

1 STATE OF GEORGIA

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3 CITY OF COLLEGE PARK

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RESOLUTION NO. 2016-31

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A RESOLUTION TO AUTHORIZE A CONDITIONAL USE FOR A PARCEL OF
10 PROPERTY LOCATED AT 3271 MAIN STREET; TO PROVIDE SEVERABILITY;
11 TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING
12 ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION AND
13 EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

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

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WHEREAS, Appendix A (“Zoning Code”), Article XIV-G (“DB” Downtown
Business District), Section 3 (Permitted Uses), Subsection 11 (Services) of the Code of
Ordinances of the City of College Park, Georgia provides that wine stores and “Drinking
Places (Alcoholic Beverages)” are permitted uses in said District, subject to the
provisions of Chapter 3 (Alcoholic Beverages) of the Code of Ordinances; and

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WHEREAS, subject to state licensure, the production and wholesale sale of wine
by Farm Wineries is authorized by Georgia law; and

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WHEREAS, the retail sale and sale by the drink of wine produced by Farm
Wineries is allowed pursuant to Chapter 3 of the Code of Ordinances; and

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WHEREAS, Article XIV-G, Sec. 5 (Conditional Uses), of the Zoning Code
authorizes the governing body to consider and grant applications for conditional use
permits that would permit uses which are not specifically listed as permitted or prohibited

28 in the Downtown Business District; and

29 **WHEREAS**, the owner of property located at 3271 Main Street desires to utilize
30 the subject property for a Farm Winery operation for the production, sale by the drink of
31 and retail sale of wine produced on the property and the owner of such property has
32 requested a Conditional Use Permit to allow such use of the property; and

33 **WHEREAS**, the subject property is zoned Downtown Business District; and

34 **WHEREAS**, Article XIV-G, (“DB” Downtown Business District), Section 3
35 (Permitted uses), of the Zoning Code does not specifically permit the property owner’s
36 proposed use of the property and Section 4 (Prohibited uses) does not prohibit the
37 property owner’s proposed use of the property; and

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

40 **WHEREAS**, the Mayor and Council find that the use of said property would be
41 compatible with the Downtown Business District’s character; and

42 **WHEREAS**, the Mayor and Council find that the proposed use of said property is
43 compatible with other uses allowable by right in the Downtown Business District; and

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

46 **BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND**
47 **COUNCIL OF THE CITY OF COLLEGE PARK, GEORGIA**, and by the authority
48 thereof:

49 **Section 1.** That the use of the property located at 3271 Main Street for the
50 establishment of a Farm Winery operation for the production, sale by the drink and retail

51 sale of wine produced on the property, is an approved conditional use in the Downtown
52 Business District pursuant to Section 5 of Article XIV-G of the Zoning Code.

53 Section 2. A graphic depiction (in the form of a map) of the location of the
54 conditional use, entitled “‘Exhibit A’ Conditional Use Permit 3271 Main Street, October
55 3, 2016”, 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

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

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

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

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

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88 **RESOLVED** this 3rd day of October , 2016.

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[SIGNATURES CONTINUED TO NEXT PAGE]

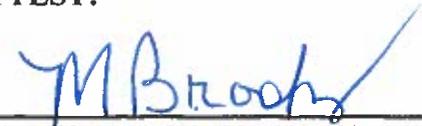
CITY OF COLLEGE PARK, GEORGIA



JACK P. LONGINO, Mayor

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ATTEST:



MELISSA BROOKS, City Clerk

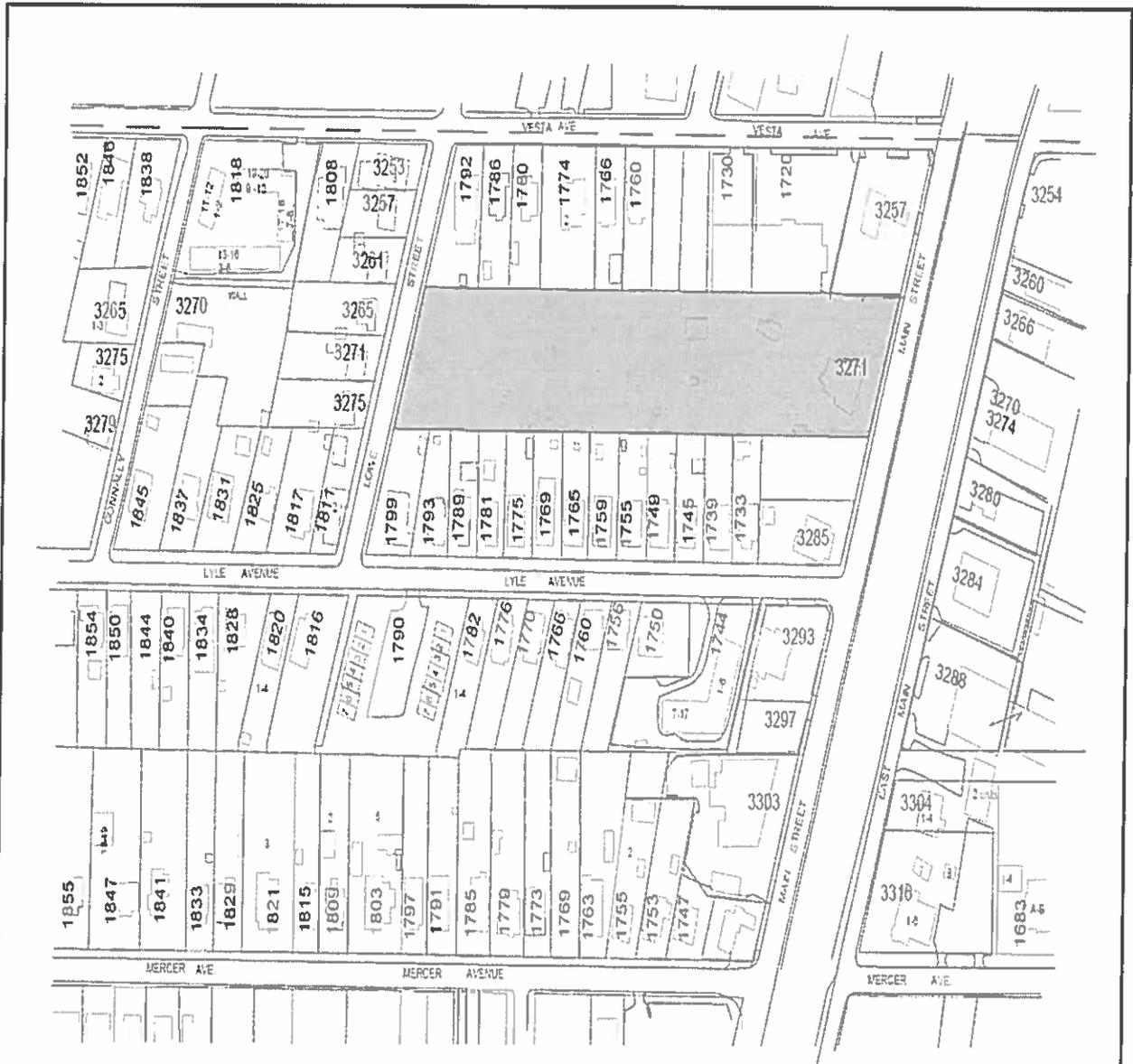
APPROVED AS TO FORM:



STEVEN FINCHER, City Attorney

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EXHIBIT A



" Exhibit A "

Conditional Use Permit

3271 Main Street, October 3, 2016

