

AN ORDINANCE  
BY: IVORY LEE YOUNG, JR.

Z-04-54  
Date Filed: 5-11-04

**AN ORDINANCE CORRECTING ORDINANCE 04-O-1138, ADOPTED BY CITY COUNCIL SEPTEMBER 7, 2004, APPROVED BY THE MAYOR SEPTEMBER 15, 2004 REZONING PROPERTY LOCATED AT 972-980-990-1000-1002 MARIETTA STREET, N.W. FROM THE I-1-C (LIGHT INDUSTRIAL CONDITIONAL) DISTRICT AND I-2 (HEAVY INDUSTRIAL) DISTRICT) TO THE LW (LIVE WORK) DISTRICT SO THAT THE ZONING ORDINANCE OF THE CITY OF ATLANTA BE AMENDED, AND THE MAPS ESTABLISHED IN CONNECTION THEREWITH BE CHANGED SO THAT THE PROPERTY LOCATED AT 980-990-1000-1002 MARIETTA STREET, N.W. REMAIN I-1-C (LIGHT INDUSTRIAL CONDITIONAL).**

WHEREAS, Z-04-54 was amended by the applicant to only re zone property located at 972 Marietta Street, N.W. from the I-2 (Heavy Industrial) District to the I-1 (Light Industrial) District and Ordinance 04-O-1138 included properties that were not a part of the amended application; and

WHEREAS, a corrective ordinance, 04-O-1944, was adopted by City Council November 15, 2004, approved by the Mayor November 19, 2004 to address the amended application, but only referenced property located at 972 Marietta Street, N.W. and did not reference properties located at 980, 990, 1000 and 1002 Marietta Street, N.W.; and

WHEREAS, the zoning ordinance and maps still need to be corrected to reflect the amended application so that properties located at 980, 990, 1000 and 1002 Marietta Street, N.W. retain the original zoning classification of I-1-C (Light Industrial Conditional).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That Ordinance 04-O-1138 adopted by City Council September 7, 2004, approved by the Mayor September 15, 2004 rezoning property from **the I-1-C (Light Industrial-Conditional) District and I-2 (Heavy Industrial) District to the LW (Live Work) District** be corrected to exclude from the rezoning properties located at 980, 990, 1000 and 1002 Marietta Street, N.W.



**SECTION 2.** That the properties located at 980, 990, 1000 and 1002 Marietta Street, N.W. retain the original zoning classification of I-1-C (Light Industrial Conditional).

ALL THAT TRACT or parcel of land lying and being in Land Lot 121, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

**SECTION 3.** If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

**SECTION 4.** That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

**SECTION 5.** That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the City Council  
APPROVED by the Mayor

March 21, 2005  
March 25, 2005



May 10, 2004

## LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 112 OF THE 14<sup>th</sup> DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY LINE OF LAND LOT 112 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF MARIETTA STREET (60 FEET RIGHT-OF-WAY); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE OF MARIETTA STREET SOUTH 66 DEGREES 48 MINUTES 42 SECONDS EAST A DISTANCE OF 235.50 FEET TO A ½" REBAR SET, SAID POINT BEING THE **POINT OF BEGINNING**;  
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE OF MARIETTA STREET THE FOLLOWING COURSES AND DISTANCES: SOUTH 66 DEGREES 48 MINUTES 42 SECONDS EAST A DISTANCE OF 349.92 FEET TO A ½" REBAR SET, ALONG A CURVE OF AN ARC TO THE RIGHT A DISTANCE OF 98.88 FEET (SAID ARC HAVING A RADIUS OF 507.75 FEET AND A CHORD BEARING SOUTH 61 DEGREES 44 MINUTES 35 SECONDS EAST AND A DISTANCE OF 98.72 FEET) TO A P.K. NAIL FOUND, ALONG A CURVE OF AN ARC TO THE RIGHT A DISTANCE OF 71.23 FEET (SAID ARC HAVING A RADIUS OF 519.02 FEET AND A CHORD BEARING SOUTH 52 DEGREES 59 MINUTES 07 SECONDS EAST AND A DISTANCE OF 71.18 FEET) TO A ½" REBAR SET (SAID ½" REBAR SET 2.14 FEET NORTHWESTERLY FROM A ¾" OPEN TOP FOUND) AND ALONG A CURVE OF AN ARC TO THE RIGHT A DISTANCE OF 80.81 FEET (SAID ARC HAVING A RADIUS OF 519.02 FEET AND A CHORD BEARING SOUTH 44 DEGREES 35 MINUTES 35 SECONDS EAST AND A DISTANCE OF 80.73 FEET) TO A POINT (SAID POINT LOCATED 0.24 FEET SOUTHEASTERLY FROM A ¾" OPEN TOP FOUND); THENCE LEAVING SAID RIGHT-OF-WAY LINE OF MARIETTA STREET AND RUNNING ALONG THE SOUTHEASTERLY FACE OF A BRICK WALL SOUTH 32 DEGREES 20 MINUTES 43 SECONDS WEST A DISTANCE OF 397.23 FEET TO A ½" REBAR SET ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WESTERN & ATLANTIC RAILROAD; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE OF WESTERN & ATLANTIC RAILROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 45 DEGREES 13 MINUTES 16 SECONDS WEST A DISTANCE OF 76.81 FEET TO A ½" REBAR SET, NORTH 45 DEGREES 13 MINUTES 16 SECONDS WEST A DISTANCE OF 74.16 FEET TO A POINT (SAID POINT LOCATED 0.25 FEET NORTHEASTERLY FROM A ½" REBAR FOUND), NORTH 45 DEGREES 13 MINUTES 16 SECONDS WEST A DISTANCE OF 477.60 FEET TO A POINT (SAID POINT LOCATED 1.31 FEET SOUTHEASTERLY FROM A ½" REBAR FOUND); THENCE LEAVING SAID RIGHT-OF-WAY LINE OF WESTERN & ATLANTIC RAILROAD AND RUNNING NORTH 37 DEGREES 32 MINUTES 48 SECONDS EAST A DISTANCE OF 224.13 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL OF LAND CONTAINS 4.5921 ACRES OR 200,031 SQUARE FEET.



**05-0-0519**  
 (Do Not Write Above This Line)

AN ORDINANCE 7-04-54  
 BY: IVORY LEE YOUNG, JR.

AN ORDINANCE CORRECTING  
 ORDINANCE 04-0-1138, ADOPTED BY  
 CITY COUNCIL SEPTEMBER 7, 2004,  
 APPROVED BY THE MAYOR  
 SEPTEMBER 15, 2004 REZONING  
 PROPERTY LOCATED AT 972-980-990-  
 1000-1002 MARIETTA STREET, N.W.  
 FROM THE I-1-C (LIGHT INDUSTRIAL  
 CONDITIONAL) DISTRICT AND I-2  
 (HEAVY INDUSTRIAL) DISTRICT TO  
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 CONNECTION THEREWITH BE  
 CHANGED SO THAT THE PROPERTY  
 LOCATED AT 980-990-1000-1002  
 MARIETTA STREET, N.W. REMAIN I-1-C  
 (LIGHT INDUSTRIAL CONDITIONAL).

**ADOPTED BY**  
 MAR 2 1 2005

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 3/1/05  
 Referred To: Zoning  
 Date Referred  
 Referred To:  
 Date Referred  
 Referred To:

First Reading  
 Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee Zoning  
 Date Mar 21 2005  
 Chair [Signature]  
 Action [Signature]  
 Fav, Adv, Hold (see rev. side)  
 Other  
 Members  
 Refer To

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action \_\_\_\_\_  
 Fav, Adv, Hold (see rev. side)  
 Other  
 Members  
 Refer To

- FINAL COUNCIL ACTION  
 2nd  
 1st & 2nd  
 3rd  
 Consent  
 V Vote  
 RC Vote

CERTIFIED  
 MAR 2 1 2005  
 [Stamp]

MAYOR'S ACTION  
[Signature]