

1 **FULTON COUNTY, GEORGIA**

2 **CITY OF EAST POINT**

3  
4 **AN ORDINANCE TO AMEND THE EAST POINT CODE OF ORDINANCES PART 10-**  
5 **ZONING CODE AND DEVELOPMENT REGULATIONS CHAPTER 2 – ZONING**  
6 **REGULATIONS, ARTICLE C.- ZONING TEXT, DISTRICT CLASSIFICATIONS AND**  
7 **BOUNDARIES TO AMEND SECTION 10-2076 MIX MIXED USE DISTRICT; TO ADD**  
8 **SECTION 10-2076.1 MX-CI MIXED USE COMMERCIAL INDUSTRIAL ZONING**  
9 **DISTRICT; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES**  
10

11 **CASE NO:**

12 **ASSOCIATED CASE NO: N/A**

13 **WHEREAS**, the duly elected governing authority of the City of East Point, Georgia is the Mayor and  
14 Council thereof; and

15 **WHEREAS**, the governing authority is empowered to provide for the health, safety, and welfare of the  
16 residents, employees, businesses, and visitors within the city; and

17  
18 **WHEREAS**, the City of East Point finds that certain industrial uses and commercial uses with high  
19 vehicular use when located proximate to residentially used or zoned property has potential negative impacts on  
20 those properties and on the residents therein; and

21 **WHEREAS**, the City of East Point finds that those negative impacts include but are not limited to diesel  
22 or gasoline particulate matter from automobiles and/or on-road trucks associated with warehouses and distribution  
23 centers and other industrial type uses on existing communities and sensitive receptors located in the City. In  
24 particular, industrial uses sited close to sensitive receptors (homes, schools, parks, day care centers, nursing  
25 homes, hospitals and other places public places) can result in adverse health and environmental impacts; and

**WHEREAS**, the City of East Point finds that industrial uses consume large tracts of land, bring about substantial environmental externalities, air pollutants, noise, pavement damage, threats to traffic safety threatened when mixed with residential traffic; and

**WHEREAS**, the City of East Point is nonetheless aware of the contribution industry has made to its economic development and appreciates industry's past contributions to the current vitality of the City and its residents, it seeks to strike a fair balance between new industry and the future well-being of its residents;

**WHEREAS**, the follow regulations are not intended to include “big box” discount or warehouse stores that sell retail goods, merchandise or equipment, or storage and mini-storage facilities that are offered for rent or lease to the general public nor applicable to the operation of any existing industrial uses that are legally operating within the City limits as of the date of the enactment of this ordinance; and

**WHEREAS**, the City seeks to impose restrictions on the location of certain industrial uses in an effort to reduce negative impacts of such uses on housing, schools, parks, child care and day care centers, nursing homes and hospitals.

**WHEREAS**, in accordance with Section 10-1009 – Transmittal of commission results to mayor and city council of the Zoning Ordinance, the Planning and Zoning Commission of the City of East Point has forwarded its recommendation to the Mayor and City Council that the amendments to Chapter 2- Zoning Regulations, Article C.- Zoning Text, District Classifications and Boundaries to add Section 10-2076.1 MX-CI Mixed Use Commercial Industrial District be approved and

**WHEREAS**, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on December 29, 2020; and

WHEREAS, after the aforementioned public hearing, the governing authority has determined that adoption of the amendment to Chapter 2. Zoning Regulations, Article C.- Zoning Text, District Classifications and Boundaries,

1 in order to add Section 10-2076.1 MX-CI Mixed Use Commercial Industrial District is necessary in order to impose  
2 restrictions on the location of certain industrial uses and commercial uses with high vehicular use in an effort to  
3 reduce negative impacts on residentially used or residentially zoned properties within the City of East Point and  
4 would be in the best interests of the residents, property owners, businesses and citizens of the City of East Point; and  
5 **NOW, THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of East Point, Georgia, and it**  
6 **is hereby ordained by the authority of same that Chapter 2 - Zoning Regulations, Article C.- Zoning Text,**  
7 **District Classifications and Boundaries, Section 10-2076.1 MX-CI Mixed Use Commercial Industrial District be**  
8 **added to the City of East Point Zoning Ordinance as depicted in Exhibit A attached hereto:**

9 **Section 1.**

10 1. Chapter 2 – Zoning Regulations, Article C.- Zoning Text, District Classifications and Boundaries, Section  
11 10-2076.1 – MX-CI Mixed Use Commercial Industrial District.

12 **Section 2.** This ORDINANCE shall be codified in a manner consistent with the laws of the State of Georgia and the  
13 City of East Point.

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15 **Section 3.** Nothing in this Ordinance shall prevent the continued operation of any industrial use or commercial  
16 parking lot or garage operating under a validly issued land use permit and/or occupation tax certificate/business  
17 license as of the date of enactment of this Ordinance.

18 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all Sections, paragraphs,  
19 sentences, clauses and phrases of this ORDINANCE are upon, their enactment, believed by the Mayor and Council  
20 to be fully valid, enforceable and constitutional.

21 (b) It is hereby declared to be the intention of the Mayor and council that, to the greatest extent allowed  
22 by law, each and every section, paragraph, sentence, clause or phrase of this ORDINANCE, is severable from every  
23 other section, paragraph, sentence, clause or phrase of the ORDINANCE. It is hereby further declared to be the  
24 intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,  
25 clause or phrase of this ORDINANCE is mutually dependent upon any other section, paragraph, sentence, clause  
26 or phrase of this ORDINANCE.

(c) In the event that any phrase, clause, sentence, paragraph, or section of this ORDINANCE 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, unconstitutionally 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 5.** ALL ORDINANCES and parts of ORDINANCES in conflict herewith are hereby expressly repealed.

**Section 6.** Penalties in effect for violations of Part 1 of the Code of Ordinances, City of East Point, 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.** The effective date of this ORDINANCE shall be the date of adoption unless otherwise specified herein.

Public Hearing:

12/29/2020


First Reading:

waived

SO PASSED AND APPROVED the 29<sup>th</sup> day of December 2020.

SPONSORED BY:



  
Deana Holiday Ingraham, Mayor

1 APPROVED AS TO FORM:

2 Brad Bowman

3 Brad Bowman (Dec 31, 2020 10:44 EST)

4 Brad Bowman, City Attorney

ATTEST:

Keshia McCullough

Keshia McCullough, City Clerk

## **Sec. 10-2076.1 – MX-CI Mixed Use Commercial Industrial District**

*MX-CI District scope and intent.* Regulations in this section are the MX-CI District regulations. Article D should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The MX-CI District is intended to encourage flexible, innovative and creative concepts in site planning and efficient use of land and to provide a combination of commercial and light industrial uses. Mixed-use developments are defined as projects containing three or more of the following uses: residential, commercial, office, institutional, industrial, and conservation.

Use regulations. Within the MX-CI District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

**(a) Permitted uses.** Structures and land may be used for only the following purposes.

- (1) All permitted uses within C-1, C-2, C-L, C-R, and MIX districts
  - a. Nightclub, with use permit only.
- (2) Art galleries.
- (3) Artisans workshops.
- (4) Animal Care facilities, veterinary offices, grooming facilities.
- (5) Assembly/production of electronic equipment.
- (6) Banks.
- (7) Bookstores.
- (8) Brewpubs (in accordance with Chapter 1, Alcoholic Beverages, Section 11-1000).
- (9) Clubs/lodges.
- (10) Community center buildings.
- (11) Education
  - a. College/University.
- (12) Laundry and dry-cleaning collection stations limited to no more than 2,500 square feet.
- (13) Movie theater.
- (14) Hotels
  - a. Motels, prohibited.

- (15) Museums.
- (16) Gyms/ Exercise facilities.
- (17) Grocery Stores.
- (18) Collaborative workspaces.
- (19) Community Kitchens.
- (20) Residential uses: A building or premises shall be used for the following non-industrial residential uses and structures:
  - a. Single-family or two-family dwellings.
  - b. Multifamily dwellings.
- (21) Rooftop gardens.
- (22) Newspaper publishing facilities.
- (23) Office, business.
- (24) Office, professional.
- (25) Radio and television broadcasting stations.
- (26) Research and experimental testing labs.
- (27) Restaurants, bars, grills, taverns, cafes, fast-food facilities and similar eating and drinking establishments.
- (28) Studio.
- (29) Tasting room.
- (30) Training facilities.
- (31) Retail.
- (32) Cigar/smoke shops.

**(b) Accessory Uses.**

(1) Accessory uses and structures:

- a. Accessory uses and structures incidental to any permitted use is allowed including but not limited to pools, or patio dining.
- b. Temporary storage pods intended for a limited period of time and not for permanent storage.
- c. For sale, for rent, or for lease signs are allowed in accordance with Chapter 7, Signs.

(c) ***Uses permitted through administrative permit.*** The following uses may be permitted per the procedures and standards set forth in Article D, Section 10- 2081, et seq.

- (1) 10-2089. Alternative antenna support structure.
- (2) 10-2090. Amateur antenna.
- (3) 10-2094. Driving range (not associated with a golf course).
- (4) 10-2096. Film production.
- (5) 10-2098. Golf course.
- (6) 10-2099. Outdoor event, small.
- (7) 10-2101. Recreational court, private.
- (8) 10-2102. Recreational courts, public.
- (9) 10-2103. Relocated residential structure.
- (10) 10-2104. Revival tent.
- (11) 10-2107. Seasonal business use (with a commercial component).
- (12) 10-2110. Swimming pool, public.
- (13) 10-2111. Temporary classroom.
- (14) 10-2113. Utility substations (telephone, electric, or gas, etc.)

(d) ***Uses permitted through use permit only.*** The following uses may be permitted per the procedures and standards set forth in Article D, Section 10-2081, et seq.:

- 1) Commercial parking lots, garages
- 2) Nightclub
- 3) Gas station, minimart

(e) ***Development Standards.***

- 1) *Height regulations – 75'*
  - a. Residential- 10'
- 2) *Minimum front yard setback – 3' minimum, 20' maximum*
- 3) *Minimum side yard setback – none*
  - a. If adjacent to residential, 20' with 10' landscape buffer
- 4) *Minimum rear yard setback - 30 feet*
  - a. If adjacent to residential, 20' with 10' landscape buffer
- 5) *Minimum lot area - Per conditions specified*



- 6) *Minimum width of lot frontage or width at building line – 100'*
- 7) *Minimum heated floor area per unit - Per conditions specified*
- 8) *Minimum accessory structure requirements - Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.*

**(f) Site Development Requirement.** The following design requirements are to be incorporated into the project:

- 1) Parking in rear of structure or street parking;
- 2) Underground parking decks;
- 3) Shared parking with contiguous businesses;
- 4) Pervious/permeable material for parking areas and roadways under 25 mph;
- 5) Use of bio-retention islands and other storm water practices with parking lot landscaped and setback areas;
- 6) Use of pervious/permeable materials for walking paths;
- 7) Use of pervious materials for driveways;
- 8) Use of green roofs;
- 9) Use of rain gardens, rain barrels and other residential rain collection practices;
- 10) Discharge of roof drainage into pervious areas;
- 11) Preservation of natural vegetation and shade within the lot;
- 12) Downcast lighting;
- 13) Refuse screening;
- 14) Natural vegetative transitional buffer;
- 15) Combination of masonry materials: brick, stone;
- 16) Landscaping/screening must include noninvasive plant species;
- 17) Parking reduction in density requirements.

### **(g) Transparency Requirements**

<i>Ground story, nonresidential</i>	<i>50% min</i>
<i>Upper story</i>	<i>20% min</i>
<i>Blank wall length</i>	<i>30' max</i>
<i>Entrance facing primary street</i>	<i>Required</i>

Other regulations. The headings below contain provisions applicable to the MX-CI District.

Chapter 2 Zoning Regulations

Chapter 3 Building Code Regulations

Chapter 4 Subdivision Regulations

Chapter 5 Flood Damage Prevention

Chapter 6 Tree Protection and Landscape Ordinance

Chapter 7 Signs

Chapter 8 Uniform Roadway Addressing System

Chapter 9 Condition and Use of Commercial and Industrial Buildings

Chapter 10 Soil Erosion and Sedimentation Control

Chapter 11 Stormwater Management

Chapter 12 Stream Buffer Protection

Chapter 13 Enterprise Zones

Chapter 14 Overlay Districts