

**STATE OF GEORGIA
CITY OF FOREST PARK
COUNTY OF CLAYTON**

ORDINANCE RZ-2024-01

1 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF FOREST
2 PARK, GEORGIA BY REZONING THAT CERTAIN PARCEL OF REAL PROPERTY
3 LOCATED AT 0 FERGUSON COURT; TO PROVIDE FOR SEVERABILITY; TO REPEAL
4 CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR ALL
5 OTHER LAWFUL PURPOSES.

6 **WHEREAS**, the duly elected governing authority of the City of Forest Park, Georgia
7 (hereinafter the “City”) is the Mayor and Council thereof; and

8 **WHEREAS**, the governing authority is authorized by its Charter to regulate zoning within
9 the limits of the City; and

10 **WHEREAS**, the subject parcel of real property consists of approximately 0.16 acres
11 located at 0 Ferguson Court, according to the present system of numbering property in Forest Park,
12 Clayton County, Georgia (Tax Parcel Identification Number: 13049A A031) (the “Property”); and

13 **WHEREAS**, the Property is currently zoned as RS (Single Family Residential); and

14 **WHEREAS**, the owner (“Applicant”) of the Property filed an application requesting the
15 governing authority to rezone the Property to RM (Multiple Family Residential); and

16 **WHEREAS**, the City Planner and Planning Commission recommend approval of the
17 application subject to certain conditions included in the City Staff Report and said report is hereby
18 incorporated by reference herein; and

19 **WHEREAS**, the governing body of the City has considered the criteria of a rezoning
20 request, provided in Section 8-8-186 (Zoning Amendment Process) of Article G (Zoning
21 Amendments) in Chapter 8 (Zoning) of the Code of Ordinances, City of Forest Park, Georgia; and

22 **WHEREAS**, the City has complied with the notice and hearing requirements pursuant to
23 O.C.G.A. § 36-66-1 *et seq.*; and

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

26 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE**
27 **CITY OF FOREST PARK, GEORGIA**, and by the authority thereof:

28 **Section 1.** That certain parcel of real property consisting of approximately 0.16 acres
29 located at 0 Ferguson Court, according to the present system of numbering property in Forest Park,
30 Clayton County, Georgia (Tax Parcel Identification Number: 13049A A031) is hereby rezoned to
31 RM (Multiple Family Residential). Such rezoning is to be noted on the official City of Forest Park
32 Zoning Map approved by Mayor and Council (“Zoning Map”), as soon as reasonably possible
33 following adoption of this Ordinance along with an editorial note on the map specifying the parcel
34 affected by this Ordinance and the date of its adoption. Until this rezoning is indicated on the
35 Zoning Map, this Ordinance shall govern to the extent of any discrepancy between this Ordinance
36 and the Zoning Map. This rezoning is subject to the following conditions:

37 1. The Applicant shall comply with the Multiple Family Residential District
38 Standards in Section 8-8-33. If Applicant desires to proceed with its submitted
39 site plan, Applicant shall:

- 40 • Apply for a variance to reduce the side yard setback from the required
41 25 feet to 10 feet;

- 42 • Apply for a variance to reduce the rear yard setback from the required
43 35 feet to 30 feet; and
- 44 • Provide parking capacity for two (2) vehicles per residential unit.
- 45 2. Applicant shall submit its plans for landscaping and exterior architectural design
46 of the building façade to the Urban Design and Review Board for consideration
47 and approval.
- 48 3. Any changes or deviations from the approved plans shall be submitted to the
49 Planning Commission for approval.
- 50 4. The above-mentioned conditions shall be satisfied prior to the issuance of a
51 building permit.

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

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

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

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

73 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
74 repealed to the extent of such conflict.

75 **Section 5.** The City Clerk is authorized to execute, attest to, and seal any documents which
76 may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

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

80 **Section 7.** This ordinance shall become effective immediately upon its adoption by the
81 Mayor and City Council of the City of Forest Park as provided in the City Charter.

82 **Section 8.** The City Clerk, with the concurrence of the City Attorney, authorized to correct
83 any scrivener's errors found in this Ordinance, including any exhibits, as enacted.

84

85 **ORDAINED** this _____ day of _____, 2024.

CITY OF FOREST PARK, GEORGIA

Angelyne Butler, Mayor

ATTEST:

Michelle Hood, Deputy City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney