

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

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

8 **WHEREAS**, the governing authority is authorized by its Charter to regulate zoning  
9 within 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  
12 Forest Park, Clayton County, Georgia (Tax Parcel Identification Number: 13049A A031)  
13 (the “Property”); and

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

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

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

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

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

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

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

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

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

- Apply for a variance to reduce the side yard setback from the required 25 feet to 10 feet;
- Apply for a variance to reduce the rear yard setback from the required 35 feet to 30 feet; and
- Provide parking capacity for two (2) vehicles per residential unit.

2. Applicant shall submit its plans for landscaping and exterior architectural design of the building façade to the Urban Design and Review Board for consideration and approval.

3. Any changes or deviations from the approved plans shall be submitted to the Planning Commission for approval.

4. The above-mentioned conditions shall be satisfied prior to the issuance of a building permit.

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

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

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause

or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable and of full force and effect.

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

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

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

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

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

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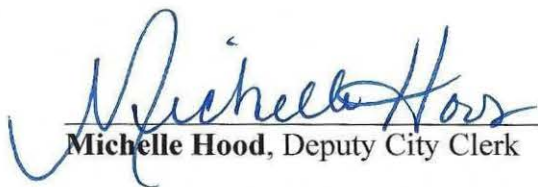
**ORDAINED** this 3<sup>rd</sup> day of June 2024.

**CITY OF FOREST PARK, GEORGIA**



**Angelyne Butler, Mayor**

**ATTEST:**

  
**Michelle Hood, Deputy City Clerk**

**APPROVED AS TO FORM:**

  
City Attorney