas of green space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected green space.
7. Above ground utility rights-of-way and small areas of impervious surface may be included within the protected green space, but cannot be counted towards the 25 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the green space.
8. The green space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the green space.
9. Green space management plan required. A green space management plan ("plan") shall be prepared and submitted prior to the issuance of a land disturbance permit. This plan shall, at a minimum that consists of the following:
  - a) Allocates responsibility and guidelines for the maintenance and operation of the green space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.
  - b) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the green space and outlines the means by which such funding will be obtained or provided.
  - c) Provides that any changes to the plan be approved by the board of commissioners.
  - d) Provides for enforcement of the plan.
10. Instrument of permanent protection required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant shall be placed on the green space property concurrent with the issuance of a land disturbance permit.

### Permitted/prohibited uses of green space.

1. Permitted uses of green space:
  - a) Active recreation areas, provided that they are limited to no more than ten percent of the total green space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected green space.
  - b) Agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas.
  - c) Conservation of natural, archeological or historical resources.

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- d) Easements for drainage, access, and underground utility lines.
  - e) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
  - f) Nonstructural stormwater management practices.
  - g) Other conservation-oriented uses compatible with the purposes of this ordinance.
  - h) Passive recreation areas.
  - i) Walking or bicycle trails, provided they are constructed of porous paving materials.
2. Prohibited uses of green space:
    - a) Agricultural and forestry activities not conducted according to accepted best management practices.
    - b) Golf courses.
    - c) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
    - d) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections.

### Ownership and management of green space.

1. The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility (see ownership and management section of this ordinance).
2. The applicant must identify the owner of the green space and facilities located thereon. If a homeowners association is the owner, membership in the association is mandatory and automatic for all homeowners in the subdivision and their successors. If a homeowners association is the owner, the homeowners association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the green space and any facilities located thereon shall be borne by the owner.
3. In the event the party responsible for maintenance of the green space fails to maintain all or any portion in reasonable order and condition, the City of Emerson may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, homeowners association, or to the individual property owners that make up the homeowners association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

### Legal instrument for permanent protection.

1. The green space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

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## Zoning Ordinance - Continued

- a) A permanent conservation easement in favor of either:
    - i. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
    - ii. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
  - b) If the entity accepting the easement is not the City of Emerson, then a third right of enforcement favoring the City of Emerson shall be included in the easement;
  - c) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
  - d) An equivalent legal tool that provides permanent protection, if approved by the City of Emerson.
2. The instrument for permanent protection shall include clear restrictions on the use of the green space. These restrictions shall include all restrictions contained in this ordinance, as well as any further restrictions the applicant chooses to place on the use of the green space.

### Lighting.

Lighting shall provide for the safe illumination of the site in order to maintain pedestrian and vehicle safety, security, and design accentuation. Building illumination and architectural lighting shall be indirect in character. Architectural lighting shall articulate the particular building design as well as provide the required functional lighting for safety of pedestrian movement. Pedestrian pathway lighting shall clearly identify the pedestrian walkway and direction of travel. All lighting shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic.

### Design provisions.

It is the intent of the mixed use district to provide an environment of high quality building and landscape design. Special emphasis shall be placed upon methods that tend to reduce the overwhelming visual impact of large buildings, encourage tasteful, imaginative design for individual buildings, and create a complex of buildings compatible with the streetscape and neighboring areas in terms of design, scale, and use.

1. Innovative and beautiful design is encouraged and welcomed as a means to enhance the overall quality of the built environment.
2. Minimum conflict shall exist between service vehicles, private automobiles, and pedestrians within the site.
3. Building entries shall be readily identifiable and accessible, with at least one main entrance facing and opening directly onto a connecting walkway with pedestrian frontage.

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4. Building materials shall blend with those existing on adjacent properties.
5. There shall be structural variations in roof lines to reduce the massive scale of structures and add visual interest.
6. All building facades facing public rights-of-way shall have at least 30 percent windows.

### SECTION II

This Ordinance shall become effective immediately

### SECTION III

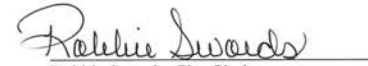
All ordinances or Resolutions or parts of such Ordinances or Resolutions in conflict with this Ordinance, and not preserved hereby, are hereby repealed upon the effective date of this Ordinance.

SO ORDAINED AND ADOPTED, this 9<sup>th</sup> day of August, 2021 to be effective immediately.

EMERSON, GEORGIA

  
A. Pallone, Mayor

ATTEST:

  
Robbie Swords, City Clerk  
[SEAL]

I do hereby certify that I am the City Clerk of the City of Emerson and that the above Ordinance was duly adopted by the Mayor and City Council on the 9<sup>th</sup> day of August, 2021

  
Robbie Swords, City Clerk

First Reading July 26, 2021

Public Hearing August 9, 2021

Second Reading August 9, 2021

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## Listing Team



**Nelson Vinson**  
Partner

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(404) 925-0995 M  
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Nelson specializes in residential and commercial land sales, working directly with land owners, residential and commercial developers, and multi-family and residential home builders. Nelson takes a personal approach by engaging in the process through the entitlement and pre-development phase.

Nelson has in-depth knowledge of working with owners, investors, and developers through the marketing process, selection of buyer, and throughout the contract and due diligence period.

Nelson joined McWhirter in 2007 and was named partner in 2016. Nelson currently holds Associate Broker licenses in Georgia and Alabama.

Nelson is a member of the Atlanta Commercial Board of REALTORS® Million Dollar Club and has been recognized as a Top Ten Land Broker (#2) in 2009 and a Top Ten Land Broker (#7) in 2013.



**Dan Buyers**  
Partner

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Dan Buyers joined McWhirter in 1994 and became a Partner in 2014. He specializes in land sales, site selection and office/medical office brokerage. His expertise includes land sales and site selection for medical office, senior housing, retail, industrial, single family residential and multi-family properties as well as landlord and tenant representation in office and medical office transactions.

Dan is a recipient of the Silver Phoenix Award, Young REALTOR® of the Year, numerous Top Ten Land Sales Producer awards and is a Life Member of the Million Dollar Club as recognized by the Atlanta Commercial Board of REALTORS®.

Dan is also an active member of the community, serving on multiple Boards including the Cobb Chamber of Commerce, the Council for Quality Growth, the Cobb County-Marietta Water Authority (Vice Chair), the Town Center Area Community Improvement District (Vice Chair), the Atlanta Commercial Board of REALTORS® (Awards Chair, Past Chair-Diversity), and the Wellstar Foundation (Finance Chair).

Dan earned a Bachelor of Business Administration in Real Estate from the University of Georgia.



McWhirter

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