

FULTON COUNTY, GEORGIA

CITY OF EAST POINT

**AN ORDINANCE TO AMEND AND ADOPT THE CITY OF EAST POINT
COMPREHENSIVE PLAN UPDATE 2017 AND FUTURE DEVELOPMENT MAP TO
ALLOW FOR "COMMUNITY GOALS AND CHARACTER AREAS" TO INCORPORATE
THE MX-CI MIXED USE COMMERCIAL INDUSTRIAL DISTRICT AND THE WH-I
WAREHOUSE INDUSTRIAL DISTRICT AS "TYPICAL ZONING DISTRICTS"; TO
PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES**

CASE NO:

ASSOCIATED CASE NO: N/A

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

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

WHEREAS, the governing authority have amended the City of East Point Zoning Ordinance in order to adopt the WH-I Warehouse Industrial District and the MX-CI Mixed Use Commercial Industrial District; and

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 City of East Point Comprehensive Plan Update 2017 and the City of East Point Future Development Map be amended to allow for "Community Goals and Character Areas"

1 to incorporate the WH-I Warehouse Industrial District and the MX-CI Mixed Use Commercial Industrial District as
2 typical zoning districts; and

3 **WHEREAS**, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a
4 properly advertised public hearing on the amendment to the City of East Point Comprehensive Plan Update 2017 and
5 Future Development Map was held not less than 15 nor more than 45 days from the date of publication of notice, and
6 which public hearing was held on December 29, 2020; and

7 **WHEREAS**, after the aforementioned public hearing, the governing authority has determined that adoption
8 of the amendments to the City of East Point Comprehensive Plan Update 2017 and Future Development Map to
9 allow for Community Goals and Character Areas to incorporate the WH-I Warehouse Industrial District and the MX-CI
10 Mixed Use Commercial Industrial District would be in the best interests of the residents, property owners, businesses
11 and citizens of the City of East Point; and

12 **NOW, THEREFORE BE IT ORDAINED**, by the Mayor and City Council of the City of East Point, Georgia, and it
13 is hereby ordained by the authority of same that the City of East Point Comprehensive Plan Update 2017 and
14 Future Development Map be amended and adopted as depicted in Exhibit A attached hereto:

15 **Section 1.**

16 1. That the City of East Point Comprehensive Plan Update 2017 and Future Development Map be amended
17 to allow for "Community Goals and Character Areas" to incorporate the WH-I Warehouse Industrial District as a
18 "typical zoning district".

19 2. That the City of East Point Comprehensive Plan Update 2017 and Future Development Map be amended
20 to allow for "Community Goals and Character Areas" to incorporate the MX-CI Mixed Use Commercial Industrial
21 District as a "typical zoning district".

22 **Section 2.** This ORDINANCE shall be codified in a manner consistent with the laws of the State of Georgia and the
23 City of East Point.
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1 **Section 3.** Nothing in this Ordinance shall prevent the continued operation of any industrial use or commercial
2 parking lot or garage operating under a validly issued land use permit and/or occupation tax certificate/business
3 license as of the date of enactment of this Ordinance.

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

7 (b) It is hereby declared to be the intention of the Mayor and council that, to the greatest extent allowed
8 by law, each and every section, paragraph, sentence, clause or phrase of this ORDINANCE, is severable from every
9 other section, paragraph, sentence, clause or phrase of the ORDINANCE. It is hereby further declared to be the
10 intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,
11 clause or phrase of this ORDINANCE is mutually dependent upon any other section, paragraph, sentence, clause
12 or phrase of this ORDINANCE.

13 (c) In the event that any phrase, clause, sentence, paragraph, or section of this ORIDINANCE for any
14 reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree
15 of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity,
16 unconstitutionally or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
17 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the
18 ORDINANCE and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs
19 and sections of the ORDINANCE shall remain valid, constitutional, enforceable, and of full force and effect.

20 **Section 5.** ALL ORDINANCES and parts of ORDINANCES in conflict herewith are hereby expressly repealed.

21 **Section 6.** Penalties in effect for violations of Part 1 of the Code of Ordinances, City of East Point, Georgia at the
22 time of the effective date of this ORDINANCE shall be and are hereby made applicable to this ORDINANCE and
23 shall remain in full force and effect.

24 **Section 7.** The effective date of this ORDINANCE shall be the date of adoption unless otherwise specified herein.
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1 **Section 7.** The effective date of this ORDINANCE shall be the date of adoption unless otherwise specified herein.

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3 Public Hearing: 12/29/2020

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5 First Reading: waived

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7 SO PASSED AND APPROVED the 29th day of December 2020.

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9 SPONSORED BY:



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Deana Holiday Ingraham, Mayor

APPROVED AS TO FORM:

Brad Bowman

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

Brad Bowman, City Attorney

ATTEST:

Keshia McCullough

Keshia McCullough, City Clerk