

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 8 ARTICLES A, B, AND C; SECTION 8-3-3 (DEFINITIONS); SECTION 8-8-40 (GENERAL COMMERCIAL); SECTION 8-8-44 (LIGHT INDUSTRIAL) AND SECTION 8-8-84 (LIMITATIONS ON CERTAIN BUSINESSES); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WITNESSETH:**

Be it ordained by the Governing Body of the City of Forest Park, Georgia as follows:

**SECTION 1.** That Section 8-3-3 Definitions of the Code of Ordinances, is hereby amended by adding additional definitions to said section of definitions by the following in lieu thereof:

*Sec. 8-3-3. Definitions.*

*Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the City of Forest Park shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.*

- **Ambulance** a vehicle specially equipped for taking sick or injured people to and from the hospital, especially in emergencies.
- **Ambulance services**-services provided by a licensed ambulance provider on the ground or air transportation of a sick or injured person in a specially designed and equipped vehicle which includes a trained ambulance attendant who is licensed or certified as required by state law.
- **Driver** means the operator of a taxicab.
- **Limousine** a large, chauffeur-driven luxury vehicle usually with a partition between the driver compartment and the passenger compartment used to transport passengers in return for payment, typically more luxurious than a taxicab and without a taximeter.
- **Limousine dispatcher**-schedules and dispatch workers and service workers for conveyance of passengers, while providing exceptional customer service for external and internal customers.
- **Limousine Service** shall mean a service whereby a vehicle is held out for hire, including the services of the driver of said vehicle, for purposes of traveling from one destination to another for a specified fee, or is contracted for or engaged on an hourly basis.
- **Taxicab** is hereby defined to be a motor vehicle or similar vehicle operated for hire, used to transport passengers, uses a taximeter, and is authorized to provide taxicab services pursuant to this chapter.
- **Taxi Dispatcher**- is a person designated to send cabs off to customers and keep records of all road-service calls. They may stay in touch with the drivers by phone, computer, or two-way radio, and help drivers with problems and answer their questions.
- **Taxicab services** means the act of picking up passengers in the incorporated limits of the city, and accepting or soliciting any consideration, charge or fee which is determined by agreement, by mileage, by the length of time the vehicle is used or by contract for the use of any taxicab.

**SECTION 2.** That Section 8-8-40 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by updating the use of certain businesses in the General Commercial zoning district as a conditional use.

The intent of the GC district is to provide a land use category for a diversity of commercial uses that provide products and services on a regional level.

The provisions that regulate this land use district should promote an appropriate mixture of retail, personal service, dining, and entertainment uses that will allow for improved vehicular circulation and pedestrian movements.

The following uses shall be permitted as a Conditional Use in the General Commercial District.

### ***Permitted Uses***

#### *Retail and Business Uses*

- Any use permitted in the institutional commercial (IC) district
- Antique shops, provided that there is no outdoor display or storage
- Automobile broker
- Automobile gasoline sales
- Automobile rental and leasing facilities
- Automobile sales (new dealerships)
- Automobile minor service/repair
- Automobile wash/wax centers
- Building and lumber supply establishments, providing that there is not outside storage of materials or equipment
- Catering establishments
- Colleges, universities, and vocational technical schools
- Commercial parking garages and lots
- Commuter transit, such as bus and train
- Fitness centers, gyms, yoga studios, and similar group instruction
- Funeral home/mortuary establishments
- Furniture sales and showrooms
- Hotels
- Indoor recreation, including bowling alleys, pool rooms, electronic gaming machines, and other similar activities
- Museums and art galleries
- Mystic/spiritual readings and shops
- Night club, dance club, tavern, and similar establishments
- Package stores
- Palm readers/psychics/fortune tellers
- Pet shops having no outside kennels
- Private school K-12
- Professional/business schools and colleges or other private schools offered for profit
- Restaurants and other dining establishments with or without a drive-through configuration
- Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
- Sporting field and complexes

- Stationary, office supply, and equipment stores
- Tattoo parlors and piercing studios
- Theaters, assembly halls, concert hall, or similar places of assembly when conducted completely within enclosed building
- Trade shops, including electrical plumbing, heating/cooling, and roofing/siding, having no outside storage
- Vape and tobacco shops
- Veterinary clinics

### ***Public/Institutional***

- Municipal, county, state or federal buildings
- Public school K-12

### ***Conditional Uses***

#### *Retail and Business Uses*

- Ambulance Services (\* vehicle limitation)
- Auction galleries
- Automobile sales (used dealerships)
- Flea Market
- Limousine services (\*vehicle limitation)
- Outdoor amusement enterprises, including carnivals, bazaars, miniature golf, and batting cages
- Mini-warehouses and storage buildings
- Night club, dance club, tavern, and similar establishments
- Pawn shop
- Places of assembly
- Places of Worship
- Secondhand stores, including apparel, music, movies, gaming, and books
- Taxicab services (\*vehicle limitation)
- Taxicab and limousine dispatch (without vehicle storage)

**Section 3.** That Section 8-8-44 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by updating the use of certain businesses in the Light Industrial zoning district as a permitted use.

The intent of the LI district is to allow a land use category for assembly, warehousing, wholesale activities, and other industrial operations. The provisions that regulate this land use district should make the district compatible with Hartsfield-Jackson Atlanta International Airport, the State Farmers Market, the City's Commercial Districts, and environmentally sensitive areas.

This district should be used in combination with the GC district in areas with convenient access to the interstates and other major transportation routes.

### **Permitted Uses**

#### *Industrial and Warehousing*

- Agricultural implementation and equipment establishments

- Ambulance Services
- Auto engine, body repair, and undercoating shops when completely enclosed
- Automobile rental and leasing facilities
- Automobile, truck, or trailer repair facilities
- Breweries and distilleries
- Building materials and lumber supply establishments
- Commercial parking garages and lots
- Computer and data processing services
- Gasoline service stations and truck stops
- Greenhouses and nurseries, including landscaping services
- Limousine services
- Manufacturing, compounding, processing, or assembling food or consumer goods
- Mini-warehouses and storage
- Newspaper and printing plants
- Nonprofit fraternal organizations and clubs
- Offices and administrative facilities
- Public utilities such as electric substations, storage of materials and trucks, repair facilities, offices and electric.  
generating plants
- Recreational vehicle/boat sales and service
- Repair, reconditioning, and manufacturing
- Research, experimental, testing laboratories, blood plasma centers, blood banks, similar blood products and/or donation centers
- Taxicab services
- Taxicab and limousine dispatch (with vehicle storage)
- Truck, trailer, tractor sales and service
- Towing, wrecking, and impound service
- Tractor and trailer parking and storage
- Trade shops, including electrical, plumbing, heating/cooling, and roofing
- Trade/industrial/vocational schools
- Wholesale business, warehouse, distribution, trucking terminal, and similar non processing storage and distribution uses

#### *Public/Institutional*

- Municipal, county, state, or federal buildings

#### Communications/Utilities

- Utility substation
- Water tower

#### **Conditional Uses**

##### *Retail and Business Uses*

- Bowling alley, billiard hall, indoor archery and firearm range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation
- Automobile sales

- Places of assembly
- Places of worship

#### *Communications/Utilities*

- Wireless telecommunications

#### *Accessory Uses*

- Gate and security buildings
- Outdoor storage

**Section 4.** That Section 8-8-84 (g) of the Code of Ordinances, City of Forest Park, Georgia is hereby amended to include space limitations on certain transportation business services.

To avoid an over-concentration of ambulance service, limousine services, taxicab services, and limousine and taxicab service dispatch, it is necessary to establish spacing requirements to the list of businesses currently in Section 8-8-84 (G).

#### **Section 8-8-84 Limitations on Certain Businesses**

Amend Section 8-8-84 (G) Spacing. This code section shall apply to the following types of businesses:

(g) Spacing. This Code section shall apply to the following types of businesses:

- (1) Hair salons and barbershops;
- (2) Nail salons;
- (3) Tire shops;
- (4) Pawn, title lending and cash for title shops;
- (5) Vapor shops and smoke shops;
- (6) Thrift stores and consignment shops;
- (7) Auto and truck repair shops (except that the spacing limitations shall not apply to such shops within the light industrial or heavy industrial zoning districts);
- (8) Appliances shops;
- (9) Tattoo shops;
- (10) Ambulance services;
- (11) Taxicab Services;
- (12) Limousine services;
- (13) Taxicab and limousine dispatch; and
- (14) Small box discount stores as defined in section 8-8-84(i).

**Section 5.** To add new subsections (N) and (O) to Section 8-8-84 that addresses the number of vehicles transportation businesses may have on site and parking and vehicle storage.

**(N)** Ambulance services, limousine services, and taxicab services shall have no more than three (3) business vehicles on the premises of the business during hours of operation. Vehicles should be parked behind or on the side of the business facility when vehicles are not in use.

(O) Taxicab and limousine dispatch with vehicle storage is only allowed in Light Industrial districts, and vehicles should be parked in an orderly manner in secured, fenced area.

**SECTION 6. Intention of the Governing Body.** It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Forest Park, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

**SECTION 7. Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

**SECTION 8. Attestation.** The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

**SECTION 9. Codification and Severability.**

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

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause, or phrase of this ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause, or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this ordinance.

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

**SECTION 10. Repeal of Conflicting Provisions.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 11. Effective Date.** This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Forest Park as provided in the City Charter.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_

Mayor Angelyne Butler

ATTEST:

\_\_\_\_\_ (SEAL)

City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

City Attorney