

Subject Matter: #0-26-15 - Zoning- 936 West Lanier Avenue
Dates of Advertising in Fayette County News: 11-25-15 & 12-02-15
Date First Presented by Council at Public Meeting: 12-03-15
Date of Public Hearing Before City Council: 12-03-15 & 12-17-15
Date of Adoption: 12-17-15

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-26-15
(as enacted)
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS OF FACT

The City of Fayetteville (the “City”) has received an application for rezoning by **CADDIS Healthcare Real Estate** for property located at 936 West Lanier Avenue and described in **EXHIBIT "A"**. Said parcels of property are presently zoned as C-3 (parcel # 0522041A) and R-40 (parcel # 0522041) within the city limits of the City of Fayetteville. Applicant requests rezoning of the property to MO pursuant to the City of Fayetteville's Comprehensive Zoning Ordinance. The City has given notice to the public of this proposed rezoning as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance. The City Council finds that the requested rezoning is consistent with the City’s zoning standards at Sec. 94-42 of the City’s zoning ordinance.

ORDINANCE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

The zoning classification of the described property in Exhibit “A (the “Property”) attached hereto and incorporated herein, shall be, and is hereby rezoned from **C-3/R-40 to MO**, pursuant to the City of Fayetteville’s Comprehensive Zoning Ordinance, subject to Article IV below.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption, subject to the following conditions:

1. Any condition or conditions imposed upon the petitioner by the City, and contained in the Council's minutes. Such condition(s) must be satisfied before the change in status will take permanent effect. Should the imposed condition(s) fail to be performed within the prescribed time period set forth by the City in either the Council minutes or in representations made by the applicant documented in the Council's minutes, the property at issue will automatically revert to the status or classification it occupied before the petitioner's application for rezoning was filed. If no prescribed time period is set, then the conditions must be met within the times set forth below at paragraph 2 of this Article IV.

2. The petitioner's substantial compliance, within twelve (12) months of the date of this ordinance (unless extended by the Council at the request of the Applicant), with the plans for the project proposed in the Plat submitted with the applicant's initial application for zoning, and as thereafter amended by the applicant and accepted by the City Council, is required. Substantial compliance means that the applicant must have initiated development of the project to the point that it is clearly in progress in accordance within the plan. The applicant's final representation of proposed use of the site, the final development plans presented to the Mayor and Council in support of the application, and the implementation of any conditions imposed upon the proposed use and/or development plans, shall be conditions to the continued existence of any zoning granted by this ordinance. If, within twelve (12) months of the classification granted by this ordinance, the applicant fails to initiate development of the subject site in conformity with said uses and development plans, including any conditions imposed by the Council, the zoning granted herein shall be automatically revoked of the reclassification granted, and reversion to the prior classification the land occupied before the application was submitted. If an annexation was granted, the site will revert to the zoning classification most compatible with that of the surrounding area, as determined by the City Council.

3. Conditions include those contained in the minutes of the City Council, which are part of this ordinance, and any representations submitted by the applicant to the City Council, and accepted by the City Council, and reflected in the minutes of the City Council, which representations shall be an amendment to the rezoning application and a part of this ordinance.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 17th day of December, 2015, by the following voting for adoption:

ATTEST:

Gregory C. Clifton, Mayor

Edward Johnson, Mayor Pro Tem

Anne Barksdale, City Clerk

Mickey Edwards, Council Member

Paul C. Oddo, Jr, Council Member

Scott Stacy, Council Member

James B. Williams, Council Member

EXHIBIT "A"

Legal Description of Parcels

All that tract or parcel of land lying and being in Land Lot 126 of the 5th Land District of Fayette County, Georgia, and being a portion of the parcel shown in Plat Book 19 Page 80, recorded in the Office of the Clerk of the Superior Court of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at the intersection formed by the southerly line of the right of way of Georgia Highway No. 54 with the centerline of Ginger Cake Creek

Thence southerly along the centerline of said creek, and following the meanderings thereof, a distance of 1,010 +/- feet to the south line of Land Lot 126;

Thence along said south line, North 87 degrees 56 minutes 51 seconds West, a distance of 50 +/- feet to a found ½" rebar;

Thence North 87 degrees 56 minutes 51 seconds West, a distance of 907.70 feet to a set ½" rebar with cap LSF 136 at the southwest corner of the parcel shown in Plat Book 19 Page 80;

Thence along the west line of said parcel, North 18 degrees 06 minutes 55 seconds East, a distance of 599.72 feet to a found 1 ½" open top pipe;

Thence North 16 degrees 29 minutes 36 seconds East, a distance of 454.96 feet to the southerly line of the right-of-way of Georgia Highway No. 54;

Thence along said right-of-way, South 84 degrees 49 minutes 35 seconds East, a distance of 505.04 feet;

Thence South 80 degrees 50 minutes 20 seconds East, a distance of 517.99 feet to a set ½" rebar with cap LSF 136;

Thence South 80 degrees 50 minutes 20 seconds East, a distance of 40 +/- feet to the POINT OF BEGINNING.

Containing 23.7 acres, more or less.