

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 **ORDINANCE NO. 2015-10**

4 AN ORDINANCE TO AMEND ARTICLE XV, "M-1" LIGHT INDUSTRIAL
5 DISTRICT REGULATIONS, OF APPENDIX A, ZONING, OF THE CODE OF
6 ORDINANCES OF THE CITY OF COLLEGE PARK, GEORGIA TO REVISE PROVISIONS
7 REGARDING PERMITTED USES WITHIN SAID ZONING DISTRICT; TO ADD
8 PROVISIONS REGARDING PROHIBITED USES WITHIN SAID ZONING DISTRICT; TO
9 AMEND THE PARKING, HEIGHT, AND AREA REGULATIONS OF SAID ZONING
10 DISTRICT; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO
11 REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO
12 PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

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

15 **WHEREAS**, the Mayor and Council have, as a part of planning, zoning and growth
16 management, been in review of the City's zoning ordinances and have been studying the City's
17 best estimates and projections of the type of development which could be anticipated within the
18 City; and

19 **WHEREAS**, the Mayor and Council therefore consider it paramount that land use
20 regulation continue in the most orderly and predictable fashion with the least amount of
21 disturbance to landowners and to the citizens of the City. The Mayor and Council have always
22 had a strong interest in growth management so as to promote the traditional police power goals
23 of health, safety, morals, aesthetics and the general welfare of the community; and in particular

24 the lessening of congestion on City streets, security of the public from crime and other dangers,
25 promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the
26 City including access to air and light, and facilitation of the adequate provision of transportation
27 and other public requirements; and

28 **WHEREAS**, it is the belief of the Mayor and Council that the concept of “public
29 welfare” is broad and inclusive; that the values it represents are spiritual as well as physical,
30 aesthetic as well as monetary; and that it is within the power of the City “to determine that a
31 community should be beautiful as well as healthy, spacious as well as clean, well balanced as
32 well as carefully patrolled.” Kelo v. City of New London, 545 U.S. 469 (2005); Berman v.
33 Parker, 348 U.S. 26 (1954). It is also the opinion of the City that “general welfare” includes the
34 valid public objectives of aesthetics, conservation of the value of existing lands and buildings
35 within the City, making the most appropriate use of resources, preserving neighborhood
36 characteristics, enhancing and protecting the economic well-being of the community, facilitating
37 adequate provision of public services, and the preservation of the resources of the City; and
38 **WHEREAS**, the Mayor and Council are, and have been interested in, developing a
39 cohesive and coherent policy regarding certain uses in the City, and have intended to promote
40 community development through stability, predictability and balanced growth which will further
41 the prosperity of the City as a whole; and

42 **WHEREAS**, Article XV of Appendix A of the Code of Ordinances of the City of
43 College Park, Georgia, also known as the “M-1” Light Industrial District Regulations Ordinance
44 (the “Ordinance”), concerns heavy commercial and light industrial uses, all of which shall be
45 nuisance free and not generators of hazardous wastes; and

46 **WHEREAS**, the Mayor and Council find it desirable and in the interest of the health,
47 safety, and welfare of the citizens of the City to amend certain provisions of the Ordinance.

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

50 **Section 1.** That Article XV of Appendix A of the Code of Ordinances of the City of
51 College Park, Georgia is hereby amended by inserting the following text in Section 2, “Use
52 regulations,” immediately after the Section 2 heading (“Use regulations”) and immediately
53 before the first clause of said Section (beginning with “Provided that all outdoor storage [...]”)
54 as follows:

55 “A. Permitted Uses:”

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57 **Section 2.** That Article XV of Appendix A of the Code of Ordinances of the City of
58 College Park, Georgia is hereby amended by deleting the existing text of Item (8.5) of Section 2,
59 “Use regulations,” and inserting the following text in lieu thereof:
60 “(8.5) Crematories, provided that no such use shall be erected within four hundred
61 (400) feet of a residentially zoned property or any property containing a dwelling
62 measuring from structure to residential property line or from structure to structure
63 unless there exists an intervening interstate.”

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65 **Section 3.** That Article XV of Appendix A of the Code of Ordinances of the City of
66 College Park, Georgia is hereby amended by deleting the existing text of Item (28) of Section 2,
67 “Use regulations,” and inserting the following text in lieu thereof:

68 “(28) Accessory buildings in association with permitted use.”

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70 **Section 4.** That Article XV of Appendix A of the Code of Ordinances of the City of
71 College Park, Georgia is hereby amended by inserting the following text immediately after Item
72 (28) of Section 2, “Use regulations,” to read as follows:

73	“B. Prohibited Uses:
74	(1) Blast furnace
75	(2) Boiler works
76	(3) Bone distillation
77	(4) Dwelling
78	(5) Fat rendering
79	(6) Incinerator
80	(7) Manufacturing of:
81	Acetylene gas
82	Acid
83	Ammonia
84	Asphalt
85	Bleaching powder
86	Brick
87	Chlorine gas
88	Cement
89	Coal tar
90	Explosives
91	Fertilizer
92	Glue
93	Gypsum board
94	Linoleum
95	Oil
96	Oilcloth
97	Mineral dye
98	Paint
99	Paper
100	Paper pulp
101	Patent leather
102	Petroleum products
103	Plaster of Paris
104	Pottery
105	Shellac
106	Terra cotta
107	Tile
108	Turpentine
109	Varnish
110	Yeast
111	(8) Mineral extraction
112	(9) Ore reduction
113	(10) Rolling mill
114	(11) Slaughter house
115	(12) Smelting
116	(13) Stockyard
117	(14) Storage of:

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- Explosives
- Animal hides
- (15) Tanning
- (16) Tar distillation
- (17) Truck stop
- (18) Truck terminal
- (19) Landfill, solid waste disposal
- (20) Processing or storage of radioactive materials”

Section 5. That Article XV of Appendix A of the Code of Ordinances of the City of

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College Park, Georgia is hereby amended by deleting the existing text of Section 3, “Parking and

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loading regulations,” in its entirety and inserting the following text in lieu thereof:

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“Sec. 3. - Parking and loading regulations.

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(a) The parking and loading regulations for uses permitted in the “C-2” Central Business District shall apply to such uses when located in the “M-1” Light Industrial District.

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(b) For the manufacturing and assembly uses permitted in this district, one (1) parking space shall be provided on the lot for each 1000 square feet of floor area and in addition, standing space shall be provided to accommodate the trucks and other vehicles owned or in custody of the industry. For the manufacturing and assembly uses permitted in this district, one (1) parking space shall be provided on the lot for each 1000 square feet of floor area and in addition, standing space shall be provided to accommodate the trucks and other vehicles owned or in custody of the industry.

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(c) For the warehousing uses permitted in this district, one (1) parking space shall be provided on the lot for each 2000 square feet of floor area and in addition, standing space shall be provided to accommodate the trucks and other vehicles owned or in custody of the industry.

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(d) For all of the industrial uses permitted in this district, one (1) loading space shall be provided for the first 14,999 square feet of floor area. Buildings that are 15,000 to 39,999 square feet in size shall provide two loading spaces. Buildings that are 40,000 to 65,000 square feet in size must provide three loading spaces. For larger buildings, one additional loading space must be provided for each additional 80,000 square feet. Loading spaces must be of sufficient size to accommodate the largest size trucks servicing the facility. Where such space is so located that the truck must back directly from a thoroughfare into the loading space, a maneuvering space of forty-nine (49) feet shall be provided. In addition, adequate maneuvering space shall be provided for other required movements.”

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161 Section 6. That Article XV of Appendix A of the Code of Ordinances of the City of

162 College Park, Georgia is hereby amended by deleting the existing text of Section 4, “Height

163 regulations,” in its entirety and inserting the following text in lieu thereof:

164 “Sec. 4. - Height regulations.

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166 No building shall exceed four (4) stories in height, nor shall exceed fifty (50) feet
167 in height, except when a conditional height zoning permit is granted as defined
168 and described in Article XX, Section 2, Subsection (b).”

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170 Section 7. That Article XV of Appendix A of the Code of Ordinances of the City of

171 College Park, Georgia is hereby amended by deleting the existing text of Section 5, “Area

172 regulations,” in its entirety and inserting the following text in lieu thereof:

173 “Sec. 5. - Area regulations.

174 (a) Front yard. There shall be a front yard having a depth of not less than thirty (30) feet.

175 (b) Side yard. There shall be a side yard of not less than five (5) feet.

176 (c) Rear yard. There shall be a rear yard of not less than fifteen (15) in depth.

177 (d) Accessory structures shall not be located in the minimum front yard.”

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179 Section 8. The preamble of this Ordinance shall be considered to be and is hereby
180 incorporated by reference as if fully set out herein.

181 Section 9. This Ordinance shall be codified in a manner consistent with the laws of the
182 State of Georgia and the City.

183 Section 10. (a) It is hereby declared to be the intention of the Mayor and Council that all
184 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
185 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

186 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
187 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this

188 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this

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

193 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
194 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
195 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
196 express intent of the Mayor and Council that such invalidity, unconstitutionality or
197 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
198 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
199 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
200 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
201 enforceable, and of full force and effect.

202 Section 11. All ordinances and parts of ordinances in conflict herewith are hereby
203 expressly repealed.

204 Section 12. The effective date of this Ordinance shall be the date of adoption unless
205 otherwise specified herein.

206 ORDAINED this 1st day of JUNE, 2015.

207 CITY OF COLLEGE PARK, GEORGIA

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210 JACK P. LONGINO, Mayor
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ATTEST:

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MELISSA BROOKS, City Clerk

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APPROVED AS TO FORM:

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STEVE FINCHER, City Attorney

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