

**STATE OF GEORGIA  
COUNTY OF CLAYTON  
CITY OF JONESBORO**

**ORDINANCE 2021-007**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF JONESBORO, GEORGIA THROUGH THE ANNEXATION AND REZONING OF THAT CERTAIN PARCEL OF REAL PROPERTY LOCATED NEAR THE INTERSECTION OF HIGHWAY 138 AND TARA BOULEVARD, JONESBORO, GEORGIA (PARCEL 13210B D006); AND TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the governing body of the City of Jonesboro, Georgia (the "City") is the Mayor and Council thereof;

**WHEREAS**, the governing body is authorized by its Charter to regulate zoning within the limits of the City; and

**WHEREAS**, the subject property consists of approximately 0.85 acres of land (the "Property") located near the intersection of Tara Boulevard and Highway 138 in Land Lot 210, District 13 of Clayton County (Clayton County Tax Parcel Identification No. 13210B-D006); and

**WHEREAS**, the property is currently zoned as General Business (GB); and

**WHEREAS**, the owner of the Property, Grimsby Development, LLC, along with My Myloor Group, LLC, filed an application requesting the governing body to annex the Property into the City and rezone the Property from its current zoning designation to Highway Commercial (C-2); and

**WHEREAS**, the Community Development Director recommends approval of the application subject to certain conditions included in the City Staff Report, and said report is hereby incorporated by reference herein; and

**WHEREAS**, the governing body of the City has considered the criteria of a rezoning request and satisfied the annexation requirements, provided in Section 86-374 (Standards for Review for Map Amendments) and Section 86-377 (Property Annexed into the City) of Article XII (Amendments) in Chapter 86 (Zoning) of the Code of Ordinances, City of Jonesboro, Georgia, respectively; and

**WHEREAS**, the governing body of the City desires to annex and rezone the Property to Highway Commercial, subject to certain conditions to ensure consistence with the City's comprehensive plan and future land use plan; and

**WHEREAS**, the City has complied with the notice and hearing requirements pursuant to O.C.G.A. § 36-66-1 *et seq.*, and O.C.G.A. § 36-36-6; and

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

**BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO, GEORGIA**, and by the authority thereof:

**Section 1.** That certain parcel of real property consisting of approximately 0.85 acres of land (the "Property") near the intersection of Tara Boulevard and Highway 138 (Clayton County Tax Parcel Identification No. 13210B-D006), located across from the property with an address listed as 759 Highway 138, Jonesboro, Georgia, is hereby annexed into the City limits and rezoned from General Business to Highway Commercial. Such action is to be noted on the official City of Jonesboro Zoning Map approved by Mayor and Council as soon as reasonably possible following

adoption of this Ordinance along with an editorial note on the official City of Jonesboro Zoning Map specifying the parcels affected by this Ordinance and the date of adoption of this Ordinance. Until this annexation and rezoning is indicated on the official City of Jonesboro Zoning Map approved by Mayor and Council, this Ordinance and Exhibit "A" shall govern over the official City of Jonesboro Zoning Map to the extent of any discrepancy between this Ordinance and the official City of Jonesboro Official Zoning Map.

**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.

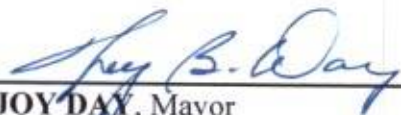
**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** Penalties in effect for violations of the Zoning Ordinance of the City of Jonesboro, Georgia 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.

**SO ORDAINED**, this 12<sup>th</sup> day of April, 2021.

**CITY OF JONESBORO, GEORGIA**

  
\_\_\_\_\_  
**JOY DAY**, Mayor

**ATTEST:**

  
\_\_\_\_\_  
**RICKY CLARK, Jr.**, City Manager/Clerk



**EXHIBIT "A"**