

1 **STATE OF GEORGIA**

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3 **CITY OF COLLEGE PARK**

4

ORDINANCE 2016-20

5 AN ORDINANCE TO AMEND THE OFFICAL ZONING MAP, CITY OF COLLEGE PARK,
6 GEORGIA BY REZONING CERTAIN PARCELS OF REAL PROPERTY LOCATED ON
7 ROOSEVELT HIGHWAY AND HATHCOCK ROAD; TO PROVIDE FOR SEVERABILITY;
8 TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND
9 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**, the governing authority of the City desires to rezone one parcel of real
13 property located on Roosevelt Highway (Fulton County Tax Parcel Identification Number: 13-
14 0062-LL0504) and three parcels of real property located on Hathcock Road (Fulton County Tax
15 Parcel Identification Numbers: 13-0035-0004-0040, 13-0035-0004-0198, and 13-0035-0004-
16 0263); and

17 **WHEREAS**, the governing authority of the City has considered the criteria for a
18 rezoning request, located in Section 4(c) of Article XXVII of Appendix A of the City’s Code of
19 Ordinances; and

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

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

24 **Section 1.** The following parcels of real property are hereby rezoned to the zoning
25 designation of M-1 Light Industrial District:

- 26 • Fulton County Tax Parcel Identification Number: 13-0062-LL0504
- 27 • Fulton County Tax Parcel Identification Number: 13-0035-0004-0040
- 28 • Fulton County Tax Parcel Identification Number: 13-0035-0004-0198
- 29 • Fulton County Tax Parcel Identification Number: 13-0035-0004-0263

30 **Section 2.** The rezoning of said parcels is indicated on the map entitled “Roosevelt Hwy.
31 White City Rd. & Hathcock Road Rezoning July 18, 2016,” a copy of which is attached hereto as
32 Exhibit “A” and is incorporated herein by reference. The rezoning of said parcels indicated in
33 Section 1 herein and in Exhibit A attached hereto is to be noted on the official City of College
34 Park Zoning Map approved by Mayor and Council as soon as reasonably possible following
35 adoption of this Ordinance, along with an editorial note on the official City of College Park
36 Zoning Map specifying the parcels affected by this Ordinance and the date of adoption of this
37 Ordinance.

38 **Section 3.** The rezoning of the parcels indicated herein is subject to the following
39 conditions:

- 40 1. That a left turn stacking lane must be built on Roosevelt Highway eastbound, east of
41 Rock Hill Road, according to Georgia Department of Transportation (GDOT)
42 specifications.
- 43 2. That a right turn deceleration lane must be built to allow Roosevelt Highway
44 westbound traffic to enter as required by GDOT.
- 45 3. That tractor trailer trucks may only exit the site by right turn (westbound) on to
46 Roosevelt Highway.

47 4. That only passenger vehicles may exit the site by left turn (eastbound) onto Roosevelt
48 Highway. Physical barriers must be put into place to restrict tractor trailer trucks
49 from turning left (eastbound) on to Roosevelt highway.

50 5. That two gateway signs with “College Park” across the top at a height tall enough for
51 cars and pickup trucks to drive under, but low enough to restrict tractors or trailers
52 from driving in or out of Hathcock Road, must be constructed and installed across
53 Hathcock Road, with one location west of the White City Road right of way, and the
54 other location east of the western City Limit line.

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

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

60 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
61 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
62 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
63 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
64 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
65 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
66 of this Ordinance.

67 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
68 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
69 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the

70 express intent of the Mayor and Council that such invalidity, unconstitutionality or
71 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
72 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
73 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
74 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
75 enforceable, and of full force and effect.

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

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

81 **Section 8.** The effective date of this Ordinance shall be the date of adoption unless
82 otherwise specified herein.

83 **ORDAINED**, this 18th day of July, 2016.

84 **CITY OF COLLEGE PARK, GEORGIA**

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91 **Jack P. Longino, Mayor**

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93 **ATTEST:**

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97 **Melissa Brooks, City Clerk**

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100 **APPROVED BY:**

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Steven M. Fincher, City Attorney

EXHIBIT A