

**STATE OF GEORGIA
CITY OF FOREST PARK**

ORDINANCE NO. 2024-__

1 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF
2 FOREST PARK, GEORGIA, CHAPTER 8 (ZONING), SECTION 8-8-54 (DOWNTOWN
3 MAINSTREET DISTRICT (DM) DESIGN GUIDELINES), AND SECTION 8-8-188
4 (CONDITIONAL USE PROCESS); TO PROVIDE SEVERABILITY; TO PROVIDE FOR
5 REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND
6 EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

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

9 **WHEREAS**, this change adheres to all zoning procedures pursuant to O.C.G.A. § 36-66-
10 36 and notice and hearing requirements pursuant to O.C.G.A. § 36-66-1, *et seq.*; and

11 **WHEREAS**, the City Council desires to clarify certain provisions in the City’s special
12 building standards for development subareas in downtown and for the City’s conditional use
13 process; and

14 **WHEREAS**, the amendments contained herein would benefit the health, safety, morals,
15 and welfare of the citizens of the City.

16 **BE IT AND IT IS HEREBY ORDAINED** by the Mayor and Council of the City of Forest
17 Park, Georgia, and by the authority thereof:

18 **Section 1.** Chapter 8 (“Zoning”), Article B (“Zoning Districts, Overlay Districts, and
19 Design Guidelines Established”), Section 8-8-54 (“Downtown Mainstreet District (DM) Design
20 Guidelines”), 8-8-54.8 (“Special Building Standards for Development Subareas in Downtown”)

21 in the City’s Code of Ordinances is hereby amended to be read and codified with permanent
22 additions in **bold** and deletions in ~~strike through~~ font as set forth in **Exhibit A** herein.

23 **Section 2.** Chapter 8 (“Zoning”), Article G (“Zoning Amendments”), Section 8-8-188
24 (“Conditional Use Process”), in the City’s Code of Ordinances is hereby amended to be read and
25 codified with permanent deletions in **bold** and deletions in ~~strike through~~ font as set forth in **Exhibit**
26 **B** herein.

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

29 **Section 4.** This Ordinance shall be codified in a manner consistent with the laws of the
30 State of Georgia and the City of Forest Park.

31 **Section 5.** (a) It is hereby declared to be the intention of the Mayor and Council that all
32 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
33 enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

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

41 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
42 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
43 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of

44 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
45 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
46 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
47 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
48 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
49 effect.

50 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
51 repealed.

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

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

56 **ORDAINED** this ____ day of _____, 2024.

CITY OF FOREST PARK, GEORGIA

Angelyne Butler, *Mayor*

ATTEST:

Randi Rainey, *City Clerk* (SEAL)

APPROVED AS TO FORM:

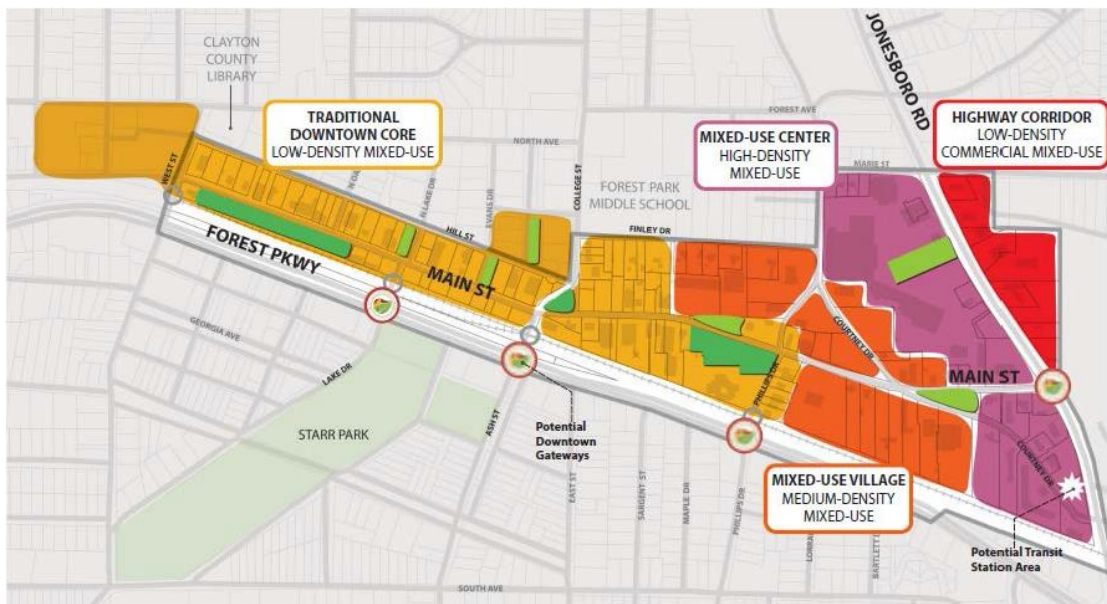
City Attorney

EXHIBIT A

57 CHAPTER 8. – ZONING

58 ARTICLE B. – ZONING DISTRICTS, OVERLAY DISTRICTS, AND DESIGN GUIDELINES 59 ESTABLISHED

60 8-8-54.8. *Special building standards for development subareas in downtown.* In addition to the
61 general development standards in the Downtown Mainstreet District, four (4) distinct subareas
62 are defined for future mixed-use development. These subareas are defined and delineated in the
63 Downtown Forest Park Livable Centers Initiative Study adopted by the city in 2021. The map is
64 identified below:



65 As defined by the 2021 Downtown Forest Park Livable Centers Initiative Study, any new
66 development or redevelopment should comply with the following standards:

- 67 a. *Traditional downtown core:* Low-density mixed-use with retail/commercial and single
68 family attached.
- 69 1. *Building height:* 2—3 stories.
 - 70 2. Residential density: 6—12 units/acre.
 - 71 3. **Residential Density over twelve (12) units / acre requires a conditional**
72 **use permit pursuant to Section 8-8-188.**
 - 73 4. Commercial size: 3,000—5,000 square feet.

- 74 b. *Mixed-use village*: Medium-density mixed-use with retail/commercial and single-
75 family attached and multi-family.
- 76 1. Building height: 3—4 stories.
- 77 2. Residential density: 15—24 units/acre.
- 78 3. **Residential density over twenty-four (24) units/acre requires a**
79 **conditional use permit pursuant to Section 8-8-188.**
- 80 4. Commercial size: 6,000—15,000 square feet.
- 81 c. *Mixed-use center*: Higher-density mixed-use.
- 82 1. Building height: 5—6 stories.
- 83 2. Residential density: 25—35 units/acre.
- 84 3. **Residential density over thirty-five (35) units/acre requires a conditional**
85 **use permit pursuant to Section 8-8-188.**
- 86 4. Commercial size: 16,000—40,000 square feet.
- 87 d. *Highway commercial*: Mixed-use retail/commercial.
- 88 1. Building height: 2 stories.
- 89 2. Residential density: None.
- 90 3. Commercial size: 20,000—30,000 square feet.

EXHIBIT B

91 CHAPTER 8. – ZONING

92 ARTICLE G. – ZONING AMENDMENTS

93 Sec. 8-8-188. – Conditional use process.

94 The following ~~standards and procedure applies~~ **procedures apply** to conditional use petitions:

95 **(1) *Standards.* No application for a conditional use permit shall be granted by the Mayor**
96 **and City Council unless satisfactory provisions and arrangements have been made**
97 **concerning each of the below factors and any other applicable factors for**
98 **specific conditional use permits authorized by this chapter, and shall consider the**
99 **extent to which the proposed conditional use:**

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a. **Has an impact compatible with surrounding properties and residential areas to ensure the appropriateness of the use at a specific location;**

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b. **Has a specified location consistent with the policies embodied in the adopted comprehensive plan;**

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c. **Is consistent with the general purpose and intent of the applicable zoning district regulations;**

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d. **Is compatible with and preserves the character and integrity of adjacent developments and neighborhoods and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent developments and neighborhoods;**

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e. **Does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;**

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f. **Incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;**

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g. **Incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and the proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations**

122 are necessary to render the use compatible with adjoining development
123 and neighborhoods;

124 h. Is based on the site plan in conformity with all space limits, buffers,
125 parking and loading provisions, and other provisions of this article;

126 i. The applicant has agreed to any specific limitations
127 or conditions necessary to protect the public interest and assure the
128 continued beneficial use and enjoyment of nearby properties or that no
129 special limitations are necessary to protect the public.

130 (2) An applicant aggrieved by a denial of a conditional use permit shall have the right to
131 file an appeal in Clayton Superior Court in accordance with state law.

132 (3) *Withdrawal of applications by applicant.* Prior to the public hearing by the City
133 Council, an applicant may withdraw a zoning application without prejudice by
134 providing written notice to the City of such request for withdrawal. This written
135 request shall be received no later than the planned publication of the agenda for such
136 hearing. After such a deadline, the hearing will be deemed to have commenced. After
137 the hearing has commenced, the applicant may request to withdraw an application
138 prior to a final decision by the Mayor and Council. Such withdrawal shall be subject
139 to the approval of the Mayor and Council by vote during the hearing of the case. In
140 any case, no application fees will be refunded.

141 (4) ~~(1)~~ *Application.* The petitioner shall submit a conditional use application, affidavit, and
142 consent of property owner (if the owner is someone other than the petitioner), a deed for
143 the property involved, the required filing fee, and required supportive information.
144 Supportive information shall include, but not be limited to the following:

145 a. A site plan drawn with a straight edge, signed, and dated, clearly showing the
146 entire layout of the property and all features relevant to the conditional use
147 request.

148 b. A letter of intent to the planning commission describing the details of the
149 conditional use request, including, but not limited to:

150 1. The ways in which the conditional use shall comply with the
151 applicable development standards of this Code,

152 2. The ways in which the conditional use shall be consistent with the
153 required findings of fact described by section 8-8-186(1).

154 c. For proposals using septic systems, a letter from the County Health Department
155 shall be provided verifying that the ~~any~~ proposed new development makes
156 appropriate use of the septic system and will be adequately served.

157 d. For proposals using public sewers, a letter from ~~the service provider~~ **Clayton**
158 **County Water Authority** shall be included verifying that any proposed new
159 development will be served.

160 (5) ~~(2)~~ *Notification.* Notification for the scheduled public hearing regarding the conditional
161 use request shall be completed consistent with section 8-8-185, notice of public hearing.

162 (6) ~~(3)~~ *Public hearing.* The planning commission will then, in a public hearing scheduled
163 consistent with the adopted calendar of filing and meeting dates, review the conditional
164 use application, and ~~the~~ required supportive information.

165 a. Either the petitioner or a representative of the petitioner must be present at the
166 public hearing to present the petition and address the required findings of fact.

167 b. The planning commission shall consider a report from the ~~director~~ **Planning**
168 **Staff**, testimony from the petitioner, and testimony from the public and
169 interested parties at the hearing.

170 c. The presentation of reports and testimony and all other aspects of the public
171 hearing shall be consistent with the requirements of the rules and procedures
172 of the planning commission.

173 d. The planning commission shall either forward the petition to the mayor and
174 city council with a favorable recommendation, a favorable recommendation
175 an unfavorable recommendation, or no recommendation, or table the request.

176 1. The petition shall be forwarded with a favorable recommendation if
177 it is found to be consistent with the decision criteria listed below in
178 this article.

179 2. The petition shall be forwarded with an unfavorable
180 recommendation if it is found to be inconsistent with the decision
181 criteria listed below in this article.

182 3. The petition may be forwarded with no recommendations if, by a
183 majority vote of the commission, it is determined that the petition
184 includes aspects which the commission is not able to evaluate.

185 (7) ~~(4)~~ *Certification.* The ~~director~~ **Planning Staff** shall certify the planning commission's
186 recommendation and staff report to the mayor and city council.

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(8) ~~(5)~~ *Mayor and city council hearing.* The mayor and city council shall hold a public hearing and vote on the proposed conditional use permit.