

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 10-2080. – I-2 HEAVY 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 light and heavy manufacturing, processing assembly, packaging and warehouse operations 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 10-2080 – I-2 Heavy Industrial District be
7 approved 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 December 29, 2020;
11 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 10-2080 I-2 Heavy Industrial District to remove certain previously permitted light and heavy industrial uses in
15 order to require a use permit and have additional development and design standards is necessary in order to provide
16 a permitting process and regulations within the City of East Point and would be in the best interests of the residents,
17 property 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 10-2080 – I-2 Heavy Industrial District be amended in the
21 City 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 10-2080. – I-2 Heavy Industrial District.
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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 ORDINANCE 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.
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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.

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

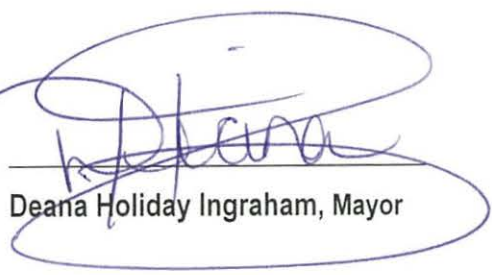
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3 Public Hearing: 12/29/2020

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5 First Reading: Waived

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

8
9 SPONSORED BY:



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15 
Deana Holiday Ingraham, Mayor

16 APPROVED AS TO FORM:

17 ATTEST:

18 Brad Bowman

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

20
21 Brad Bowman, City Attorney

22 Keshia McCullough

23
24 Keshia McCullough, City Clerk

Sec. 10-2080. - I-2 Heavy Industrial District.

I-2 District scope and intent. Regulations set forth in this section are the I-2 District regulations. Article D should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The I-2 District is to provide for light and heavy manufacturing, processing, assembly, packaging and warehousing operations, free from incompatible residential and commercial activities not directly serving or compatible with the industrial uses in order to achieve a favorable balance of land uses within the City.

Use regulations. Within the I-2 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 heavy industrial use provided that all manufacturing, processing, assembly and/or disassembly shall be housed entirely within an enclosed building or buildings. Storage of any accessory materials specifically related to the use shall be housed behind opaque fencing no less than eight feet in height.
 - (1) All uses allowed in I-1.
 - (2) Basic wood processing including sawmills, planing mills, veneering and laminating of wood.
 - (3) Exterminating facilities.
 - a. Such use shall be at least 5,280 feet from any property zoned or used for residential properties.
 - b. All applicable state, federal and local codes must be complied with
 - (4) Heavy construction contractors.
 - a. Such use shall not be permitted within 5,280 feet of any property used for a school, park, playground or, streams, rivers and residential districts.
 - 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.
 - (5) Heavy repair services and trade shops.
 - a. Such use shall not be permitted within 5,280 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 an opaque fence no less than eight feet in height.
 - (6) Iron or steel foundry or fabrication plant for heavy castings.

- a. Such use shall not be permitted within 5,280 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 an opaque fence no less than eight feet in height.
- (7) Outdoor advertising services. Includes construction, repair, and maintenance of outdoor advertising signs.
- (8) Repair services and trade shops, including sheet metal, upholstering, electrical, plumbing, carpentry, sign painting and other similar activities.
- (9) Tire retreading and recapping.
- (b) *Accessory uses.*
 - (1) *Accessory uses and structures:*
 - a. Accessory uses and structures incidental to any permitted use are allowed. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory.
 - b. Temporary storage PODS are 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. in the I-2 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) 10-2107. Seasonal business use.
 - (10) 10-2109. Swimming pool, private.
 - (11) 10-2111. Temporary classroom.
 - (12) 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-2 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) 10-2118. Adult entertainment establishments.
- (3) 10-2119. Amateur radio antenna to exceed the administrative permit height.
- (4) 10-2124. Cemetery and/or mausoleum (human or pet).
- (5) 10-2128. Composting.
- (6) 10-2131. Landfill, solid waste disposal.
- (7) 10-2132. Lodge, retreat and/or campground.
- (8) 10-2134. Outdoor event, large.
- (9) 10-2137. Recycling center, processing.
- (10) 10-2139. Salvage, storage, and/or junk facility.
- (11) 10-2144. Stadium (offsite) associated with a private school.
- (12) 10-2145. Transfer station, solid waste.
- (13) 10-2147. Dry cleaning plants.
 - a. Such use shall be at least 5,280 feet from any property zoned or used for residential properties.
 - b. All applicable state, federal and local codes must be complied with

(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-2 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](#))