

FULTON COUNTY, GEORGIA

CITY of EAST POINT

**AN ORDINANCE TO AMEND THE EAST POINT CODE OF ORDINANCES PART 10-
ZONING CODE AND DEVELOPMENT REGULATIONS CHAPTER 2 – ZONING
REGULATIONS ARTICLE C.- ZONING TEXT, DISTRICT CLASSIFICATIONS AND
BOUNDARIES TO AMEND SECTION 10-2079. – I-1 LIGHT INDUSTRIAL DISTRICT IN
ORDER TO REQUIRE CERTAIN PREVIOUSLY PERMITTED USES TO OBTAIN A USE
PERMIT; 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 City of East Point finds that certain previously permitted industrial uses for manufacture, storage, sale and distribution of goods as well as related commercial and industrial activities within the City of East Point should be required to obtain a use permit to have additional development and design standards for approval in order to mitigate the negative impact of those uses within the City of East Point; and

WHEREAS, the City of East Point finds that those negative impacts include but are not limited to diesel or gasoline particulate matter from automobiles and/or on-road trucks associated with warehouses and distribution centers and other industrial type uses on existing communities and sensitive receptors located in the City. In

1 particular, industrial uses sited close to sensitive receptors (homes, schools, parks, day care centers, nursing
2 homes, hospitals and other places public places) can result in adverse health and environmental impacts; and

3 **WHEREAS**, in accordance with Section 10-1009 – Transmittal of commission results to mayor and city
4 council of the Zoning Ordinance, the Planning and Zoning Commission of the City of East Point has forwarded its
5 recommendation to the Mayor and City Council that the amendments to Chapter 2- Zoning Regulations, Article
6 C.- Zoning Text, District Classifications and Boundaries, Section 10-2079 – I-1 Light Industrial District be approved
7 and

8 **WHEREAS**, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a
9 properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor
10 more than 45 days from the date of publication of notice, and which public hearing was held on the December 29,
11 2020; and

12 **WHEREAS**, after the aforementioned public hearing, the governing authority has determined that adoption
13 of the amendments to Chapter 2. Zoning Regulations, Article C.- Zoning Text, District Classifications and Boundaries,
14 Section 10-2079 I-1 Light Industrial District to remove certain previously permitted industrial uses in order to require a
15 use permit and have additional development and design standards is necessary in order to provide a permitting
16 process and regulations within the City of East Point and would be in the best interests of the residents, property
17 owners, businesses and citizens of the City of East Point; and

18 **NOW, THEREFORE BE IT ORDAINED**, by the Mayor and City Council of the City of East Point, Georgia, and it
19 is hereby ordained by the authority of same that Chapter 2 - Zoning Regulations, Article C.- Zoning Text,
20 District Classifications and Boundaries, Section 10-2079 – I-1 Light Industrial District be amended in the City
21 of East Point Zoning Ordinance as depicted in Exhibit A attached hereto:

22 **Section 1.**

23 1. Chapter 2 – Zoning Regulations, Article C.- Zoning Text, District Classifications and Boundaries, Section
24 10-2079. – I-1 Light Industrial District.

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

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

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

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

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

20 **Section 5.** ALL ORDINANCES and parts of ORDINANCES in conflict herewith are hereby expressly repealed.
21

22 **Section 6.** Penalties in effect for violations of Part 1 of the Code of Ordinances, City of East Point, Georgia at the
23 time of the effective date of this ORDINANCE shall be and are hereby made applicable to this ORDINANCE and
24 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.

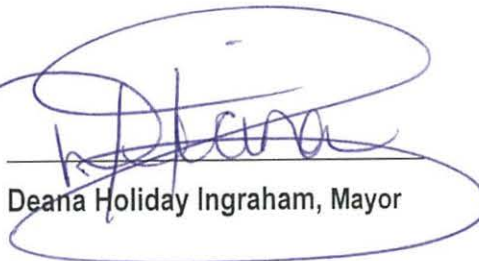
Public Hearing: 12/29/2020

First Reading: Waived

SO PASSED AND APPROVED this 29th day of December 2020.

SPONSORED BY:




Deana Holiday Ingraham, Mayor

APPROVED AS TO FORM:

ATTEST:

Brad Bowman

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

Brad Bowman, City Attorney

Keshia McCullough

Keshia McCullough, City Clerk

Sec. 10-2079. - I-1 Light Industrial District.

I-1 District scope and intent. Regulations set forth in this section are the I-1 District regulations. Article D should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The intent of this section, in establishing the I-1 District, is to provide areas within the City for the manufacture, storage, sale and distribution of goods and the conduct of related commercial and industrial activities. The I-1 District is comprised existing industrial areas that are located on or have ready access to major thoroughfares and/or rail facilities and are well adapted to industrial development *and are not objectionable by reasons of dust, odor, noise, traffic safety or congestion.*

Use regulations. Within the I-1 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: Any permitted use, provided that all manufacturing, processing, assembly and/or disassembly operations and all storage operations associated with such uses not specifically identified below shall be housed entirely within an enclosed building or buildings. All outside storage shall be enclosed by an opaque fence meeting the district height regulations.
 - (1) Ambulance and emergency radical services.
 - (2) Animal hospitals, kennels (boarding and breeding) and veterinary clinics.
 - a. All structures shall be located and activities conducted at least one hundred (100) feet from any property zoned for residential purposes.
 - b. All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
 - (3) Animal grooming shops.
 - a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
 - (4) Artisan's workshop.
 - (5) Automobile and truck sales (including retail parts sales and/ or tire store).
 - a. Such use shall not be permitted within 50 feet of any property used for a school, park, playground, stream, river, residential or hospital.
 - b. All activities shall be carried on entirely within an enclosed building.
 - c. Such use shall not be established on a lot which is adjacent to or directly across the street from any single-family residential district.
 - d. All outdoor storage must be in the rear of the principal structure and enclosed by opaque fence no less than eight feet in height.
 - (6) Automobile, trailer and boat sales/service.
 - a. Minimum one-acre lot size.
 - b. All vehicles shall be set back at least ten feet from the street right-of-way line.

- c. Such use shall be located at least 50 feet from any properties zoned for residential purposes.
 - d. A solid fence or wall no less than eight feet in height shall be maintained to provide a visual screening between the residential and commercial properties.
- (7) Automobile and truck repair (including paint, body, brake repair, installation of tires, tune-up shops, oil change services, and emission stations).
 - a. Such use shall not be permitted within 50 feet of any property used for a school, park, playground, residential or hospital.
 - b. All activities shall be carried on entirely within an enclosed building.
 - c. Such use shall not be established on a lot which is adjacent to or directly across the street from any single-family residential district.
 - d. All outdoor storage must be in the rear of the principal structure and enclosed by an opaque fence no less than eight feet in height.
 - e. No engine/body dismantling is allowed.
- (8) Bookbinding and related work.
- (9) Carnival, video, horseshow, shooting or athletic event.
- (10) Car wash, automatic, hand car wash, and self-service.
 - a. Establishment shall provide an oil water separator and a sand trap.
 - b. Establishment shall have no more than 4 washing bays.
- (11) Commercial greenhouses or plant nursery.
 - a. In the residence districts, nurseries and greenhouses shall be subject to the following:
 - i. Only plant materials grown on the premises shall be sold on the premises.
 - ii. The retail sales area shall not exceed twenty (20) percent of the gross floor area of the use, including inside loading areas, mechanical and work areas and inside growing areas.
 - iii. The use shall be screened from residential uses.
- (12) Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
- (13) Drive-in movie theater.
 - a. The theater screen and all buildings shall be set back at least 50 feet from any property line.
 - b. Central loudspeakers are prohibited.
 - c. The theater screen shall not be visible from an interstate or arterial roadway.
- (14) Dwellings; residence for watchmen or caretaker employed on premises.
- (15) Education.

- a. College and university.
 - b. K-12 private or special.
 - c. Technical school.
 - d. Vocational school.
- (16) Electric supply store.
- (17) Home appliance repair and related service.
- (18) Laundry and dry-cleaning pickup stations.
- (19) Linen and diaper services, garment pressing, alteration and repair.
- (20) Lumber, hardware and other building material establishments.
 - a. All outdoor storage must be in the rear of the principal structure and enclosed by opaque fence no less than eight feet in height.
- (21) Newspaper publishing facilities.
- (22) Office, business.
- (23) Office, professional.
- (24) Paint, glass and wallpaper stores.
- (25) Plumbing and heating equipment dealers.
- (26) Printing, publishing and reproducing establishments.
- (27) Radio and television broadcasting stations.
- (28) Railroad stations for freight.
- (29) Restaurants, bars grills, taverns, cafés, drive-ins, fast food facilities and similar eating and drinking establishments.
 - a. Drive-thru restaurants shall not locate closer than 1,520 feet from another drive-thru restaurant or similar eating or drinking establishment.
 - b. Drive-thru restaurant lanes shall be designed in such a way as to be screened from the public right of way through elevation differences, landscaping, arbors, trellises, canopies, walls and other architectural features used to reduce the visual presence of drive-thru operations.
 - c. Drive-thru windows are prohibited on the front of the building directly facing a street frontage.
- (30) Taxi stands and dispatching agencies.
- (31) Veterinary clinic/hospital or kennel.
- (32) Gyms/ Fitness Center.
- (33) Data Center.
- (b) *Accessory uses.*
 - (1) Accessory uses and structures incidental to any legal permitted use, provided:

- a. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory. Temporary PODS/temporary storage units are intended for a limited period of time and not for permanent storage.
 - b. 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. in the I-1 District:
 - (1) 10-2089. Alternative Antenna Support Structure
 - (2) 10-2090. Amateur Radio Antenna
 - (3) 10-2091. Antenna, tower, and associated structures (radio, T.V., microwave broadcasting, etc.).
 - (4) 10-2092. Club.
 - (5) 10-2094. Driving Range (not associated with a golf course).
 - (6) 10-2095. Electrified fences.
 - (7) 10-2096. Film production.
 - (8) 10-2098. Golf course.
 - (9) 10-2099. Outdoor event, small.
 - (10) 10-2107. Seasonal business use.
 - (11) 10-2109. Swimming pool, private.
 - (12) 10-2111. Temporary classroom.
 - (13) 10-2112. Temporary structures.
- (d) *Uses permitted through use permit only.* The following uses may be permitted per the procedures and standards set forth in Article D, Section 10-2115 et seq. in the I-1 District, provided that such use shall be at least 5,280 feet from any residential property or property used for residential use.
 - (1) 10-2116. Adult Bookstore
 - (2) 10-2119. Amateur Radio Antenna to Exceed the Administrative Permit Height
 - (3) 10-2121. Antenna tower, and associated structure (radio, T.V., microwave broadcasting, etc.).
 - (4) 10-2124. Cemetery and/or mausoleum (human or pet).
 - (5) 10-2148. Fuel and ice dealers, manufacturers and wholesalers.
 - (6) 10-2149. Gas station minimart.
 - (7) 10-2150.2. Light assembly and fabrication. No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.
 - (8) 10-2150.6. Manufacturing, wholesaling, repairing, compounding, assembly, processing, preparation, packaging of treatment articles, foods (smoking, curing and canning),

components, products, clothing, machines and appliances and the like, where character of operations, emissions and by-products do not create adverse effects beyond the boundaries of the property.

- (9) 10-2150.3. Research and experimental testing laboratories including medical and dental laboratories.
- (10) 10-2150.8. Warehousing and storage.
- (12) 10-2150.9. Wholesale trade and distribution establishments and warehousing facilities, including offices.
- (13) 10-2150.7. Truck terminals.
- (14) 10-2128. Composting.
- (15) 10-2134. Outdoor event, large.
- (16) 10-2144. Stadium (offsite) associated with a private school.
- (17) 10-2150.10 Automobile towing
- (18) 10-2150.11 Farm equipment sales
- (19) 10-2150.12 Railroad car classification yards and train truck yards
- (e) *Development standards.*
 - 1. *Height regulations* - 40 feet
 - 2. *Minimum front yard setback* - 40 feet
 - 3. *Minimum side yard setback* - 8 feet
 - 4. *Minimum rear yard setback* - 30 feet
 - 5. *Minimum lot area* - Per conditions specified
 - 6. *Minimum width of lot frontage or width at building line* - 30 feet
 - 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) *Stormwater Pollution Prevention Plan. A copy of the Stormwater Pollution Prevention Plan (SWPPP) for the site, required by the State of Georgia Natural Resources Environmental Protection Division, must be provided at the time that a request for local action is submitted to the City. (State of Georgia Natural Resources Environmental Protection Division, National Pollutant Discharge Elimination System - Storm Water Discharges Associated with Industrial Activity GAR050000, Sec. 5.3 SWPPP Availability).*

Other regulations. The headings below contain provisions applicable to the I-1 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

([Ord. No. 061-016, § 3\(Exh. C\), 9-19-16](#))