

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO.

OR 15-370

AN ORDINANCE TO ANNEX CERTAIN PROPERTY INTO THE CITY OF STOCKBRIDGE AND 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 annex certain property into the City and 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 described in Exhibits "A" and "B," copies of which are attached hereto and incorporated herein by reference, is hereby annexed into the City of Stockbridge, Georgia pursuant to the authority of O.C.G.A. Sections 36-36-1 *et seq.* and 36-36-90 *et seq.*

Section 2. The property described in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned to RM-1 (Multiple-family Residence - Apartments) 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. The RM-1 portion of the subject property shall be developed as a 55 and older community meeting the requirements of the Fair Housing Act. A restrictive covenant shall be recorded for the RM-1 portion of the subject property accomplishing the 55 and older limitation and including a civil penalty provision benefiting the City of Stockbridge with a copy provided to the City of Stockbridge.
2. The RM-1 portion of the subject property shall be limited to no more than ten (10) acres. There shall be no more than seventy-two (72) dwelling units on the RM-1 portion of the subject property.
3. A minimum of fifty feet (50’) of additional right-of-way shall be preserved all along the site’s frontage along Rock Quarry Road. The required setbacks will be oriented from the preserved right-of-way line (i.e. measured from the preserved right-of-way line which

will be no less than 50' for the current right-of-way line from Rock Quarry Road as of June 1st, 2015).

4. Access to the RM-1 portion of the site will be limited to one (1) driveway.
5. The developer shall work with the HCDOT/HCSPLST to align the entrance to the RM-1 portion of the property with the anticipated location of the intersection of Red Oak Road with Rock Quarry Road.
6. The applicant shall design and construct a deceleration land/acceleration taper to HCDOT standards.
7. A left turn lane on Rock Quarry Road into the RM-1 portion of the property may be required by HCDOT if it is determined that it is warranted by GDOT-equivalent standards. However the requirement for the left turn lane may be waived so long as all necessary construction funding for the Rock Quarry Road widening project has been secured and the Construction phase is programmed to begin within three (3) years of the issuance of the Land Disturbance Permit for the full build-out of the RM-1 portion of the site.
8. Amenities shall be centrally located to all residential units where feasible and designed for those residents fifty-five and older. Amenities shall be approved by the mayor and city council during site plan approval and shall be consistent with the number of amenities required for RM-1 based on the density of the development. In lieu of the required amenities listed under the RM-1 zoning provisions, the developer may substitute the following:

- Clubhouse and/or community room with a minimum of one thousand three-hundred (1,300) square feet of heated space;
- Senior recreational sized pool with approximate dimensions of 14'x30' at 4' depth with a deck approximately 35'x54';
- A children's play area.

The City Council may consider the following amenities in addition to those additional required amenities listed under the RM-1 zoning provisions of the ordinance:

- Covered pavilion with picnic/barbeque facilities;
 - Community garden area;
 - Furnished and equipped library of at least two hundred and fifty (250) square feet of heated space with computer center that incorporates broadband internet service;
 - Furnished and equipped wellness/fitness center;
 - Furnished interior gathering areas of at least two hundred and fifty (250) square feet of heated space;
 - Any other amenity similar in nature and size to those listed above that is acceptable and approved by the city council at the time of site plan review.
9. The applicant shall cause those certain parcels of land known as Tax Parcel Number 050-01002005 and Tax Parcel Number 050-01-003-004 to be subdivided such that two new tax parcels are established which match the legal descriptions shown in Exhibits "A" and "B."

Section 3. The property described in Exhibit “B,” a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned to M-1 (Light Manufacturing) District (City of Stockbridge’s Classification), 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.

Section 4. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 5. (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 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. 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 8. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

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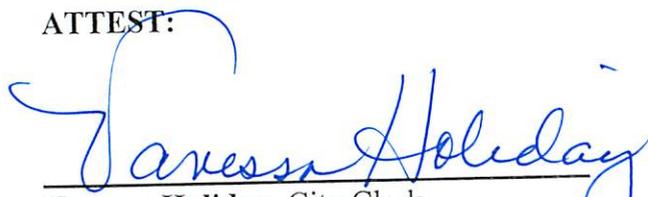
ORDAINED this 8th day of June, 2015.

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"

A portion of that certain parcel of land known as Tax Parcel Number 050-01002005 according to the system of numbering tax parcels in Henry County, Georgia, more particularly described as follows:

[Attach legal description for 10 acres]

Legal Description:

All that tract and parcel of land lying and being in land lot 29 and land lot 30th of the 12th land district of the Henry County, Georgia more particularly described as follows:

Commencing at an iron pin found at the Intersection of Southerly land lot line of land lot 29 and the easterly right of way line of Rock Quarry Road (right-of-way varies),
Thence N13°18'49"E a distance of 112.00 ft.
to an Iron Pin this being the Point of BEGINNING

From the Point of BEGINNING.

Thence along an arc length of 183.58 ft. of radius 1685.90ft.
a chord N 14°56'37"E for 183.49 feet to a point on the boundary.
Thence S 68°13'34"E for 25.07 feet to a point on the boundary.
Thence along an arc length of 166.56 ft of radius 2667.16 ft
a chord N 23°57'29"E for 166.53 feet to a point on the boundary.
Thence along an arc length of 313.15 ft. of radius 2667.13 ft.
a chord N 29°06'38"E for 312.97 feet to a point on the boundary.
Thence N 55°06'47"W for 25.10 feet to a point on the boundary.
Thence along an arc length of 86.97 ft. of radius 1685.90 ft.
a chord N 35°51'38"E for 86.96 feet to a point on the boundary.
Thence along an arc length of 216.69 ft of radius 1685.90 ft
A chord N 41°01'14"E for 216.54 feet to a point on the boundary.
Thence N 44°28'19"E for 873.07 feet to a point on the boundary.
Thence along the centerline of Reeves or Lee Creek S 41°31'49"E
for 256.92 feet to a point, thence continuing along the centerline
of the creek S 43°26'33"E for 218.29 feet to a point on the boundary.
Thence S 38°18'06"W for 600.81 feet to a point on the boundary.
Thence S 38°18'06"W for 840.36 feet to a point on the boundary.
Thence N 88°02'44"W for 379.96 feet to a point on the boundary.
Thence N 88°02'44"W for 122.09 feet to a point on the boundary.
This being the POINT OF BEGINNING, being a tract of
19.66 acres more or less.

Prepared by :
Gulshan Sawhney RLS
3/30/2015

*This is the entire
tract to be annexed.*

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Toni Frey (AX-15-01)

Gulshan Sawhney

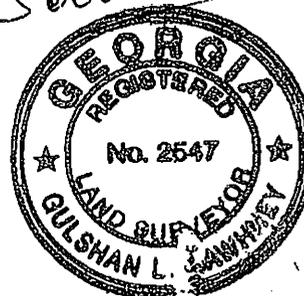


EXHIBIT "B"

A portion of those certain parcels of land known as Tax Parcel Number 050-01002005 and Tax Parcel Number 050-01-003-004 according to the system of numbering tax parcels in Henry County, Georgia, more particularly described as follows:

[Attach legal description for remaining acres]

TRACT 1

Legal Description:

All that tract and parcel of land lying and being in land lot 29 and land lot 30th of the 12th land district of the Henry County, Georgia more particularly described as follows:

Commencing at an iron Pin found at the Intersection of Southerly land lot line of land lot 29 and the easterly right of way line of Rock Quarry Road (right-of-way varies); Thence N13°18'49"E a distance of 112.00 ft. to an Iron Pin; Thence along an arc length of 183.58 ft. of radius 1685.90ft. a chord N 14°56'37"E for 183.49 feet to a point ; Thence S 68°13'34"E for 25.07 feet to a point; Thence along an arc length of 166.56 ft of radius 2667.16 ft . a chord N 23°57'29"E for 166.53 feet to a point ; Thence along an arc length of 313.15 ft. of radius 2667.13 ft. a chord N 29°06'38"E for 312.97 feet to a point; Thence N 55°06'47"W for 25.10 feet to a point; Thence along an arc length of 86.97 ft. of radius 1685.90 ft. a chord N 35°51'38"E for 86.96 feet to a point this being the POINT OF BEGINNING for Tract 1 .

This is tract 1 (to be zoned RM).

From the Point of Beginning.

Along an arc length of 216.69 ft of radius 1685.90 ft a chord N 41°01'14"E for 216.54 feet to a point on the boundary. Thence N 44°28'19"E for 873.07 feet to a point on the boundary. Thence along the centerline of Reeves or Lee Creek S 41°31'49"E for 256.92 feet to a point, thence continuing along the centerline of the creek S 43°26'33"E for 218.29 feet to a point on centerline of the creek; Thence S 38°18'06"W for 600.81 feet to a point on the boundary. Thence N 87°04'13"W for 702.75 feet to a point, This being the POINT OF BEGINNING, being a tract of 10.00 acres more or less.

Toni Frey (RZ-15-08)

Prepared by :
Gulshan Sawhney RLS
3/30/2015

