

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 1226, District 16, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia, and being known as **671 Whitlock Avenue**.

WHEREAS, application has been filed by **SANFORD C. BENNETT** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: The following property to wit:

All that tract or parcel of land lying and being in Land Lot No. 1226, of the 16th District, 2nd Section, of Cobb County, Georgia, as shown by plat made by Fred E. Pitts, Surveyor, dated December 8, 1975, and being more particularly described as follows:

Beginning at an iron pin located on the southerly side of Whitlock Avenue 601.18 feet easterly from the intersection of the southerly side of Whitlock Avenue with the easterly side of Manning Road; running thence easterly along the southerly side of Whitlock Avenue 65.0 feet to an iron pin and corner; running thence south a distance of 175 feet to an Iron pin and corner; running thence west 65 feet to an iron pin and corner; running thence northerly 175.0 feet to an iron pin located on the southerly right-of-way of Whitlock Avenue at the Point of Beginning.

Said tracts contain 11,369.16 square feet or .261 acres.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OI (Office Institutional) to CRC (Community Retail Commercial).

Section 3: In conjunction with this rezoning, the applicant has agreed to eliminate the following from the list of uses to be permitted on this property:

1. Pawn Shops
2. Adult Entertainment Shops
3. Motels/Hotels/Extended Stays
4. Taxi Stands
5. Dispatching Agencies
6. Amusement Centers – Billiards, Pool Halls

Section 4: The following variances are incorporated in conjunction with the re-zoning:

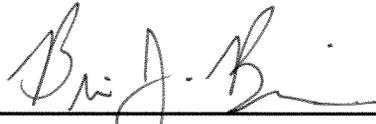
1. Reduce the minimum lot size from 20,000 sq. ft. to 11,373 sq. ft.
2. Reduce the minimum lot width from 100 ft. to 65 ft.
3. Reduce the east side setback for the current structure from 15 ft. to 3.8 ft.
4. Reduce the west side setback for the current structure from 15 ft. to 12.3 ft.

Section 5: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 6: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

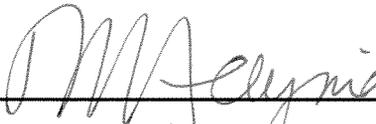
Section 7: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



**Brian Binzer, Director
Department of Development Services**

Approved as to form:



Douglas R. Haynie, City Attorney

Approved by City Council:

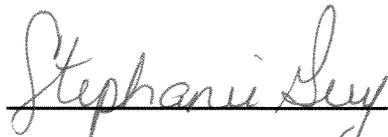
DATE: November 11, 2015

APPROVED:

ATTEST:



R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk