

AN ORDINANCE TO AMEND CHAPTER 27, ZONING, ARTICLE II, DISTRICT REGULATIONS, DIVISION 32, M (INDUSTRIAL) DISTRICT, OF THE CODE OF THE CITY OF BROOKHAVEN

WHEREAS, Section 1.03(b)(25) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide comprehensive planning and regulation through zoning and subdivision requirements to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, the Mayor and City Council find that amendments to the existing industrial district are necessary at this time.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

An Ordinance to Amend Chapter 27, Zoning, Article II, District Regulations, Division 32, M (Industrial) District, of the Code of the City Of Brookhaven, is amended to read as follows:

DIVISION 32. - M (INDUSTRIAL) DISTRICT

Sec. 27-1160. - Scope of provisions.

The provisions contained within this division are the regulations of the M (Industrial) District.
(Ord. No. 2014-09-03, § I(27-616), 9-23-2014)

Sec. 27-1161. - Statement of purpose and intent.

The purpose and intent of the city council in establishing the M (Industrial) District is as follows:

- (1) To provide areas for the establishment of businesses engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment and the sale and distribution of such goods, merchandise or equipment in locations so designated in the comprehensive plan;
- (2) To ensure any negative noise impact resulting from the use of land within the M (Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;
- (3) To ensure that M (Industrial) districts are so located that transportation access to major thoroughfares and freeways is available.

(Ord. No. 2014-09-03, § I(27-617), 9-23-2014)

Sec. 27-1162. - Principal uses and structures.

The following principal uses of land and structures shall be authorized in the M (Industrial) District:

- (1) Agriculture and forestry uses as follows:
 - a. Agricultural produce stand.
 - b. Commercial greenhouse or plant nursery.
 - c. Dairy.
 - d. Field crops, production of.

- e. Fruits, tree nuts, and vegetables, production of.
- f. Livestock.
- g. Temporary or portable sawmills.
- (2) Animal care facilities as follows:
 - a. Animal hospital and veterinary clinic.
 - b. Boarding and breeding kennel.
 - c. Dog grooming shop.
- (3) Automotive and boat and trailer sales and service uses as follows:
 - a. Automobile and truck sales establishment.
 - b. Automobile parking lots or parking garages, commercial.
 - c. Automobile repair and paint shop.
 - d. Automobile service station.
 - e. Automobile, truck, and trailer lease and rental establishment.
 - f. Automobile, truck, and trailer lease and rental establishment, as an accessory use to an automobile service station.
 - g. Automobile upholstery shop.
 - h. Automobile wash service.
 - i. Boat sales establishment.
 - j. Minor automobile repair and maintenance shop.
 - k. Retail automobile parts and tire store.
 - l. Tire retreading and recapping establishment.
 - m. Trailer salesrooms and sales lot.
- (4) Building materials and farm equipment establishments as follows:
 - a. Electrical supply store.
 - b. Farm equipment establishment.
 - c. Lumber, hardware, and other building materials establishment.
 - d. Paint, glass, and wallpaper store.
 - e. Plumbing and heating equipment dealer.
- (5) Check cashing establishment.
- (6) Child day care center.
- (7) Commercial recreation and entertainment establishments as follows:
 - a. Sexually oriented businesses.
 - b. Recreational facilities and entertainment activities carried on wholly within permanently enclosed buildings.
- (8) Communications facilities as follows:
 - a. Radio and television broadcasting station.
 - b. Telephone business office.
- (9) Community facilities as follows:
 - a. Golf course and clubhouse, private.
 - b. Neighborhood recreation center or swimming pool.
 - c. Noncommercial club or lodge.
 - d. Fraternal club or lodge.
 - e. Utility structure necessary for the transmission or distribution of service (section 27-1445).
- (10) Construction contractors as follows:
 - a. General building contractor.
 - b. Heavy construction contractor.

- c. Special trade contractor.
- (11) Education:
 - a. College and university industry-associated research and training facilities.
 - b. Vocational school.
 - c. Private elementary, middle, or high school.
- (12) Late-night establishment, unless the late-night establishment is located at or within 1,500 feet of any land zoned for residential use in which case a special permit shall be required.
- (13) Nightclub, unless the late-night establishment is located at or within 1,500 feet of any land zoned for residential use in which case a special permit shall be required.
- (14) Lodging uses as follows:
 - a. Hotel.
 - b. Motel.
- (15) Manufacturing, as follows:
 - a. Malt beverage manufacturer as defined by O.C.G.A. § 3-5-1.
 - b. Distilled spirits manufacturer as defined by O.C.G.A. § 3-4-1
 - c. Light manufacturing establishment.
- (16) Offices, including health service practitioners, legal services, accounting, auditing and bookkeeping services, engineering and architecture, finance, insurance, real estate and financial institutions, radio and television broadcasting stations, telephone business offices, and similar business and professional offices.
- (17) Places of worship.
- (18) Printing establishments, as follows:
 - a. Bookbinding and related establishments.
 - b. Photoengraving, typesetting, electrotyping and stereotyping.
 - c. Publishing and printing establishment.
- (19) Restaurant, including drive through.
- (20) Restaurant where accessory to a motel or hospital.
- (21) Retail trade establishments, including:
 - a. Accessory retail sales and services.
 - b. Fuel and ice dealers, manufacturers and wholesalers.
 - c. Incidental retail sales of goods produced and processed on the premises.
 - d. Retail liquor store, as accessory use to hotel, motel, and high-rise office building.
- (22) Services, personal, including:
 - a. Barbershop and beauty shop.
 - b. Business service establishment.
 - c. Dry cleaning plant.
 - d. Funeral home.
 - e. Laundry and dry cleaning pickup station.
 - f. Linen and diaper service, garment pressing, alteration and repair.
 - g. Miscellaneous personal services.
 - h. Power laundries.
 - i. Research and testing facilities and laboratories.
- (23) Services, repair, as follows:
 - a. Heavy repair services and trade shop.
 - b. Home appliance repair and related service.
 - c. Jewelry repair.

- d. Light repair service.
 - e. Radio and television repair.
 - f. Upholstery, furniture and major appliance repair.
 - (24) Services, medical and health, as follows:
 - a. Private ambulances and medical services.
 - b. Clinic and pharmacy.
 - c. Medical and dental laboratory and clinic.
 - d. Offices of health service practitioners.
 - e. Nursing care facilities.
 - f. Health services clinic.
 - g. Home health care service.
 - h. Hospice.
 - i. Hospital, including general medical, surgical, psychiatric, and specialty medical services.
 - j. Kidney dialysis center.
 - (25) Services, other, as follows:
 - a. Engineering and architectural office.
 - b. Finance, real estate, insurance office and financial institution.
 - (26) Transportation and storage uses as follows:
 - a. Automobile parking.
 - b. Heliport.
 - c. Self-storage warehouse.
 - d. Storage yard.
 - e. Taxi stand and dispatching agency.
 - f. Transportation equipment and vehicle storage and maintenance.
 - g. Warehousing and storage.
 - (27) Wholesale trade as follows:
 - a. Wholesale sales office.
 - b. Wholesale trade and distribution establishment.
- (Ord. No. 2014-09-03, § I(27-618), 9-23-2014)

Sec. 27-1163. - Accessory uses and structures.

The following accessory uses of land and structures shall be authorized in the M (Industrial) District:

- (1) Accessory uses and structures incidental to any authorized use, including a single dwelling unit or mobile home to be used to house a security person on the premises.
- (2) Signs in accordance with the provisions of chapter 21 and this chapter.
- (3) Ambulance service and heliport, where accessory to a hospital.
- (4) Parking lot and parking garage.

(Ord. No. 2014-09-03, § I(27-619), 9-23-2014)

Sec. 27-1164. - Special permits.

The following uses and structures shall be authorized only by permits of the type indicated:

- (1) Special administrative permit from the community development department director:
 - a. Telecommunications tower or antenna, subject to requirements of section 27-1454.
 - b. Temporary outdoor sales of merchandise.
 - c. Art shows, carnival rides and special events of community interest (section 27-1424(1)).

- d. Rodeos, horse shows, carnivals, athletic events and community fairs (section 27-1424(2)).
 - e. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed 14 days' duration, adequate parking is provided on the site, and where the same lot or any portion thereof is so used for no more than one such 14-day time period within any calendar year.
 - f. Grading within the transitional buffer to disturb existing growth, install a landscaped berm or to supplement existing vegetation in a buffer area to provide screening from adjacent properties. The required transitional buffer shall be depicted in detail on a landscape plan and be submitted to the community development department director for final approval. Type and location of natural and planted vegetation shall be included on the approved development permit plan.
- (2) Special exception permit from the zoning board of appeals: None.
- (3) Special land use permit from the city council:
- a. Bus or rail freight or passenger terminal.
 - b. Crematory.
 - c. Mines and mining operations, quarries, asphalt plants, gravel pits, and sand pits.
 - d. Railroad car classification yards and team truck yards.
 - e. Temporary outdoor sales, seasonal.
 - f. Truck stop.
 - g. Truck terminal.
 - h. A Building exceeding five stories in height, except a special land use permit from the city council shall not be necessary for a building exceeding five stories in height, so long as such building:
 - 1. Is not more than twenty (20) stories in height; and
 - 2. Is used for a hospital, medical and administrative office, clinic, hotel or medical and health services; and
 - 3. Is located south of Interstate 85 and within the Buford Highway Corridor Character Area of the City of Brookhaven's Comprehensive Plan, or such other successor Character Area or land use designation that future iterations of the Comprehensive Plan may establish; and
 - 4. Parking decks accessory to the above uses shall not exceed eight (8) stories.

(Ord. No. 2014-09-03, § I(27-620), 9-23-2014)

Sec. 27-1165. - Lot width; lot area; setbacks.

The following requirements shall apply to all lots and structures in the M (Industrial) District:

- (1) Lot width: All lots shall have at least 100 feet of frontage as measured along the public street frontage.
- (2) Minimum lot area: 30,000 square feet.
- (3) Minimum setback requirements:
 - a. From public street:
 - 1. Front yard: 50 feet.
 - Side yard: 20 feet, except where transitional buffer zone is required.
 - b. Rear yard: 30 feet, except where transitional buffer zone is required.

(Ord. No. 2014-09-03, § I(27-621), 9-23-2014)

Sec. 27-1166. - Transitional buffer zone requirement.

Where a lot in the M (Industrial) District adjoins the boundary of any property which is zoned for any R classification, RM classification, MHP classification, or TND classification, a transitional buffer zone not less than 50 feet in width shall be provided and maintained in a natural state, unless approved by special administrative permit. Said transitional buffer zone shall not be paved and shall not be used for parking, loading, storage or any other use, except where necessary to grade or modify a portion of the transitional buffer zone for the installation of utilities necessitated by the development. Water detention ponds shall not be located within transitional buffer zones. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone. In addition, a screening fence not less than six feet in height shall be erected and maintained either along the property line or within the transitional buffer zone separating the use from the adjoining residential use.

(Ord. No. 2014-09-03, § I(27-622), 9-23-2014)

Sec. 27-1167. - Lot coverage.

The lot coverage of each lot shall not exceed 80 percent.

(Ord. No. 2014-09-03, § I(27-623), 9-23-2014)

Sec. 27-1168. - Height of buildings and structures.

No building or structure shall exceed five stories in height except as provided in Sec. 27-1164(3) above. Buildings exceeding the height limits shall be permitted only upon approval of a special land use permit by the city council.

(Ord. No. 2014-09-03, § I(27-624), 9-23-2014)

Sec. 27-1169. - Off-street parking requirement.

Off-street parking requirements for uses and structures authorized and permitted in the M (Industrial) District are as follows:

- (1) Sexually oriented businesses: One parking space for each 75 square feet of floor area in the building.
- (2) Ambulance services, delivery services and other similar services: One parking space for each vehicle plus one additional space for each two administrative or service employees.
- (3) Automobile repair garages: One space for each 150 square feet of floor space.
- (4) Automobile service stations: Three spaces for each service bay, with minimum of ten squares required.
- (5) Bowling alleys: Five spaces for each alley.
- (6) Child day care centers: One space for each 200 square feet of floor area.
- (7) Funeral homes and other places of assembly: One space for each three seats in the main auditorium, or, where fixed seats are not utilized, one space for each 25 square feet of floor space in the largest assembly room utilized for seating.
- (8) Hotels and motels: 1.25 spaces for each unit.
- (9) Hospital, nursing care facility, and similar, medical, health services, and institutional use: One space for each bed.
- (10) Industrial, manufacturing, and commercial establishments not involving retail sales: One space for each 2,000 square feet of floor area.
- (11) Lodges, fraternal or social organizations: One space for each 100 square feet of floor area.

- (13) Offices and clinics: One space for each 250 square feet of floor area.
 - (14) Place of worship: One space for each three seats in the main auditorium, or, where fixed seats are not utilized, one space for each 25 square feet of floor space in the largest assembly room utilized for public worship.
 - (15) Public swimming pools, golf courses, neighborhood recreation centers, or similar uses: 20 spaces except that an 18-hole golf course shall have 40 spaces.
 - (16) Private swimming pools, golf courses, neighborhood recreation centers, or similar uses: One space for each five members but no less than 20 spaces except that golf courses shall provide a minimum of 20 spaces for each nine holes.
 - (17) Recreational facilities:
 - a. Fixed seating: One space for each 200 square feet of floor area.
 - b. Without fixed seating: One space for each three seats.
 - (18) Restaurants: One space for each 75 square feet of floor area, but not less than ten spaces.
 - (19) Restaurants, drive-through, without seating area for patrons: One space for each 100 square feet of floor area, but not less than ten spaces.
 - (20) Retail uses, personal service uses, and other commercial and general business uses, including manufacturing facilities with retail on premises: 5.5 spaces for each 1,000 square feet of floor area.
 - (21) Schools, private elementary and middle: Two spaces for each classroom.
 - (22) Schools, private high: Five spaces for each classroom.
 - (23) Schools and colleges, including trade and vocational schools: Ten spaces for each classroom.
 - (24) Temporary outdoor social, religious, entertainment or recreation activity or flea market: One space for each 100 square feet of space used for such activity.
 - (25) Wholesale or jobbing establishments and similar uses: One space for each 200 square feet of floor area devoted to sales or display plus one space for each 2,000 square feet of gross storage area.
- (Ord. No. 2014-09-03, § I(27-625), 9-23-2014)

Sec. 27-1170. - Landscaping requirement for parking lots.

See section 27-1429 for landscaping requirements for parking lots.

(Ord. No. 2014-09-03, § I(27-627), 9-23-2014)

Secs. 27-1171—27-1188. - Reserved.

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this 12th day of December, 2017.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher d. Balch, City Attorney

Attest:

Susan Hiott, City Clerk

SEAL