

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 **ORDINANCE NO. 2015-06**

4 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF
5 COLLEGE PARK, GEORGIA, AS AMENDED; TO PROVIDE FOR
6 SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO
7 PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
8

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

11 **WHEREAS**, the Mayor and Council desire to modify the zoning designation of a 2.3625
12 acre parcel of real property located within the municipal limits of the City at an unnumbered
13 address on Old National Parkway, north of Godby Road (said property being a portion of the
14 tracts having Fulton County, Georgia tax parcel identification numbers 13 0061 LL1867 and 13
15 0061 LL1859);

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

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

20 **Section 1.** The 2.3625 acre parcel of real property located within the municipal limits of
21 the City of College Park at an unnumbered address on Old National Parkway, north of Godby
22 Road (said property being a portion of the tracts having Fulton County, Georgia tax parcel
23 identification numbers 13 0061 LL1867 and 13 0061 LL1859), which is further identified as the
24 parcel labeled "Proposed Tract B" on the engineering survey attached hereto as Exhibit A and
25 incorporated herein by reference, is hereby rezoned from C-2 to C-2 Conditional, such rezoning

26 to be noted on the official City of College Park Zoning Map approved by Mayor and Council as
27 soon as reasonably possible following adoption of this Ordinance along with an editorial note on
28 the official City of College Park Zoning Map specifying the parcel(s) affected by this Ordinance
29 and the date of adoption of this Ordinance. Until this rezoning is indicated on the official City of
30 College Park Zoning Map approved by Mayor and Council, this Ordinance and Exhibit A shall
31 govern over the official City of College Park Zoning Map to the extent of any discrepancy
32 between this Ordinance and the official City of College Park Official Zoning Map. This
33 rezoning is subject to these conditions:

34 1. The following limitation in Section 10 of Article IV of the Zoning Ordinance of
35 the City of College Park shall not apply to said property: “No hotel or motel
36 located within the city shall place or allow cooking facilities or cooking devices in
37 any of the guest rooms located therein.”

38 2. To the extent not expressly excluded in this Ordinance, said property shall remain
39 subject to any term(s), condition(s), requirement(s), or limitation(s) in Section 10
40 of Article IV of the Zoning Ordinance of the City of College Park as well as any
41 other term(s), condition(s), requirement(s), or limitation(s) contained in any other
42 section or article of the Zoning Ordinance of the City of College Park that applied
43 to said property before the enactment of this Ordinance.

44 The intent of this zoning amendment is to allow the construction on said property of a hotel in
45 which the guest rooms may include cooking facilities or cooking devices but not to remove any
46 other zoning term(s), condition(s), requirement(s), or limitation(s) that may otherwise apply to
47 said property.

48 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
49 incorporated by reference as if fully set out herein.

50 **Section 3. (a)** It is hereby declared to be the intention of the Mayor and Council that all
51 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
52 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

53 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
54 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
55 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
56 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
57 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
58 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
59 of this Ordinance.

60 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
61 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
62 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
63 express intent of the Mayor and Council that such invalidity, unconstitutionality or
64 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
65 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
66 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
67 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
68 enforceable, and of full force and effect.


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

71 **Section 5.** Penalties in effect for violations of the Zoning Ordinance of the City of
72 College Park at the time of the effective date of this Ordinance shall be and are hereby made
73 applicable to this Ordinance and shall remain in full force and effect.

74 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless
75 otherwise specified herein.

76 **ORDAINED** this 16th day of March, 2015.

77 **CITY OF COLLEGE PARK, GEORGIA**

78 
79 **JACK P. LONGINO, Mayor**
80

81 **ATTEST:**

82
83 
84 **MELISSA BROOKS, City Clerk**

85 **APPROVED AS TO FORM:**

86

87 _____
88 **STEVE FINCHER, City Attorney**

