

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. *OR 15-369*

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF STOCKBRIDGE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

**WHEREAS**, the governing authority of the City of Stockbridge, Georgia desires to modify the zoning designation of certain property located within the City; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

**Section 1.** The property located on the west side of Highway 42 North described in Exhibit "A," a copy of which is hereby rezoned to OI (Office-Institutional) District (City of Stockbridge's Classification) with conditions, such rezoning to be noted on the City of Stockbridge Official Zoning Map approved by Mayor and Council as soon as reasonably possible following adoption of this Ordinance by the Zoning Administrator along with an editorial note on the City of Stockbridge Official Zoning Map approved by Mayor and Council

specifying the parcel(s) affected by this Ordinance and the date of adoption of this Ordinance. Until the rezoning is indicated on the City of Stockbridge Official Zoning Map approved by Mayor and Council, this Ordinance shall govern over the City of Stockbridge Official Zoning Map approved by Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Stockbridge Official Zoning Map approved by Mayor and Council. Such rezoning shall be conditioned on the following:

1. In addition to those permitted uses allowed by ordinance, an assisted living facility or similar institution devoted primarily to the diagnosis and treatment of the sick or injured shall be allowed. Any assisted living facility shall be a state-licensed use in which domiciliary care is provided to adults who are provided with food, shelter, and personal services with independent living units which could include individual kitchen facilities. In no case shall a multi-family dwelling be permitted.
2. The City of Stockbridge shall have architectural control over the development of the subject property.
3. No direct access shall be permitted to Highway 42 North. The existing driveway shall be shared with the existing campus or access may be provided from Technology Parkway. If the subject property is owned by a different owner than the owner of the existing campus, an access easement shall be recorded at the Henry County courthouse with a copy provided to the City of Stockbridge.
4. Landscaping shall exceed the minimum required by the landscape and buffer ordinance as determined by the City.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** Penalties in effect for violations of the Zoning Ordinance of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 6.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

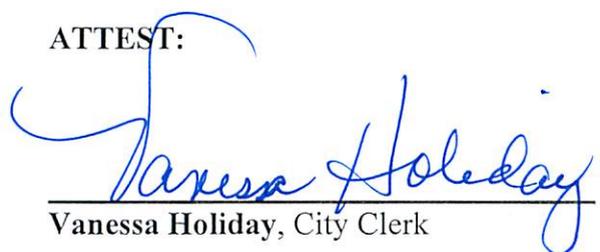
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ORDAINED this 8th day of June, 2015.

CITY OF STOCKBRIDGE, GEORGIA

  
Tim L. Thompson, Mayor

ATTEST:

  
Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

  
Michael Williams, City Attorney

Date Presented to Mayor: 6/11/2015

Date Received from Mayor: 6/12/2015



**EXHIBIT "A"**

That certain parcel of land known as Tax Parcel Number 071-01-034-014 according to the system of numbering tax parcels in Henry County, Georgia, more particularly described as follows:

[Attach legal description]

## EXHIBIT A

TRACT I: All that tract or parcel of land lying and being in Land Lots 31, 32 and 33 of the 7th District of Henry County, Georgia, and being 14.169 acres designated as Tract I on a plat of survey prepared for Davis Development, Inc., prepared by Carlton Rakestraw, Jr. of Carlton Rakestraw & Associates, Ga. R.L.S. #2236, dated July 11, 2003, and last revised September 3, 2003, which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at an iron pin set on the Southwestern right-of-way line of S.R. 42/U.S. 23 (80' R/W), said iron pin being 2,721.51 feet Southeasterly as measured along said right-of-way line from its intersection with the Southern right-of-way line of Tunis Drive; thence leaving said right-of-way line South 59 degrees 56 minutes 54 seconds West 447.09 feet to a ½" R.R. found; thence proceeding South 30 degrees 02 minutes 01 second East 100.14 feet to an iron pin set; thence proceeding South 59 degrees 55 minutes 51 seconds West 113.17 feet to an iron pin set; thence proceeding North 30 degrees 04 minutes 09 seconds West 138.00 feet to a ½" R.R. found; thence proceeding South 59 degrees 55 minutes 51 seconds West 320.47 feet to a ½" R.R. found at the TRUE POINT OF BEGINNING; thence proceeding from said true point of beginning South 23 degrees 24 minutes 14 seconds West 71.99 feet to a ½" R.R. found; thence proceeding South 71 degrees 56 minutes 43 seconds West 150.56 feet to a ½" R.R. found; thence proceeding North 65 degrees 57 minutes 01 second West 115.18 feet to a ½" R.R. found; thence proceeding South 88 degrees 21 minutes 41 seconds West 280.93 feet to a ½" R.R. found; thence proceeding South 78 degrees 36 minutes 17 seconds West 311.03 feet to a ½" R.R. found; thence proceeding South 38 degrees 58 minutes 41 seconds West 549.45 feet to a ½" R.R. found on the Eastern right-of-way line of Southern Railway (150' R/W); thence proceeding along the Eastern right-of-way line of Southern Railway North 09 degrees 06 minutes 42 seconds East 1,345.95 feet to an iron pin set; thence leaving the Eastern right-of-way line of Southern Railway South 54 degrees 14 minutes 16 seconds East 932.52 feet to a ½" R.R. found; thence proceeding South 47 degrees 05 minutes 54 seconds East 325.48 feet to a ½" R.R. found at the TRUE POINT OF BEGINNING.

TRACT II: All that tract or parcel of land lying and being in Land Lot 31 of the 7th District of Henry County, Georgia, and being 7.841 acres designated as Tract II on a plat of survey prepared for Davis Development, Inc., prepared by Carlton Rakestraw, Jr. of Carlton Rakestraw & Associates, Ga. R.L.S. #2236, dated July 11, 2003, and last revised September 3, 2003, which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows: