

1 **STATE OF GEORGIA**

2
3 **CITY OF COLLEGE PARK**

4
5
6 **ORDINANCE NO. 2018-10**

7
8
9 AN ORDINANCE TO AUTHORIZE A CONDITIONAL USE FOR A PARCEL OF
10 PROPERTY LOCATED AT 3549 MAIN STREET; TO PROVIDE SEVERABILITY; TO
11 PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING
12 ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION AND
13 EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

14 **WHEREAS**, the governing body of the City of College Park, Georgia (“City”) is
15 the Mayor and Council thereof; and

16 **WHEREAS**, the governing body is authorized by its Charter to regulate zoning
17 within the limits of the City; and

18 **WHEREAS**, the parcel of property located within the City limits at 3549 Main
19 Street is currently zoned Downtown Commercial and Historic District (DC); and

20 **WHEREAS**, the current land use of the property is as a church, and the owner of
21 such property desires to utilize the property as an Elite Preparatory School, has requested
22 a Conditional Use Permit to allow such use of the property; and

23 **WHEREAS**, Article XIX, Sec. 2 of Appendix A of the Code of Ordinances, City
24 of College Park, Georgia (“Zoning Code”) provides that in any commercially-zoned parcel
25 of the City, any use which is not a permitted or prohibited use may be considered for a
26 conditional use by the Mayor and City Council after finding that “the proposed use would
27 contribute to the revitalization of the city, that the use would not be incompatible with the

28 commercial district’s character and that the proposed use is compatible with other uses
29 allowed by right in the district”; and

30 **WHEREAS**, the governing body finds that the proposed use of the property is not
31 out of character with the surrounding area; and

32 **WHEREAS**, the Future Land Use Plan for this Property is Walkable Commercial
33 which contemplates commercial or mixed use development comprised of retail, office and
34 residential; and

35 **WHEREAS**, the governing body finds that the proposed use of said property is not
36 out of keeping with the Future Land Use Map and Comprehensive Plan; and

37 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures
38 Act has been properly held prior to the adoption of this Ordinance.

39 **BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL**
40 **OF THE CITY OF COLLEGE PARK, GEORGIA**, and by the authority thereof:

41 **Section 1.** That the use of the property located at 3549 Main Street, College Park,
42 Georgia, Parcel ID number 14-016200190343, for the establishment of a private
43 educational institution is an approved conditional use in the Downtown Commercial and
44 Historic District (DC) pursuant to Section 2 of Article XIX of Appendix A of the Code of
45 Ordinances, City of College Park, Georgia.

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

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

51 constitutional.

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

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

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

70 **Section 5.** Penalties in effect for violations of Chapter 1 of the Code of Ordinances,
71 City of College Park, Georgia at the time of the effective date of this Ordinance shall be
72 and are hereby made applicable to this Ordinance and shall remain in full force and effect.

73 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless

74 otherwise specified herein.

75 **SO ORDAINED** this _____ day of _____, 2018.

76

77

CITY OF COLLEGE PARK, GEORGIA

78

79

80

81

JACK P. LONGINO, Mayor

82

83 **ATTEST:**

84

85

86

87 _____
SHAVALA MOORE, Acting City Clerk

88

89

90

91 **APPROVED AS TO FORM:**

92

93

94

95 _____
STEVEN FINCHER, City Attorney

96