

**STATE OF GEORGIA
CITY OF DORAVILLE**

ORDINANCE NO. 2012 -25

AN ORDINANCE OF THE CITY OF DORAVILLE, GEORGIA, TO AMEND CHAPTER 23, (ZONING), SECTION 23-908 TO ADD ADDITIONAL PERMITTED USE TO O-W (OFFICE-WAREHOUSE) DISTRICT; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the City Council of the City of Doraville, Georgia is tasked with the protection of the City’s public health, safety and general welfare; and

WHEREAS, Chapter 23 (Zoning Ordinance), Section 23-908 (O-W office/warehouse district), contains regulations regarding, among other things, permitted uses within the O-W Office/Warehouse District; and

WHEREAS, Section 23-908 of the Zoning Ordinance contains the stated purpose for the creation of the O-W Office/Warehouse District as follows: “the office/warehouse district is intended to encourage the development of office and office warehouse facilities in combination where the manufacture and/or the fabrication of products are not involved”; and

WHEREAS, Section 23-908 currently prohibits office uses and allows only office/warehouse uses as a permitted use; and

WHEREAS, the prohibition of office uses within the O-W Office/Warehouse district has had the impact of discouraging the development of office facilities; and

WHEREAS, amending Section 23-908 of the Zoning Ordinance to allow, as a permitted use, offices, would further the stated purpose, intent and goal of the creation of the O-W Office/Warehouse District; and

WHEREAS, it is in the general interest of the health, safety and welfare of the City of Doraville, Georgia that office uses be permitted in the O-W Office/Warehouse District; and

WHEREAS, a duly advertised public hearing, in accordance with the Georgia Zoning Procedures Act, has been held by the City of Doraville to consider these revisions.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN, as follows:

Section 1

That Chapter 23 of the City of Doraville, Georgia Code is hereby amended by revising Section 23-908 (O-W Office/Warehouse District) to add an additional use, as a separate paragraph, to the subsection labeled “*permitted uses*” to read in its entirety as follows:

“Business office and professional office uses, but excluding uses as further regulated by Code. Furthermore, ambulance service; bail bond and appearance bond operations; barter, swap, and trading offices; body craft studio; cash advance; check cashing establishments; firearms dealers office; taxi service and dispatch agencies; wrecker service; blood and/or plasma donor centers; day labor or labor pool agencies; escort services; fortunetellers; handwriting analysts; hypnotists; massage establishments; modeling agencies; palmistry; pawnshops, including title pawn, and pawnbrokers; automotive and truck rental; and automotive dealer's office are specifically excluded. No vehicle whose gross vehicle weight rating (GVWR) of over ten thousand (10,000) pounds, including commercial tractor-trailers, dump trucks, wreckers, or earth moving equipment shall be parked, stored, or dispatched in connection with a business or professional office use conducted on the premises. No vehicle for hire shall be parked, stored, or dispatched from the site.”

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 or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 6

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 7

This Ordinance shall become effective on the date of adoption.

SO ORDAINED AND EFFECTIVE, this 3rd day of December, 2012.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

Sandra Bryant, Acting City Clerk (SEAL)

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Maria Alexander	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Brian Bates	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Pam Fleming	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Karen Pachuta	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Trudy Jones Dean	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Robert Patrick	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>