

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

**ORDINANCE 2024-\_\_\_\_**

1 AN ORDINANCE TO AMEND THE ZONING REGULATIONS OF THE CITY OF  
2 FOREST PARK, GEORGIA BY AMENDING TITLE 8 (PLANNING AND DEVELOPMENT),  
3 CHAPTER 8 (ZONING), ARTICLE G (ZONING AMENDMENTS), SECTION 8-8-190  
4 (TERMINATION OF CONDITIONAL USE PERMIT); TO PROVIDE FOR SEVERABILITY;  
5 TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND  
6 FOR ALL OTHER LAWFUL PURPOSES

**WITNESSETH:**

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

9 **WHEREAS**, this Ordinance is in accordance with Section 36-35-3(b) of the Official Code  
10 of Georgia; and

11 **WHEREAS**, the City desires to amend the zoning regulations for the expiration of  
12 conditional use permits in the City; and

13 **WHEREAS**, pursuant to O.C.G.A. § 36-66-4(a), a local government action resulting in a  
14 zoning decision shall provide for a hearing on the proposed action; and

15 **WHEREAS**, pursuant to O.C.G.A. § 36-66-4(a), the City shall provide notice of the time,  
16 place, and purpose of the hearing by publishing the notice within a local government newspaper  
17 at least fifteen (15) days but not more than forty-five (45) days prior to the date of the hearing;

18 **WHEREAS**, the Planning Commission and the City have complied with the provisions of  
19 O.C.G.A. § 36-66-1 *et seq.*;

20           **WHEREAS**, the amendments contained herein will benefit the health, safety, morals, and  
21 welfare of the citizens of the City.

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

24           **Section 1.** Title 8 (“Planning and development”), Chapter 8 (“Zoning”), Article G  
25 (“Zoning amendments”), Section 8-8-190 (“Termination of conditional use permit”) of the Code  
26 of Ordinances, City of Forest Park is hereby amended by deleting such section and replacing it  
27 with a new Section 8-8-190 as set forth below.

28           “Sec. 8-8-190. - Termination of conditional use permit.

29  
30           (a) A conditional use permit shall cease to be authorized and expire without any  
31 further action of the Mayor and Council if construction has not been approved  
32 and completed and/or occupancy granted within six (6) months of the date the  
33 conditional use permit is granted.

34  
35           (b) A conditional use permit may continue so long as the use thereby allowed is  
36 actually being conducted on the property to which it applies or as subsequently  
37 modified by the Mayor and Council pursuant to the provisions of this chapter,  
38 once activity authorized by a conditional use permit has been discontinued for  
39 a period of sixty (60) days, the conditional use permit shall expire without  
40 further action by the Mayor and Council and such use may not thereafter be  
41 made on premises without reapplication therefore and approval thereof by the  
42 Mayor and Council. In making the decision regarding whether or not a  
43 conditional use has been discontinued, the zoning administrator shall base his  
44 judgment upon objective criteria gained from observation of the premises. The  
45 subjective intent of the owner or lessee of the property shall not be considered.”

46           **Section 2.** It is the intention of the governing body, and it is hereby ordained that the  
47 provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of  
48 Forest Park, and the sections of the ordinance may be renumbered to accomplish such intention.

49           **Section 3.** The City Clerk is authorized to execute, attest to, and seal any documents which  
50 may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

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

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

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

68           **Section 5.** All ordinances or parts of ordinances in conflict with this ordinance are hereby  
69 repealed.

70           **Section 6.** The preamble of this Ordinance shall be codified in a manner consistent with  
71 the laws of the State of Georgia and the City.

72            **Section 7.** Penalties in effect for violations of the Zoning Ordinance of the City of Forest  
73 Park, Georgia at the time of the effective date of this Ordinance shall be and are hereby made  
74 applicable to this Ordinance and shall remain in full force and effect.

75            **Section 8.** This ordinance shall become effective immediately upon its adoption by the  
76 Mayor and City Council of the City of Forest Park as provided in the City Charter.

77            **Section 9.** The City Clerk, with the concurrence of the City Attorney, authorized to correct  
78 any scrivener's errors found in this Ordinance, including any exhibits, as enacted.

79            **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