STATE OF GEORGIA

CITY OF COLLEGE PARK

RESOLUTION NO. 2016-29

A RESOLUTION TO AUTHORIZE A CONDITIONAL USE FOR A PARCEL OF PROPERTY LOCATED AT 3505 NATURALLY FRESH BOULEVARD; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of College Park, Georgia ("City") is the Mayor and Council thereof; and

WHEREAS, Article III ("Definitions"), Section 1 ("Enumeration"), subsection 16(a) ("Conditional Uses") of Appendix A of the Code of Ordinances of the City of College Park, Georgia ("Zoning Code") provides that ambulance services are a permitted use in any district, subject to the provisions of Article XIX ("Conditional Use Regulations"); and

WHEREAS, Article XIX, ("Conditional Use Regulations"), Section 2, ("Other Conditional Uses"), of the Zoning Code authorizes the governing body to permit uses which are not listed as permitted or prohibited in all commercial zoning districts of the City; and

WHEREAS, the owner of property located within the city limits at 3505 Naturally Fresh Boulevard desires to utilize the subject property as ambulance fleet

28 storage, service and repair facility and the owner of such property has requested a
29 Conditional Use Permit to allow such use of the property; and

30 **WHEREAS**, the subject property is zoned M-1 Light Industrial District; and

31 **WHEREAS**, Article XV, ("'M-1' Light Industrial District Regulations"), Section
32 2(A) ("Permitted uses") of the Zoning Code does not authorize the property owner's
33 proposed use of the property and Section 2(B) ("Prohibited uses") does not prohibit the
34 property owner's proposed use of the property; and

35 **WHEREAS,** the Mayor and Council find that the proposed use of the property
36 would contribute to the revitalization of that area of the City; and

37 **WHEREAS**, the Mayor and Council find that the use of said property would be
38 compatible with the M-1 Light Industrial District's character; and

39 **WHEREAS**, the Mayor and Council find that the proposed use of said property is
40 compatible with other uses allowable by right in the M-1 Light Industrial District; and

41 **WHEREAS**, the amendments contained herein would benefit the health, safety,
42 morals and welfare of the citizens of the City of College Park.

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

46 **Section 1.** That the use of the property located at 3505 Naturally Fresh Boulevard
47 as an ambulance fleet storage, service and repair facility, is an approved conditional use
48 in the M-1 Light Industrial District pursuant to Section 2 of Article XIX of the Zoning
49 Code, subject to the following conditions:

50 1. If the property owner should ever intend to use the property for the

51 dispatching of ambulance or other emergency vehicles, the property owner
52 shall apply to the Planning Commission for a conditional use permit for the
53 use of the property for dispatch of emergency vehicles.

54 **Section 2**. A graphic depiction (in the form of a map) of the location of the
55 conditional use is attached hereto and incorporated herein as Exhibit A.

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

58 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council
59 that all sections, paragraphs, sentences, clauses and phrases of this Resolution are or
60 were, upon their enactment, believed by the Mayor and Council to be fully valid,
61 enforceable and constitutional.

62 (b) It is hereby declared to be the intention of the Mayor and Council that, to the
63 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
64 phrase of this Resolution is severable from every other section, paragraph, sentence,
65 clause or phrase of this Resolution. It is hereby further declared to be the intention of the
66 Mayor and Council that, to the greatest extent allowed by law, no section, paragraph,
67 sentence, clause or phrase of this Resolution is mutually dependent upon any other
68 section, paragraph, sentence, clause or phrase of this Resolution.

69 (c) In the event that any phrase, clause, sentence, paragraph or section of this
70 Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or
71 otherwise unenforceable by the valid judgment or decree of any court of competent
72 jurisdiction, it is the express intent of the Mayor and Council that such invalidity,
73 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not

render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All resolutions and parts of resolutions in conflict herewith are hereby expressly repealed.

Section 6. Penalties in effect for violations of Chapter 1 of the Code of Ordinances, City of College Park, Georgia at the time of the effective date of this Resolution shall be and are hereby made applicable to this Resolution and shall remain in full force and effect.

Section 7. The effective date of this Resolution shall be the date of adoption unless otherwise specified herein.

RESOLVED this 19th day of September, 2016.

[SIGNATURES CONTINUED TO NEXT PAGE]

CITY OF COLLEGE PARK, GEORGIA

JACK P. LONGINO, Mayor

ATTEST:

MELISSA BROOKS, City Clerk

APPROVED AS TO FORM:

STEVEN FINCHER, City Attorney

EXHIBIT A

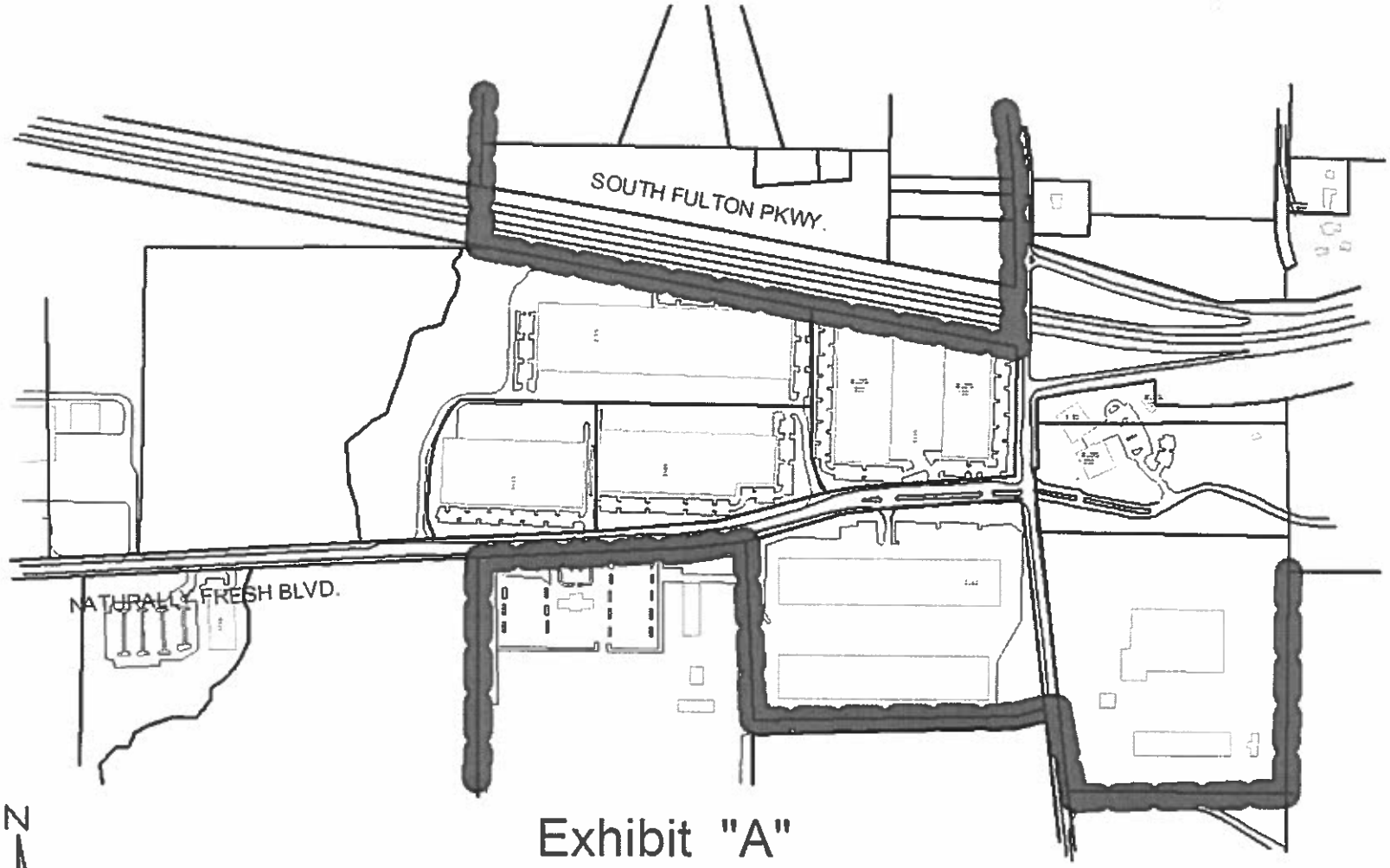

Exhibit "A"

Conditional Use Permit Resolution