

1 **STATE OF GEORGIA**

2 **CITY OF COLLEGE PARK**

3 **ORDINANCE 2018-08**

4 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF COLLEGE
5 PARK, GEORGIA BY REZONING A PARCEL OF REAL PROPERTY LOCATED ON 0
6 KAREN LANE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING
7 ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

10 **WHEREAS**, the governing authority of the City has considered one or more of the
11 criteria of a rezoning request, provided in Section 4(c) of Article XXVII ("Changes and
12 Amendments") in Appendix A ("Zoning") of the Code of Ordinances, City of College Park,
13 Georgia; and

14 **WHEREAS**, the governing authority of the City desires to rezone the following parcel of
15 real property: a tract located at 0 Karen Lane according to the present system of numbering
16 property in College Park, Fulton County, Georgia (Fulton County Tax Parcel Identification
17 Number: 13 0003 LL0563) the parcel being currently zoned BP (Business Park) District.

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

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

22 **Section 1.** The following parcel of real property is hereby rezoned to the zoning
23 designation of PD-R (Planned Development - Residential) as said designation is described in
24 Appendix A (“Zoning”) of the Code of Ordinances, City of College Park, Georgia:

- 25 • Fulton County Tax Parcel Identification Number: 13 0003 LL0563

26 **Section 2.** The said rezoning is subject the Site Plan attached hereto and incorporated
27 herein as Exhibit “B” and the representative house styles as depicted in attached Exhibit “C”,
28 which is incorporated herein by reference. Said Site Plan may be varied as to lot size but is
29 generally intended to be representative of the fundamental placement of infrastructure and
30 amenities. Additionally, the said rezoning is subject to the following conditions:

- 31 1. The Development must have restrictive covenants which shall include at least the
32 following provisions:
 - 33 ▪ Developer/seller shall prepare adequate disclosures to purchasers
34 regarding airport noise. Disclosure documents must be approved by the
35 College Park City Attorney prior to execution of the final plat.
 - 36 ▪ Homeowner’s Association shall enforce a limit on residential rentals. The
37 number of rental houses shall not exceed 10%.
- 38 2. There shall be a maximum of 300 residential units.
- 39 3. Each residence shall have sufficient acoustic insulation to reduce external noise
40 levels by a minimum of 35 DBA, and an average of 38 DBA throughout the living
41 space.
- 42 4. Residential units shall incorporate masonry elements as evidenced in Exhibit “C”,
43 though the builder may have flexibility to substitute stone for brick, and vice
44 versa, as long as the architectural elements are appropriately incorporated and

45 masonry elements comprise a minimum of 10% of the building facades.
46 Deviations from approved exhibits must be approved by the City of College Park
47 Development Committee.

48 5. Amenity package shall be installed prior to the sale of the first residential
49 property.

50 6. Developer must certify that Meritage Homes will be the builder for the residences
51 on site.

52 7. There shall be a minimum separation of 12 feet between residential units.

53 8. Lot coverage shall not exceed 40%.

54 9. A performance bond shall be issued for each phase of land development.

55 10. Developer shall provide new fencing, gazebo, restroom facility and landscape
56 improvements to Brannon Park.

57 11. City of College Park shall provide a Right-of-Way easement through Brannon
58 Park for new public road between Herschel Road and the proposed development,
59 to be constructed by developer at developer's sole expense. Upon satisfactory
60 completion, said road shall be dedicated to the City. The developer shall also
61 install a traffic signal at the intersection of said road and Herschel Road.

62 12. A minimum of 20% of the single family lots shall be 60 feet wide, and a
63 maximum of 80% of the single family lots shall be 50 feet wide.

64 **Section 3.** The rezoning of said parcel is indicated on the map entitled "Zoning Change
65 BP Business Park District to PD-R Planned Development-Residential ___-___-18," a copy of
66 which is attached hereto as Exhibit "A" and is incorporated herein by reference. The rezoning
67 indicated in Section 1 herein and in Exhibit A attached hereto is to be noted on the official City

68 of College Park Zoning Map approved by the City's Mayor and Council as soon as reasonably
69 possible following adoption of this Ordinance, along with an editorial note on the official City of
70 College Park Zoning Map specifying the parcel affected by this Ordinance and the date of
71 adoption of this Ordinance.

72 **Section 4.** As a part of this rezoning, the Mayor and City Council hereby adopt a minor
73 revision to the City of College Park Future Land Use Map for the property rezoned herein, which
74 designation shall be changed from "Low Density Residential" to "Medium Density Residential."

75 **Section 5.** The preamble of this Ordinance shall be considered to be and is hereby
76 incorporated by reference as if fully set out herein.

77 **Section 6.** (a) It is hereby declared to be the intention of the Mayor and Council that all
78 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
79 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

80 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
81 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
82 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
83 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
84 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
85 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
86 of this Ordinance.

87 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
88 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
89 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
90 express intent of the Mayor and Council that such invalidity, unconstitutionality or

91 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
92 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
93 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
94 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
95 enforceable and of full force and effect.

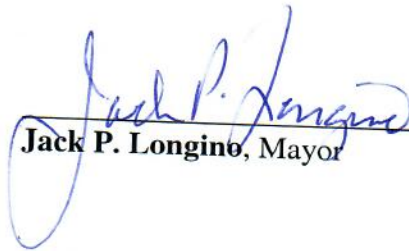
96 **Section 7.** All ordinances and parts of ordinances in conflict herewith are hereby
97 expressly repealed.

98 **Section 8.** Penalties in effect for violations of the Zoning Ordinance of the City of
99 College Park, Georgia at the time of the effective date of this Ordinance shall be and are hereby
100 made applicable to this Ordinance and shall remain in full force and effect.

101 **Section 9.** The effective date of this Ordinance shall be the date of adoption unless
102 otherwise specified herein.

103 **ORDAINED**, this 1st day of October, 2018.

CITY OF COLLEGE PARK, GEORGIA



Jack P. Longino, Mayor

113 **ATTEST:**

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115 _____
116 **Shavala Moore, Acting City Clerk**
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120 **APPROVED BY:**

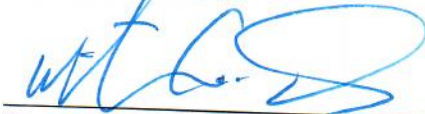
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122 _____
123 **Steven M. Fincher, City Attorney**
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EXHIBIT A

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 ORDINANCE 2018- 06

4 AN ORDINANCE TO REPEAL AND REPLACE THE CITY OF COLLEGE PARK
5 ZONING ORDINANCE AND READOPT ZONING MAP; TO PROVIDE FOR
6 SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN
7 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

10 WHEREAS, the City of College Park's current zoning ordinance is codified as
11 Appendix A to the City Code; and

12 WHEREAS, the City Council has reviewed a rewrite of the Zoning Code and the new
13 zoning code, as attached hereto and incorporated herein as **Exhibit A**, is deemed to be best for
14 the health, safety and welfare of the citizens of the City; and

15 WHEREAS, a properly-advertised hearing pursuant to the Georgia Zoning Procedures
16 Act has been held by the Mayor and City Council prior to adoption of this Ordinance and the
17 new Zoning Code.

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

20 **Section 1.** The City of College Park zoning code as it currently exists in Appendix A to
21 the City Code is hereby repealed in its entirety and replaced in its entirety by the new zoning
22 code attached hereto and incorporated herein as **Exhibit A**, which shall be codified in its place as
23 Appendix A to the City Code.

24 **Section 2.** The current, up to date zoning map for the City of College Park, as available
25 and reviewable during the public hearing, is hereby adopted as part of the new Zoning Code, and
26 said adopted zoning map shall be available for public review in the office of the City Clerk and
27 the Zoning Administrator.

28 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby
29 incorporated by reference as if fully set out herein.

30 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
31 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
32 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

33 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
34 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
35 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
36 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
37 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
38 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
39 of this Ordinance.

40 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
41 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
42 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
43 express intent of the Mayor and Council that such invalidity, unconstitutionality or
44 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
45 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
46 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,

47 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
48 enforceable and of full force and effect.

49 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby
50 expressly repealed.

51 **Section 6.** Penalties in effect for violations of the Zoning Ordinance of the City of
52 College Park, Georgia at the time of the effective date of this Ordinance shall be and are hereby
53 made applicable to this Ordinance and shall remain in full force and effect.

54 **Section 7.** The effective date of this Ordinance shall be the date of adoption unless
55 otherwise specified herein.

56 **ORDAINED**, this ____ day of _____, 2018.

57
58 **CITY OF COLLEGE PARK, GEORGIA**

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64 **Jack P. Longino, Mayor**

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66 **ATTEST:**

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70 _____
71 **Melissa Brooks, City Clerk**

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73 **APPROVED BY:**

74
75
76 _____
77 **Steven M. Fincher, City Attorney**

EXHIBIT A
[NEW ZONING CODE]

**EXHIBIT A
ZONING MAP**

**EXHIBIT B
SITE PLAN**

EXHIBIT C
REPRESENTATIVE HOUSE STYLES















