

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 **ORDINANCE NO. 2015-09**

4 AN ORDINANCE TO CREATE AN AGRICULTURAL ZONING DISTRICT
5 IN THE CITY OF COLLEGE PARK, GEORGIA; TO AMEND CROSS
6 REFERENCES TO SUCH DISTRICT; TO PROVIDE FOR SEVERABILITY;
7 TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE
8 DATE; AND FOR OTHER PURPOSES.
9

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

12 **WHEREAS**, the City has determined that to serve the needs of the community certain
13 amendments are needed in the City’s Code of Ordinances; and

14 **WHEREAS**, the creation of a new district would create opportunities for development of
15 such land; and

16 **WHEREAS**, the Mayor and Council desire to create an agricultural zoning district to
17 create such opportunities for development that will encompass lands devoted to a wide range of
18 uses including individual parcels devoted to residential use, single family subdivisions,
19 agricultural and closely related uses;

20 **WHEREAS**, the Mayor and Council determine that the health, safety, and welfare of the
21 citizens of the City will be positively impacted by the adoption of this Ordinance.

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

24 **Section 1.** **That the City Code, Appendix A, Zoning, is hereby amended by**
25 **adding an Article to be numbered V-A which said Article reads as follows:**

26 “Article V-A. – “AG-1” Agricultural District Regulations

27 Sec. 1. Scope.

28 The AG-1 Agricultural District ("AG-1") is intended to encompass lands devoted to a wide range
29 of uses including individual parcels devoted to residential use, single family subdivisions,
30 agricultural and closely related uses.

31 Sec. 2. Use Regulations.

32 A building or property may be used for only the following purposes:

- 33 1. Single family dwelling.
- 34 2. Agriculture, general and specialized farming, including: horticulture, plant nursery,
35 greenhouse, dairy farming, livestock raising and poultry raising provided, however, that
36 buildings used for housing animals must be at least 100 feet from all property lines.
- 37 3. Roadside stand for the sale of agricultural products produced on the property.
- 38 4. Kennel, veterinary hospital or veterinary clinic, provided buildings housing animals are
39 fully enclosed and at least 100 feet from all property lines; and pens, runs, etc. which are
40 not located in a fully enclosed building are at least 200 feet from all property lines.
- 41 5. Accessory uses. A building or land may be used for uses customarily incidental to any
42 permitted use and a dwelling may be used for a home occupation.

43 Sec. 3. Development Standards.

44 Regulations:

- 45 1. No building shall exceed 35 feet in height.
- 46 2. Minimum front yard: 60 feet.
- 47 3. Minimum side yard:
 - 48 a. 25 feet adjacent to interior line.

- 49 b. 40 feet adjacent to street.
- 50 4. Minimum Rear Yard: 50 feet
- 51 5. Minimum Lot Area:
- 52 a. one acre with frontage on paved road.
- 53 b. three acres with frontage on unpaved road.
- 54 6. Minimum Lot Width: 100 feet.
- 55 7. Minimum Lot Frontage: 35 feet adjoining street.
- 56 8. Minimum Heated Floor Area: There is no minimum heated floor area in this district.
- 57 9. Minimum Accessory Structure Requirements: Accessory structures may be located in
- 58 rear or side yards, but shall not be located within a minimum yard.”

59 **Section 2.** **That the City Code, Appendix A, Zoning, is hereby amended by striking**

60 **through existing Article XX, Exceptions and Modifications, Section 3, Yard Regulations,**

61 **Subsection (e), Accessory Buildings, and inserting the following text as follows:**

62 **“Sec. 3. - Yard regulations.**

- 63 (e) Accessory buildings. Accessory buildings, including detached garages, shall be allowed
- 64 in an R-1, AG-1, R-2, R-3, R-4 or R-5 District, subject to the following limitations:
- 65 (1) Accessory buildings shall not exceed the lesser of (a) twenty (20) feet, or (b) the height of
- 66 the principal dwelling.
- 67 (2) Accessory buildings shall be allowed in rear yards, only, provided that garages may be
- 68 allowed in front and side yards. Any accessory building must meet all applicable setbacks
- 69 and all other applicable standards of this Code.
- 70 (3) There shall be a minimum separation of ten (10) feet between the foundation of the
- 71 accessory building and the foundation of the principal dwelling.
- 72 (4) The combined floor area of all accessory buildings on a single lot in R-1, AG-1, R-2, R-3,
- 73 R-4 and R-5 Districts shall not exceed eight hundred sixty-four (864) square feet.
- 74 (5) Accessory buildings shall be architecturally compatible with the principal dwelling on the
- 75 property.

76 (6) All sides of an accessory building that face any public street shall have siding materials
77 that are identical to or aesthetically compatible with the principal dwelling on the
78 property.
79 (7) No accessory building shall have any plumbing of any kind, including but not limited to
80 running water or drainage into any sewer or septic system.
81 (8) The second story of any accessory building shall only be used as recreational rooms or
82 for storage.
83 (9) No accessory building shall be used for human habitation, including but not limited to
84 overnight accommodations for any person.
85 (10) No owner of any lot shall be permitted to erect or otherwise establish more than
86 three (3) accessory buildings on a lot.
87 (11) No building permit for an accessory building shall be issued until a C.O. has been
88 issued for a principal dwelling on the property.
89 Plans for all accessory buildings shall be reviewed by the Development Committee for
90 compliance with the limitations expressed above.”

91 Section 3. The boundaries of the Agricultural District as shown on the Boundary Map,
92 attached hereto and incorporated herein as Exhibit A, are hereby incorporated into Article V-A
93 of the Zoning Ordinance and made part of this District. A copy of such map is available for
94 inspection during normal business hours in the office of City Clerk. All property designated on
95 the attached Exhibit “A” shall be, and is henceforth, zoned AG-1.

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

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

101 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
102 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
103 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this

104 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
105 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
106 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
107 of this Ordinance.

108 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
109 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
110 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
111 express intent of the Mayor and Council that such invalidity, unconstitutionality or
112 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
113 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
114 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
115 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
116 enforceable, and of full force and effect.

117 Section 6. All ordinances and parts of ordinances in conflict herewith are hereby
118 expressly repealed.

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

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

124 **ORDAINED** this 4th day of May, 2015.

125 **CITY OF COLLEGE PARK, GEORGIA**

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JACK P. LONGINO, Mayor

129 ATTEST:

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MELISSA BROOKS, City Clerk

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133 APPROVED AS TO FORM:

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STEVE FINCHER, City Attorney

135

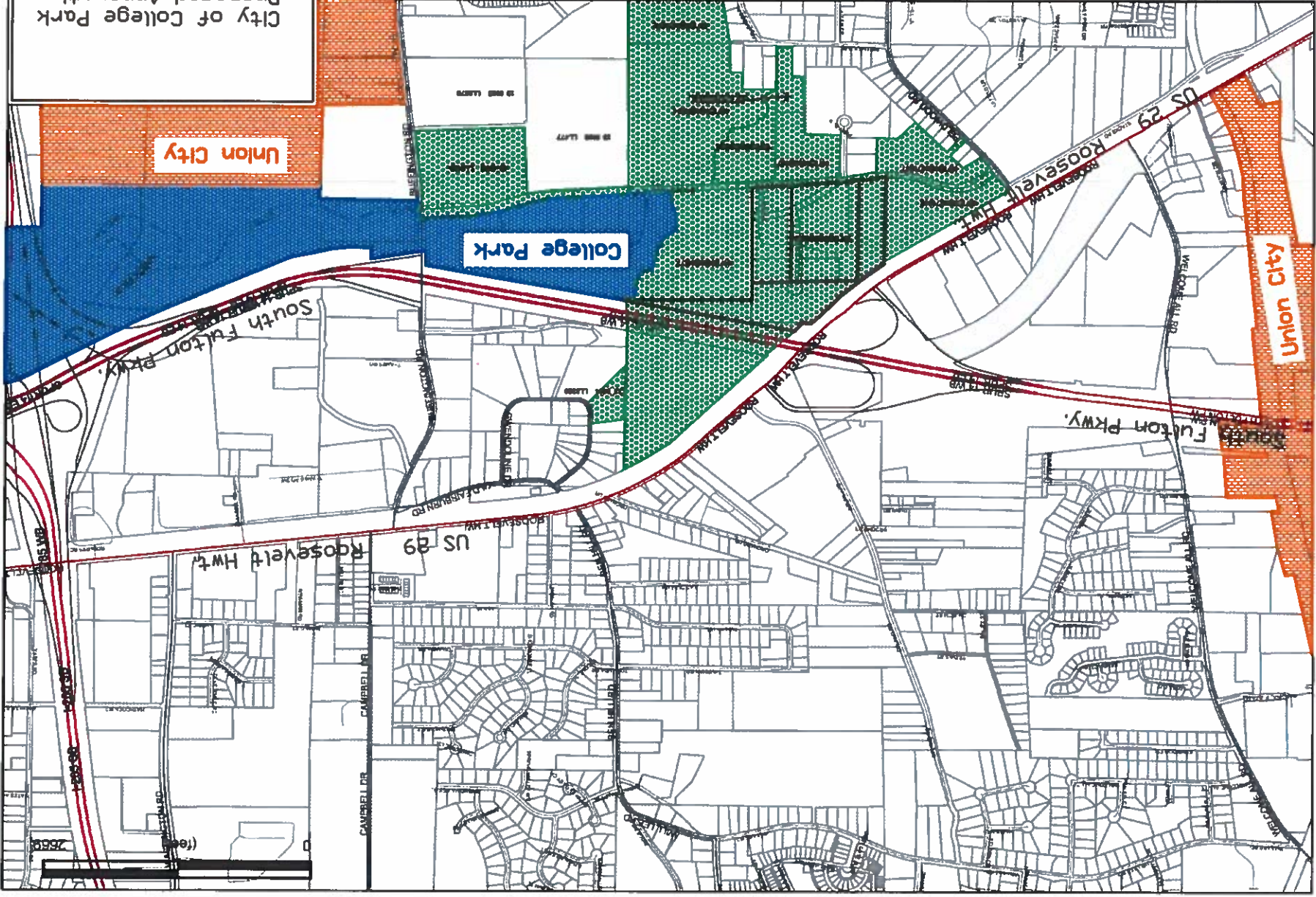
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EXHIBIT "A"
PROPOSED ANNEXED AREA
(ATTACHED)

City of College Park
Proposed Annexation
5-4-15



 Adding to Annex into College Park	 Existing Union City City Limits	 Existing College Park City Limits
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Union City

College Park

Union City

Roosevelt Hwt.

US 29

South Fulton Pkwy.

South Fulton Pkwy.

US 29

Roosevelt Hwt.

CAMPBELL DR

ASHBURN RD

WESTWOOD DR

2669

(fee)