

1 **STATE OF GEORGIA**

2 **CITY OF COLLEGE PARK**

3 **ORDINANCE 2017-06**

4 AN ORDINANCE TO AMEND THE CONDITIONS IMPOSED ON THE
5 DEVELOPMENT AND USE OF CERTAIN REAL PROPERTY THAT IS LOCATED AT
6 4849 MASSACHUSETTS BOULEVARD AND THAT IS SUBJECT TO THE ZONING
7 DESIGNATION OF M2-C (HEAVY INDUSTRIAL, CONDITIONAL); TO PROVIDE FOR
8 SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN
9 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10 **WHEREAS**, the governing authority of the City of College Park, Georgia (the “City”) is
11 the Mayor and Council thereof;

12 **WHEREAS**, in May 2011, the governing authority modified the zoning designation of a
13 certain parcel of real property commonly known as 4849 Massachusetts Boulevard according to
14 the present system of numbering lots in the City (Clayton County Tax Parcel Identification
15 Number 13059A A004) to M2-C (Heavy Industrial, Conditional) and imposed certain conditions
16 on the use of said parcel under said zoning designation;

17 **WHEREAS**, the governing authority has received a request to rezone said parcel and,
18 rather than rezone said parcel as requested therein, desires to retain the current zoning
19 designation of said parcel and to modify the conditions imposed on the development and use of
20 said parcel under that designation;

21 **WHEREAS**, the governing authority in reaching this decision has considered one or
22 more of the criteria set forth in Section 4(c) of Article XXVII, Changes and Amendments, of
23 Appendix A, Zoning in The Code of Ordinances, City of College Park, Georgia; and

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

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

28 **Section 1.** The parcel of real property that is commonly known as 4849 Massachusetts
29 Boulevard according to the present system of numbering lots in the City of College Park,
30 Georgia and bears Clayton County Tax Parcel Identification Number 13059A A004 (said
31 property being further shown on the map entitled “Zoning Change M2-c to M2-c (change of
32 conditions) 4849 Massachusetts Boulevard April 3, 2017” that is attached hereto as Exhibit “A”
33 and is incorporated herein by reference, shall retain the zoning designation of M2-C (Heavy
34 Industrial, Conditional).

35 **Section 2.** The development and use of the property identified in Section 1 is subject to
36 all applicable restrictions, limitations, and requirements of the Code of Ordinances, City of
37 College Park, Georgia. In addition, the development and use of said parcel also is subject to the
38 following conditions:

39 (1) The use shall be limited to any of the following:

40 (a) Low intensity-recycling processes of technology-related materials (sometimes
41 referred to as “electronic waste” such as, but not necessarily limited to:
42 computers, computer monitors, televisions, fax machines, copiers, cell phones,
43 video games, telecommunications equipment and other electronic devices). There
44 shall be no processing of materials that generate or have the potential to generate
45 noxious emissions, fumes, smoke, dust, odors, or noise or any unacceptable

46 discharges into the sanitary or storm water sewer systems. Biological material
47 and chemicals shall not be recycled or processed.

48 (b) A logistics facility and associated offices.

49 (2) Any “shredder” equipment shall be placed indoors.

50 (3) Truck traffic shall be no more than 50 trucks per day.

51 (4) All electronic waste as described in Condition (1)(a) of this Section shall be stored in a
52 fully-enclosed building with a roof, floor and walls or in a secure container (e.g., package
53 or vehicle) that is constructed and maintained to prevent the release of hazardous
54 materials to the environment.

55 (5) All electronic waste as described in Condition (1) (a) of this Section shall be removed
56 from the site within one year of the waste’s receipt at the site, and records demonstrating
57 compliance with this requirement shall be maintained.

58 (6) Upon exiting the property, all trucks must turn right onto Sullivan Road, heading towards
59 Riverdale Road.

60 **Section 3.** To the extent necessary and required, the zoning designation and conditions
61 imposed herein shall be noted on the official City of College Park Zoning Map approved by the
62 Mayor and Council as soon as reasonably possible following the adoption of this Ordinance,
63 along with an editorial note on the official City of College Park Zoning Map specifying the
64 parcel affected by this Ordinance and the date of adoption of this Ordinance.

65 **Section 4.** The preamble of this Ordinance shall be considered to be and is hereby
66 incorporated by reference as if fully set out herein.

67 **Section 5.** (a) It is hereby declared to be the intention of the Mayor and Council that all
68 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
69 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

70 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
71 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
72 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
73 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
74 greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this
75 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
76 of this Ordinance.

77 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
78 shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise
79 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
80 express intent of the Mayor and Council that such invalidity, unconstitutionality, or
81 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
82 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs, or
83 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
84 clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional,
85 enforceable, and of full force and effect.

86 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby
87 expressly repealed.

88 Section 7. Penalties in effect for violations of the Zoning Ordinance of the City of
89 College Park at the time of the effective date of this Ordinance shall be and are hereby made
90 applicable to this Ordinance and shall remain in full force and effect.

91 Section 8. The effective date of this Ordinance shall be the date of adoption unless
92 otherwise specified herein.

93 ORDAINED, this 3rd day of April, 2017.

94
95 CITY OF COLLEGE PARK, GEORGIA

96
97
98 Jack P. Longino
99
100 Jack P. Longino, Mayor
101

102
103 **ATTEST:**

104 M Brooks
105
106 Melissa Brooks, City Clerk
107

108
109
110 **APPROVED BY:**

111 MS
112
113 Steven M. Fincher, City Attorney
114

115

Exhibit A



" Exhibit A "

Zoning Change M2-c to M2-c (change of conditions)

4849 Massachusetts Blvd. April 3, 2017