

ARTICLE D. ADMINISTRATIVE PERMITS AND USE PERMITS

Sec. 10-2081. SCOPE AND INTENT

This Article specifies uses which are not classified as permitted uses in zoning districts, and are therefore only allowed through the approval of an Administrative Permit or a Use Permit. The standards which apply to each use are enumerated and must be met in order for an application to be granted.

Sec. 10-2082. APPLICATION AND APPROVAL

Uses allowable with an ADMINISTRATIVE PERMIT and the minimum standards for such uses are listed in Section 10-2089 through Section 10-2114.1 of this Article.

Uses allowable with a USE PERMIT and the minimum standards for such uses are listed in Section 10-2115 through Section 10-2150 of this article.

Sec. 10-2083. APPLICATION OF REGULATIONS

Uses enumerated herein may be authorized by an Administrative Permit or Use Permit within districts allowing such uses, upon the completion of the application form, payment of the filing fee and provision of supporting documents required by the Planning and Community Development Director and approval of said application either by the City Council or the Director of Planning and Community Development as set forth in this Article. The regulations contained in this article shall not apply to any permitted use in any zoning district.

Sec. 10-2084. ADMINISTRATIVE PERMITS

Any use authorized by an Administrative Permit shall be approved and permitted by the Director of Planning and Community Development whenever the proposed use complies fully with the requirements of the subject property's zoning district and standards as set forth in Section 10-2086 through Section 10-2114.1. Each requested use for which an Administrative Permit is required shall be assigned an Administrative Permit number and charged a fee. Said permit shall be posted on site prior to commencement of use. If the permit is for a parade, the parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade. Variances to Administrative Permit standards may be requested by application to the Planning and Zoning Commission. In certain cases, conditions may be imposed with respect to roadway, water, sewer and/or other infrastructure improvements, and rights-of-way dedications and alcohol service.

Sec. 10-2085. USE PERMITS

Any use authorized by a Use Permit shall be approved by the City Council in accordance with standards enumerated under each use set forth in Section 10-2115 through 10-2150 and the general restrictions of Sections 10-2085 and 10-2087 provided:

- A. The subject use is allowable in the subject property's zoning district;
- B. The standards for the Use Permit as specified in Article D can be met, as well as Use Permit Considerations pursuant to Section 10-2086;
- C. A public hearing has been held in relation to the Use Permit before the Planning and Zoning Commission and the City Council in conformance with the procedures set forth in Article J;
- D. Recommendations have been received from the Planning and Community Development Department and the Planning and Zoning Commission; and
- E. Any conditions imposed with respect to right-of-way dedication and roadway, water, sewer and/or other infrastructure improvements are met; and
- F. Any conditions recommended by the Police Chief or his/her designee with respect to alcohol service are met.
 - 1. Applications. Use Permit requests shall require a separate application when included with a petition for rezoning. Each requested use for which a Use Permit is required shall be charged a standard Use Permit fee and assigned a Use Permit number which will be listed on the petition for rezoning. Each request shall be voted on separately, and each Use Permit request submitted as part of a rezoning petition shall be treated independently in the minutes of the City Council meeting.
 - 2. Expiration. All Use Permits shall expire within three years from the date of approval by the City Council or as otherwise conditioned unless a Land Disturbance Permit, Building Permit, Business License or Certificate of Occupancy has been issued. Requests for extensions shall be made in accordance with the standards for extensions contained in Article J.
 - 3. Re-application. The same or substantially similar petition for a Use Permit which has been denied by the City Council shall not be resubmitted to the Planning and Community Development Department for a period of six months from the date of the denial.
 - 4. Variances. Variances to Use Permit standards contained in 10-2115 through 10-2150 for receiving a Use Permit may be considered by the City Council concurrently with a Use Permit petition if submitted with such petition. Such a variance request shall not require a separate variance application, but shall be assigned a variance number, charged a standard variance fee and be listed on the Use Permit petition as a Concurrent Variance in accordance with Article I, APPEALS.
- G. Accessory uses. Structures and land may be used for uses customarily incidental to any approved use.

Sec. 10-2086. ADMINISTRATIVE PERMITS AND USE PERMITS – GENERAL CONSIDERATIONS

In the interest of the public health, safety and welfare, the Department of Planning and Community Development (for Administrative Permits) and the City Council (for Use Permits) shall consider each of the following:

1. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council
2. Whether the proposed use is compatible with land uses and zoning districts in the vicinity of the property;
3. Whether the proposed use is consistent with local, state and/or federal statutes, ordinances or regulations governing land development;
4. Whether the proposed use can operate without a negative effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets and whether any negative traffic effects can be ameliorated;
5. Whether the proposed location and number of off-street parking spaces complies with the requirements of the zoning ordinance;
6. Whether the amount and location of open space for the proposed use is adequate for the location, intensity and type of use proposed;
7. Whether any protective screening is needed to ameliorate negative effects on adjacent or nearby properties and whether such screening proposed is adequate;
8. Whether the hours and manner of operation of the special use can be structured so as not to have any negative effects on adjacent or nearby properties;
9. Whether there is any outdoor lighting proposed and whether any impacts of that lighting on adjacent and nearby properties can be ameliorated;
10. Whether adequate ingress and egress is provided to the property on which the use is located;
11. Whether the use will produce noise, odor, dust, or vibrations which can be minimized so as not to have significant negative effects on adjacent or nearby properties;
12. Whether the size and location of the site for the proposed use and the projected number of attendees is adequate;
13. Whether adequate provisions are being proposed for refuse, security, sanitation, emergency services access (i.e. fire, police and medical) and security areas; and

14. Whether remedial measures to reduce the impact of any other special events for which permits have been issued can be taken to prevent interference with or negative impacts on the proposed event.

No Use Permit will be granted unless City Council finds affirmatively in regard to the above factors and satisfactory provisions have been made for each factor applicable to the specific uses set forth in Sections 10-2115 through 10-2150. In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/use.

Sec. 10-2087. ADDITIONAL GENERAL RESTRICTIONS

Any use that may be authorized by an Administrative Permit or Use Permit shall comply with all other City regulations, including but not limited to, business and alcohol licensing requirements, electrical, mechanical, food service permits, any health department requirements, building requirements, zoning district regulations, conditions of zoning approval and any other applicable requirements set forth in the City of East Point Code of Ordinances. Organizers of special events with proposed alcohol service must, include in the application for a special event permit information required for authorization of alcohol service at the event as per the requirements of Article G (Sections 11-1150 through 11-1155) of the Alcohol Licensing provisions of the City of East Point Code of Ordinances. All buffers required shall have a ten-foot improvement setback in accordance with Chapter 6, Tree Protection and Landscaping Ordinance. The reduction of said setback shall be subject to the approval of the Department of Planning and Community Development in accordance with Article I, Appeals. Whenever a standard contained in this section is in conflict with another provision of this Ordinance, the more restrictive provision shall prevail.

Unless otherwise specified, standards, conditions and stipulations attached to a Use Permit by the City Council shall supersede conflicting zoning conditions approved on the same site.

Sec. 10-2088. ADDITIONAL ADMINISTRATIVE PERMIT STANDARDS FOR SPECIFIED USES {10-2089 THROUGH 10-2114.1}

In addition to the factors set forth in Section 10-2086 and 10-2087, applicants for Administrative Permits must comply with any standards or requirements set forth in Section 10-2089 through 10-2114.1 for the identified specific use. No administrative permit will be approved by the Director of Planning and Community Development unless it is determined that, in addition to making satisfactory provision for the factors set forth in Section 10-2086 and 10-2087, the application meets the criteria set forth below for applicable specified uses.

Sec. 10-2089. ALTERNATIVE ANTENNA SUPPORT STRUCTURE

INTENT

Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in the City of East Point. It is the intent of this Section to address the aesthetic effect of telecommunication facilities on our landscapes, our citizens' demands for these services, and the needs of service providers.

A. Standards:

1. Alternative structures are not allowed as an accessory to a single family use or as a principal use in a single family district.
2. Alternative structures must be set back a distance equal to the height of the structure adjacent to residential and/or AG-1 zoned property unless said structure is proposed to be located on an existing building.
3. Above ground equipment shelters shall be surrounded by a minimum 10-foot wide landscape strip planted to buffer standards unless the Director of Planning and Community Development determines that existing plant materials are adequate.
4. Roof top antennas and associated structures shall not project more than 10 feet above roof line.
5. Height shall not exceed 130 feet measured from the finished grade of the base structure.
6. The alternative structure shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Alternative structures which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.
7. Facilities shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).
8. Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to applicable federal standards which may be amended from time to time.
9. Telecommunications facilities shall not be used for advertising purposes and shall not contain any signs for the purpose of advertising.

10. Any telecommunications facility may co-locate on any existing tower, pole or other structure as long as there is no increase in height to the existing facility.
11. A telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the city in writing of any intent to abandon the use of the tower.
12. An application for a telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.
13. An application for a telecommunication facility shall include a certification from a registered engineer that the structure will meet the applicable design standards for wind loads.
14. Communications facilities shall not be located in 100-year flood plain or delineated wetlands.

Sec. 10-2089.1 RESERVED

Sec. 10-2090. AMATEUR RADIO ANTENNA

INTENT

It is the intent of this Article to regulate the placement of amateur towers in a manner that does not impose on public health, safety, or general welfare. The following regulations on design, location, placement, and height limits of antennas in residential districts implements East Point's governmental interests in land planning, aesthetics and public safety by requiring the following standards:

A. **Standards:**

1. Antennas shall be located in the rear yard.
2. The maximum height shall be 90 feet. Any request to exceed the maximum height shall require a Use Permit.
3. All antennas shall be set back from all property lines $\frac{1}{3}$ the height of the antenna or the district setback requirements, whichever is greater. The antenna must be located a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the owner's primary dwelling or structure.
4. Antennas shall not be lighted.

5. All antennas must be constructed with an anti-climbing device.
6. Antennas shall be painted in a neutral color identical or closely compatible with surroundings.
7. All guy wires must be anchored on site and outside of right-of-way.

Sec. 10-2090.1 RESERVED

Sec. 10-2091. ANTENNA, TOWER, AND ASSOCIATED STRUCTURES (RADIO, T.V., MICROWAVE BROADCASTING, ETC.)

INTENT

Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in East Point. It is the intent of this Section to address the aesthetic effect of telecommunication facilities on our landscapes, our citizens' demands for these services, and the needs of service providers.

The following regulations on design, location, placement, and height limits of antennas implement East Point's governmental interest in land planning, aesthetics and public safety by requiring the following Administrative Permit Standards:

A. Standards:

1. Tower/accessory structures must be set back a distance equal to the height of the tower adjacent to residential and/or AG-1 zoned property.
2. Cables and structures designed to anchor the tower shall be set back at least ten (10) feet from all property lines.
3. Tower and/or associated facilities shall be enclosed by fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.
4. A minimum 10-foot wide landscape strip planted to buffer standards shall be required around the facility exterior to any fence or wall unless the Director of Planning and Community Development determines that existing plant materials are adequate.
5. Height shall not exceed 90 feet measured from the finished grade of the base structure.
6. The tower shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Towers which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable

state and local statutes and ordinances.

7. Facilities shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).
8. Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to applicable federal standards which may be amended from time to time.
9. Telecommunications facilities shall not be used for advertising purposes and shall not contain any signs for the purpose of advertising.
10. Any telecommunications facility may co-locate on any existing tower, pole or other structure as long as there is no increase in height to the existing facility.
11. A commercial telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the city in writing of any intent to abandon the use of the tower.
12. Communication facilities not requiring FAA painting/marketing shall have either a galvanized finish or [be] painted a dull blue, gray, or black finish.
13. An application for a telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.
14. An application for a telecommunication facility shall include a certification from a registered engineer that the structure will meet the applicable design standards for wind loads.
15. Communications facilities shall not be located in 100-year flood plain or delineated wetlands.

Sec. 10-2091.1 RESERVED

Sec. 10-2092. CLUB

A. Standards:

1. All buildings and accessory uses other than parking shall be located at least 50 feet from all property lines of any residential district and/or AG-1 district used for single family.
2. Permitted curb cut access shall not be from a local street.

3. Outdoor facilities within 200 feet of any residential district or dwelling shall limit the hours of operation from 8:00 a.m. to 11:00 p.m.
4. Outdoor recreational facilities shall be set back a minimum of 100 feet from all property lines of any residential district and/or AG-1 district used for single family, except as otherwise permitted with an Administrative Permit for a recreational court or swimming pool.

Sec. 10-2092.1 RESERVED

Sec. 10-2093. COMMUNITY GARDEN, LANDSCAPING BUSINESS, PLANT NURSERY, OR GARDEN CENTER WITH INDOOR RETAIL COMPONENT

A. **Standards:**

1. Minimum 1 acre lot required.
2. No access shall be allowed from local streets.
3. No parking is permitted in the minimum front yard.
4. All use areas/structures other than parking and pedestrian walkways shall be located at least 25 feet from any adjoining residential district or AG-1 (Agricultural) district.
5. Limit hours of operation from 6:00 a.m. to 11:00 p.m.
6. The minimum buffers and landscape strips required for the M-I-X (Mixed Use District) zoning district when adjacent to residential zoning districts as specified in Chapter 6 shall be required.
7. Structure(s) for retail sales shall be limited to 1,000 total gross square feet.

Sec. 10-2093.1 RESERVED

Sec. 10-2094. DRIVING RANGE (not associated with a golf course)

A. **Standards:**

1. Lot area shall be a minimum of 10 acres.
2. Permitted curb cut access shall be from a major collector or arterial.

3. Loudspeakers/paging systems are prohibited adjacent to residential districts and districts used for single family.
4. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential districts and/or AG-1 districts used for single family.

10-2094.1 RESERVED

Sec. 10-2095. ELECTRIFIED FENCES

A. Standards:

1. Allowed only on single tenant commercial sites zoned C-2 with a minimum lot size of 20 acres. Electrified fences are prohibited as an allowable fence type in any other commercial zoning district. Properties zoned B-P, I-1 and I-2 are exempt from this standard.
2. Electrified fences are prohibited on commercial-zoned multi-tenant development sites.
3. The use of barbed wire, razor wire or concertina wire is prohibited in conjunction with an electrified fence.
4. A 5-foot vegetative buffer is required when adjacent to a residentially zoned property.
5. A 5-foot vegetative screen is required when adjacent to the public right-of-way.
6. Electrified fences shall not be located within required landscape buffers.
7. Five (5) copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the site, depicting location of fencing and vegetative buffers.
8. Electrified fences shall not exceed ten (10') feet in height.
9. A fence pursuant to the standards for fencing in the City of East Point shall be constructed parallel to and on the exterior side of the electrified fence. This fence shall not be electrified. The exterior fence shall be no less than four (4") inches from the electrified fence.
10. Electrified fences shall be a minimum of (25) twenty-five feet from all perimeter property lines when adjacent to residential zoning districts.
11. Electrified fences shall be clearly identified with warning signs stating "Danger, premises are protected with an electrified fence," and shall be placed on the electrified fence no less than five (5') feet high from finished grade and spaced

every twenty (20) feet along the fence length. Signage shall be a minimum of one (1) sq. ft.

12. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery shall be charged primarily by a solar panel, which may be augmented by a commercial trickle charger.
13. Electrically charged portions of a security fence shall be separated from all publically accessible areas by security buffers.
14. A Knox Box rapid entry system, unlocked by a key, shall be required and installed per the standards of the City of East Point Fire Department.
15. Power source for electrified fences shall come from an internal source and not be generated directly from a City powered source.
16. The conductors of an electrified fence shall not be energized until after the owner or operator of the fence has complied with number (11) of this section.
17. Electrified fence conductors shall not be mounted on a support surface used for any overhead power line.
18. Electrified fences shall meet UL standards.
19. It shall be unlawful for any person to install, maintain or operate an electrified fence in violation of this section.

Sec. 10-2095.1 RESERVED

Sec. 10-2096. FILM PRODUCTION

A. Standards:

1. *Application*
 - a. Applicant must request permission to use City property including but not limited to, parks, streets, alleys, sidewalks, or buildings owned by the City, for a film production prior to submission of the application.
 - b. Rush approvals (permits requested within less than 14 days of production) will be assessed due to increased demand for staff time and coordination. The application shall include, but not be limited to, the following:
 - i. The filming project name;
 - ii. The name and contact information of the applicant, including postal address, email address, and telephone number;
 - iii. A valid photo identification of the applicant;
 - iv. The name and contact information of the producer (if the applicant is not the producer);

- v. The dates, times and locations of the filming for which permit is being requested, and a general description of the filming activity that will occur at each location;
- vi. Where the producer is a student, an official letter or document from his/her school confirming that s/he is currently enrolled there. In addition, the student identification card and a valid driver's license. Where the student does not have a driver's license, s/he may present a different form of identification that includes his/her photo.

2. *Public Works/Public Safety*

- a. If roads are to be blocked or traffic disrupted in any manner, off-duty City of East Point police officers must be hired and compensated at a minimum of three hours per day. (Note: Closure of State roads requires a 45-day lead time and approval from the Georgia Department of Transportation.)
- b. Removal, cutting or trimming of vegetation in the public right-of-way is prohibited unless specifically approved by the permit.
- c. No film activity which involves the use of explosives, pyrotechnics, fire, smoke-making machines or other special effects may be undertaken unless specifically approved by the City of East Point Fire Department.
- d. Tents or temporary membrane structures having an area in excess of 5,000 (five thousand) square feet require an inspection by the City of East Point Fire Marshall.
- e. Emergency vehicle access shall be maintained at all times. EMS personnel are required on-site for productions with stunts being performed.
- f. The City of East Point Fire Marshall shall have full access to any film production to ensure safety for crew members, the public, and surrounding properties.

3. *Permit Issuance*

- a. If permission is granted by the City, a written permit will be issued including time, date and location of filming and acceptable activities within the scope of the permit.
- b. A producer and/or applicant that receives a permit is responsible for knowing and complying with this ordinance and all other laws, including other ordinances and regulations that establish prerequisites, authorizations and other required permissions applicable to the filming.
- c. Upon receipt of the permit, the production company must provide a certificate of insurance naming the City of East Point as an additional insured. The City requires an insurance policy rider for general liability and worker's compensation for \$1,000,000 each occurrence and aggregate with endorsement naming the City of East Point as additional insured. The East Point BIDA (Business and Industrial Development Authority) requires an insurance policy rider for general liability and worker's compensation for \$1,000,000 each occurrence and aggregate with endorsement naming East Point BIDA as additional insured for film production on properties owned by the authority.
- d. Upon receipt of the permit, the production company must notify affected businesses and property owners within 500 feet of production and all

representatives of East Point City Council. Compensation may be necessary if business and home environments are greatly disrupted.

- e. The City shall require the production company to have the permit on site at all times.
- f. Notwithstanding any other part of this Code, any producer that performs filming without receiving a permit, violates the material terms of a permit, or is otherwise in violation of this Ordinance, shall be subject to the provisions of 1-1006.

4. *Film Production Wrap-up*

Upon completion of work, all materials and debris shall be entirely removed and the right-of-way left in the same condition it was in immediately prior to filming. Any costs for clean-up by the City will be charged to the permit holder who will be invoiced by the City for such costs. Invoices for such costs must be paid in full within thirty (30) days from the date of issuance by the City.

5. *Advertising*

- a. The City of East Point logo its buildings or the name of the City may not be included in the film or its marketing and advertising without written permission.
- b. Where permitted filming includes advertising signs or other displays of commercial speech, the signs and/or displays must be removed upon the expiration of the permit.

6. *Indemnification*

- a. The producer must sign an indemnification provision on the permit whereby the producer agrees to indemnify the City and its officials and employees from all claims, losses and expenses, including attorneys' fees and costs, that may arise from the permit and any of the activities performed pursuant to the permit by, on behalf of, or at the direction of the producer, except to the extent that claims, losses and/or expenses are caused by the gross negligence or intentional misconduct of the City, its officials and or employees.
- b. For use of properties owned by East Point BIDA, an indemnification provision must be signed by the producer whereby the producer agrees to indemnify East Point BIDA and its officials and employees from all claims, losses and expenses, including attorneys' fees and costs, that may arise from the permit and any of the activities performed pursuant to the permit by, on behalf of, or at the direction of the producer, except to the extent that claims, losses and/or expenses are caused by the gross negligence or intentional misconduct of East Point BIDA, its officials and/or employees.

7. *Exception*

A permit shall not be required for filming on private property or for the filming of public events such as rallies, protests, demonstrations, or other events held on City property and open to the public at large.

Sec. 10-2096.1 RESERVED

Sec. 10-2097. FOOD TRUCKS

A. Standards:

Application

1. The application shall, at a minimum, consist of the following data:
 - a. Applicant's name and current address;
 - b. Social security number;
 - c. A dimensional drawing that clearly shows the footprint and placement of the food truck and the operating area;
 - d. GDOR retail identification tax number;
 - e. State issued picture identification;
 - f. Make, model, and license plate number of food truck;
 - g. City business license;
 - h. Applicant must provide a copy of approved permit from the Fulton County Health Department;
 - i. A general description of the items permissible for sale to be sold or offered for sale; and
 - j. A valid licensing agreement authorizing the vendor to engage in sales of licensed branded merchandise if applicable.

Vending operational rules

1. No permit shall be effective for more than one hundred eighty (180) consecutive days. An application for said permit shall be submitted no less than fourteen (14) days prior to commencement.
2. Food trucks are not allowed in residential zoning districts.
3. Hours of operation shall be 9:00am to 6:00pm. During *Daylight Savings Time* the hours of operation shall be 9:00am to 8:00pm.
4. The license and all applicable health certificates under which a food truck is operating must be firmly attached and visible on the food truck at all times.
5. Vending operations may not obstruct vehicular traffic flow.
6. Any driver of a food truck must possess a valid Georgia driver's license.
7. Food trucks shall not make sounds or announcements to call attention to the food truck either while traveling on the public rights-of-way or when stationary. At all times said food truck shall comply with the City of East Point Noise Ordinance.
8. Permitted signage shall mean any signage marketing and/or advertising for any food truck that meet the following requirements:
 - a. Sandwich board signage located on the premises of where the food truck is operating. Sandwich and sidewalk signs are allowed not to exceed sixteen (16) square feet in size. Sign material should be of durable weather resistant PVC or hardwood. Lettering should not exceed 4' in height. A permit is required.

- b. Wall signage that is safely affixed to the food truck so as to be flat against the surface of the food truck. No permit is required.
9. Vendors may sell food and non-alcoholic beverage items only.
10. Food trucks shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.
11. The area within which a food truck is operating shall, at all times, be kept clean and free from litter, garbage, rubble, and debris. To that end, each food truck vendor must provide a trash and garbage receptacle in which patrons or customers may place their litter or garbage. The receptacle shall be within ten (10) feet of the food truck. The receptacle must be adequate in size so waste does not begin to overflow from the receptacle. The operator of the food truck must remove this litter or garbage from the permitted location when he or she leaves the permitted location.
12. Food trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk. Food trucks are prohibited from operating with their trucks open to the roadway.
13. Designated food truck areas shall be open to food truck vendors on a first come first serve basis.
14. A food truck vendor shall maintain \$1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the food truck, the public and the City from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the City as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advanced written notice to the City.
15. A drive-through shall not be used at any food truck. A person operating a food truck shall not conduct business with or accept orders from any patrons or customers while such patrons or customers are in their motor vehicles.
16. Operators of a food truck must maintain a minimum distance of 300-feet from any building housing an established licensed eating and drinking establishment. This distance will be measured from the serving window in a straight line to the property line of the nearest bricks and mortar food establishment. If a food truck operates less than 300-feet from any building housing an established licensed eating and drinking establishment, they must have expressed and signed consent from all affected establishments.
17. Activity or structure shall also maintain a minimum setback of ten (10) feet from any internal drive or permitted curb cut.
18. City designated food truck areas shall be open to food truck vendors on a first come first serve basis. City designated locations follow:
 - a. Main Street (west side of street) designated 2-hour parking spaces between West Cleveland Avenue and Ware Avenue.
19. Food trucks operating on private property shall provide a notarized written authorization statement of the property owner or lease holder of the subject site to the Department of Planning and Community Development. A 24-hour contact number of the property owner or leaseholder shall be provided along with the

application. All provisions of this ordinance shall apply. Food trucks shall not obstruct required parking spaces on private property.

Sec. 10-2097.1. RESERVED

Sec. 10-2098. GOLF COURSE

A. **Standards:**

1. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to any residential district and/or AG-1 district used for single family.
2. Driving range, tees, greens and fairways shall be required to have a 100-foot setback from minor, arterial, and major collector roads.
3. Permitted curb cut access shall be from a major thoroughfare unless shown on the approved preliminary plat of a single family subdivision.
4. When located outside a golf course/subdivision development, a minimum 50-foot wide buffer and a 10-foot improvement setback shall be provided adjacent to all buildings and parking areas when said facilities are located adjacent to any residential district and/or AG-1 district used for single family.
5. A minimum 25-foot buffer and a 10-foot improvement setback shall be provided adjoining any residential district and/or AG-1 district used for single family located outside the golf course development or any associated development.
6. When located adjacent to any residential district and/or AG-1 district used for single family, the hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.

Sec. 10-2098.1. RESERVED

Sec. 10-2099. OUTDOOR EVENT, SMALL

The City Council finds that uniform regulation of indoor and outdoor events on public and private (excludes private party or event held at a location on residential property occupied by the host) property is necessary to adequately protect the health, safety and welfare of the public, to conserve and properly allocate City resources and to simplify the process applicants use to secure Administrative Permits. The Department of Planning and Community Development shall be responsible for the review and processing of all small special event administrative permits (as defined herein) regardless of the type of event being held. If approval of other City departments is necessary prior to the approval of such a permit, the Department of Planning and Community Development will be responsible for circulation of the application to the relevant City departments for review and comment All applications for a small special event administrative permit must secure approval through the Administrative Permit process and must meet the following criteria for approval:

A. **Standards:**

1. No permit shall be effective for more than 14 consecutive days for a single event on the same property. An application for an Administrative Permit shall be made no less than 7 days prior to the event for an event with less than 250 projected attendees and no less than 14 days for an event with 250 to less than 2000 projected attendees, unless road closure is proposed or alcohol service at the event is proposed. If road closure or alcohol service at the event is proposed, an Administrative Permit application, regardless of projected attendance numbers, must be made no less than 45 days prior to the event. Said permit must be posted on site such that it is visible from the street. If such permit is for a parade, the parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.
2. The hours of operation shall be specified and shall be within the hours of 8:00 a.m. to 8:00 p.m., Sunday through Thursday and 8:00 a.m. to 11:00 p.m., Friday through Saturday.
3. The entire property shall comply with the zoning district's setback requirements.
4. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of any residential use.
5. No tent, table or other temporary structure shall be located within 250 feet of a single family detached residential structure except within the C-R district. Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require structural plan review and a building permit. All tents are subject to the approval of the Fire Marshall and Chief Building Official.
6. Sales from vehicles with the exception of permitted vending carts and food trucks are prohibited.
7. The entire property shall comply with East Point's parking requirements.
8. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
9. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.
10. Signage shall be in accordance with Chapter 7, Signs.
11. Eight (8) copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum

distance requirements as specified by this Section shall be submitted to the Department of Planning and Community Development for approval. Said drawing shall also depict the north arrow, curb cuts and traffic patterns.

12. Projected attendance for the event must total 2000 people or less for the entire duration of the event. If projected attendance exceeds 2000, the applicant must secure approval from City Council for the event through the Use Permit Process set forth in Article J of the Zoning Regulations and pursuant to the standards set forth in Sections 10-2086 through 10-2087 and 10-2115 through 10-2150.
13. Additional permits required for the proposed event, including but not limited to food service permit, electrical permit, mechanical permit, building permit, business license, alcohol license, vendor permit, must be secured prior to the approval of the special event Administrative Permit. Those relevant permits must be applied for separately in accordance with the City of East Point Code.

B. Procedures:

Applications for Administrative Permits shall be on forms provided by the Department of Planning and Community Development and shall be accompanied by the following documents and/or information in written form:

1. A notarized written authorization statement of the property owner or lease holder of the subject site
2. A 24-hour contact number of the property owner or lease holder.

C. Applicability:

This section shall not apply to special events with projected attendance of more than 2000 people. Special events with greater than 2000 in projected attendance must meet the standards and follow the procedures for securing a Use Permit approved by the City Council.

Sec. 10-2099.1. RESERVED

Sec. 10-2100. RESERVED

Sec. 10-2100.1. RESERVED

Sec. 10-2101. RECREATIONAL COURT, PRIVATE

A. Standards:

1. Detached Dwellings. Recreational courts serving single family detached dwellings shall be located in side or rear yards but shall not be located within a minimum yard.

2. Multi-family. Recreational courts, accessory structures, and fencing shall be located a minimum of 100 feet from any residential building, adjoining property line or street.
3. Neighborhood. Recreational courts serving a neighborhood must be located within the limits of the underlying zoning.
 - a. Use of the recreational courts shall be limited to residents and guests of the neighborhood in which they are located.
 - b. Recreational courts, accessory structures, fencing, and parking shall be located a minimum of 100 feet from all adjoining property lines.
 - c. Landscape strips and buffer requirements shall be as specified by Chapter 6.
 - d. A maximum 4-square foot sign identifying the future use of the property for a recreational court shall be posted adjoining the lot's frontage until a Certificate of Occupancy is issued for the facility.
 - e. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 P.M.
 - f. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.

Sec. 10-2101.1. RESERVED

Sec. 10-2102. RECREATIONAL COURTS, PUBLIC

Recreational courts operated as a club (except those serving residential developments), or courts operated as a business are defined herein as public courts.

A. Standards:

1. Recreational courts, accessory structures, fencing, and parking shall be located a minimum of 100 feet from all property lines which abut single family residential uses. Adjacent to all other zonings and uses, the district setback requirements shall apply.
2. Landscape strips and buffer requirements shall be as specified by Chapter 6.
3. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be used

only between dusk and 11:00 P.M.

4. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.

Sec. 10-2102.1. RESERVED

Sec. 10-2103. RELOCATED RESIDENTIAL STRUCTURE

A. Standards:

1. The applicant shall include the following with the application for the Administrative Permit:
 - a. The address from which the structure is being relocated.
 - b. A photograph of the structure prior to its relocation.
 - c. The total heated floor area of both the existing structure and the renovated structure.
2. The location of the structure and the heated floor area of the structure shall be in compliance with the minimum standards of the zoning district and/or conditions of zoning.
3. The residential structure shall be affixed to a permanent foundation within 6 months of the date of the house moving permit, and the certificate of occupancy shall not be issued until such improvements are completed.
4. All standards of this Ordinance (except number 2. above) and other applicable regulations shall be met within one year from the date of this permit issuance.
5. A House Moving Permit shall be obtained from the Planning and Community Development Department in conjunction with this Administrative Permit.
6. A building permit for the repair and construction of said structure shall be obtained within 30 days of the issuance of the Administrative Permit.
7. The exterior of the structure shall be brought into compliance with the East Point Building Regulations within six months of the issuance of this Administrative Permit.
8. Prior to occupancy, a Certificate of Occupancy must be obtained from the Department of Planning and Community Development.

Sec. 10-2103.1. RESERVED

Sec. 10-2104. REVIVAL TENT

A. Standards:

1. In an AG-1 (Agricultural) or a residential district, a revival tent may be placed only on property occupied by an existing building used as a church, temple, or place of worship.
2. A permit may be granted for a maximum of fourteen (14) days in a calendar year.
3. The revival tent or any area used for assembly shall be located at least 200 feet from a property line of any residential district and/or AG-1 district used for single family.
4. No temporary, sanitary facility or trash receptacle may be located within 200 feet of an existing dwelling, and no tent shall be located within 250 feet of an existing dwelling.
5. Provide one parking space per four seats.
6. A drawing to scale shall accompany the application and shall accurately depict the number of seats and the standards of this Section.
7. The hours of operation shall be no earlier than 8:00 a.m. or later than 11:00 p.m.

Sec.10-2104.1. RESERVED

Sec. 10-2105. ROADSIDE PRODUCE STANDS

A. Standards:

1. No more than four Administrative Permits shall be granted per year and no single permit shall be effective for more than 30 consecutive days; however, 2 or more permits, not to exceed 4, may be combined for a duration of 60 days, 90 days or a maximum of 120 days. An application for said permit(s) shall be made no less than 14 days prior to the event. Said permit must be posted on site such that it is visible from the street.
2. The hours of operation shall be 8:00 a.m. to 8:00 p.m.
3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of Planning and Community Development for approval. Said

drawing shall also depict north arrow, curb cuts and traffic patterns.

4. The applicant shall provide a notarized written authorization statement of the property owner or lease holder of the subject site to the Department of Planning and Community Development. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.
5. The property on which the applicant is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the applicant. The applicant shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.
6. Any activity or structure shall maintain a minimum 20-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said activity or structure shall also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.
7. A minimum of 6 parking spaces shall be provided for the exclusive use of the roadside produce stand and shall not occupy the minimum required parking spaces for any other use on site.
8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
9. No tent, table is allowed. All vending shall be conducted from a pushcarts/vending cart.
10. All pushcarts/vending carts must fit within an area four feet in width, not including protective overhang, by eight feet in length, not including trailer hitch, and eight feet in height.
11. All pushcarts/vending carts must meet all Fulton County Health Department regulations.
12. No vending station or any item related to the operation of a vending business shall be leaned against or hung from any building or any other structure, including but not limited to, lampposts, parking meters, mailboxes, traffic signal stations, fire hydrants, trees, tree boxes, benches, bus shelters or traffic barriers.
13. All items related to the operation of a vending business shall be kept either on, in or under a vending station. No such items shall be stored or placed upon any public space adjacent to the vending stand, pushcart or station.
14. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire

alarm box, traffic control box, driveway or other access point.

15. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.

16. Signage advertising the vending operation is prohibited.

Sec. 10-2105.1. RESERVED

Sec. 10-2106. ROADSIDE VENDING

A. Standards:

1. No more than two Administrative Permits shall be granted per year and no permit shall be effective for more than 9 consecutive days. An application for said permit shall be made no less than 14 days prior to the event. Said permit must be posted on site such that it is visible from the street.
2. The hours of operation shall be 8:00 a.m. to 8:00 p.m.
3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of Planning and Community Development for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.
4. The applicant shall provide a notarized written authorization statement of the property owner or lease holder of the subject site to the Department of Planning and Community Development. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.
5. The property on which the applicant is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the applicant. The applicant shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.
6. Any vending displays or activity shall maintain a minimum 20-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said displays or activities shall also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.
7. A minimum of 6 parking spaces shall be provided adjacent to the vending area for the exclusive use of the roadside vending and shall not occupy the minimum required parking spaces for any other use on site.

8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
9. No pushcarts/vending cart shall be located within 250 feet of a residential structure. Tents and tarps are prohibited. Sales from vehicles are prohibited.
10. No tent, table is allowed. All vending shall be conducted from a pushcarts/vending cart.
11. All pushcarts/vending carts must fit within an area four feet in width, not including protective overhang, by eight feet in length, not including trailer hitch, and eight feet in height.
12. All pushcarts/vending carts must meet all Fulton County Health Department regulations.
13. No vending station or any item related to the operation of a vending business shall be leaned against or hung from any building or any other structure, including but not limited to, lampposts, parking meters, mailboxes, traffic signal stations, fire hydrants, trees, tree boxes, benches, bus shelters or traffic barriers.
14. All items related to the operation of a vending business shall be kept either on, in or under a vending station. No such items shall be stored or placed upon any public space adjacent to the vending stand, pushcart or station.
15. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
16. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.
17. Signage advertising the vending operation is prohibited.

Sec. 10-2106.1. RESERVED

Sec. 10-2107. SEASONAL BUSINESS USE

A. Standards:

1. An Administrative Permit shall not be issued for the same seasonal business use more than once in any calendar year. Said seasonal business use must correlate to a calendar holiday or event. Said permit shall not exceed a total of 30 consecutive days for each use. Said permit must be posted on site such that it is visible from the street. An application for said permit shall be made no less than 14 days prior to the event. Example: One permit may be issued for

the sale of Christmas trees for a maximum of 30 consecutive days. A second permit may be issued for the sale of pumpkins for a maximum of 30 consecutive days.

2. The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through Thursday and 8:00 a.m. to 11:00 p.m., Friday through Saturday.
3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of Planning and Community Development for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.
4. The applicant shall provide a notarized written authorization statement of the property owner or lease holder of the subject site to the Department of Planning and Community Development. A 24- hour contact number of the property owner or lease holder shall be provided along with permit application.
5. The property on which the roadside vendor is permitted must be located at least 1,500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses which sell similar or the same merchandise within 1,500 feet of the proposed vendor site.
6. Any display or sales activity shall maintain a minimum 20-foot setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.
7. A minimum of 6 parking spaces shall be provided for the exclusive use of the seasonal business and shall not occupy the minimum required parking spaces for any other use on site.
8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
9. No tent, table or other temporary structure shall be located within 100 feet of a residential structure. Sales from vehicles are prohibited. Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require structural plan review and a building permit. All tents are subject to the approval of the Fire Department.
10. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire

alarm box, traffic control box, driveway or other access point.

11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.

12. Signage shall be in accordance Chapter 7, Signs.

Sec.10-2107.1 RESERVED

Sec. 10-2108. SENIOR HOUSING

A. Standards:

In circumstances where conflict exists between overlay guidelines and this Ordinance or resolution: (1) Overlay guidelines will generally supersede general ordinance and/or resolutions; (2) If the issue is specifically excluded in the Overlay, the ordinance and/or resolution will apply; (3) If the issue is addressed in both documents, the more restrictive will apply.

1. Building height shall be in accordance with the underlying zoning.
2. No more than 20 dwelling units per acre shall be allowed in a multi-family development.
3. No dwelling unit shall contain more than two (2) bedrooms.
4. Multi-family dwelling units shall have a minimum of six hundred (600) square feet of gross floor area.
5. Parking spaces shall be calculated as one and four tenths (1.4) spaces per dwelling unit.
6. No parking shall be allowed in the minimum front yard setback.
7. Senior facilities must be served by public water and sewer.
8. Landscape strips and buffers shall be provided as specified in the MIX district in Chapter 6 when adjacent to residential.
9. The property shall be deed restricted to senior housing except as provided for by Fair Housing laws.
10. Facility shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the Department of Planning and Community Development prior to the issuance of a certificate of occupancy.

11. Projects are encouraged to incorporate Easy Living and applicable accessibility standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia).
12. Housing shall have at least 80% of the occupied dwelling units occupied by at least one person who is 55 years of age or older which shall be verified by the property owner in a manner deemed acceptable pursuant to policies and procedures adopted by the Director of Planning and Community Development.

Sec. 10-2108.1. RESERVED

Sec. 10-2109. SWIMMING POOL, PRIVATE

A. **Standards:**

All swimming pools shall be completely surrounded by an enclosure. Such enclosure shall be a fence, wall, or building, to prevent access to the pool by unsupervised children and/or animals. The enclosure shall be an effective fence or wall not less than 5 feet high with self-closing, positive-latching gates provided on the outer side of the deck area. The enclosure entrance shall be locked when the pool is not open for use and all surrounding objects or structures must have a separation of five feet from the enclosure to provide an unclimbable space. The enclosure shall be in place prior to pool completion. Materials and construction shall comply with the regulations administered by the Fulton County Health Department.

1. Detached Dwellings. Swimming pools shall be allowed in side and rear yards of single family dwellings in any district and may also be allowed at the back of the house on a double frontage single family residential lot as approved by the Department. Pools, pool equipment, and their decks must be a minimum of 10 feet from all property lines, except that when perimeter setbacks are required, for example in CUP zoned districts, pools, pool equipment, and decks cannot be located in perimeter setbacks.
2. Neighborhood. Swimming pools serving a neighborhood must be located within the limits of the underlying zoning.
 - a. Use of swimming pools shall be limited to residents and guests of the neighborhood in which they are located.
 - b. Pools, pool equipment, and decks must be located at least 100 feet from all

adjoining property lines.

- c. Landscape strips and buffer requirements shall be as specified by Chapter 6.
- d. A maximum 4-square foot sign identifying the future use of the property for a swimming pool shall be posted adjoining the lot's frontage until a Certificate of Occupancy is issued for the facility.
- e. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 p.m.
- f. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.

3. Multi-family. Swimming pools, pool equipment, accessory structures, and fencing shall be located a minimum of 100 feet from any residential building, adjoining property line or street.

Sec. 10-2109.1. RESERVED

Sec. 10-2110. SWIMMING POOL, PUBLIC

A. Standards:

1. Pools operated as a club (except clubs serving residential developments) or pools operated as a business are defined herein as public pools.
2. Pools, pool equipment, decks, and parking shall be located a minimum of 100 feet from all property lines which abut single family residential uses. Adjacent to all other zonings and uses, the district setback requirements shall be provided.
3. Landscape strips and buffer requirements shall be as specified by Chapter 6.
4. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 P.M.
5. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.

Sec. 10-2110.1. RESERVED

Sec. 10-2111. TEMPORARY CLASSROOM

A. Standards:

1. The structure must be constructed for use as a temporary classroom and certified as such by the Planning and Community Development Department.
2. The principal use must exist prior to the issuance of the permit.
3. The temporary classroom shall not be used to increase the capacity or enrollment as conditioned by zoning, or as limited by other Use Permit conditions.
4. An Administrative Permit for a temporary classroom shall expire three (3) years from the date of approval at which time the structure shall be removed unless a new Administrative Permit is obtained within 30 days of the expiration date.
5. The structure shall not be located within any principal building setbacks or within any required landscape strips or buffers.
6. Two copies of a drawing showing dimensions shall accompany the application and shall accurately depict the proposed location of temporary structures, the traffic patterns and curb cuts and compliance with this section and all other applicable standards of this ordinance.

Sec. 10-2111.1. RESERVED

Sec. 10-2112. TEMPORARY STRUCTURES

A. Standards:

1. Temporary structures (whether tents, site-built, mobile or manufactured structures) utilized for construction offices, ticket booths, security guard shelters, storage structures in association with construction, emission inspection stations, portable toilets and other similar uses may be permitted by the Planning and Community Development Department in any district.
2. Temporary structures shall be located outside of any required buffers and landscape areas, and shall maintain the principal building setback of the district except portable toilets must maintain a 200-foot setback from existing dwelling(s).
3. Temporary structures must be removed prior to the issuance of a Certificate of Occupancy or within 5 days of completion of the temporary event or activity for which the structure was approved.
4. Temporary structures used in conjunction with other permitted Administrative and

Use Permits shall not be required to obtain a separate Administrative Permit.

5. An Administrative Permit for a temporary structure shall expire three (3) years from the date of approval at which time the structure shall be removed unless a new Administrative Permit is obtained within 30 days of the expiration date.

Sec.10-2112.1. RESERVED

Sec. 10-2113. UTILITY SUBSTATIONS (TELEPHONE, ELECTRIC, OR GAS, ETC.)

A. Standards:

1. Utility substations measuring less than 35 square feet and less than 5 feet in height from finished grade are exempt from these regulations.
2. All substation structures shall be contained within the boundaries of the subject parcel and meet the minimum development standards of the district unless otherwise required in this article section.
3. Minimum setback of all utility structures from a residential structure shall be:
 - a. Electric -- 200 feet.
 - b. Gas and Telephone -- the applicable minimum setback for the district in which located.
4. A minimum 10-foot wide landscape strip planted to buffer standards shall be required around the perimeter of all utility sites except along lines where buffers are required.
5. For electric substations, provide a minimum 50-foot wide replanted or natural buffer adjacent to the property lines of any residential district and/or AG-1 district used for single family.
6. Interior to landscape strips or buffers that do not accomplish 100% visual screening as defined in the Tree Protection and Landscaping Ordinance, provide an 8-foot high opaque fence or, masonry wall, a minimum 4-foot high landscaped earthen berm, a vegetative screen or some combination thereof, subject to the approval of the Planning and Community Development Department.

Sec. 10-2113.1. RESERVED

Sec. 10-2114. VETERINARY CLINIC/HOSPITAL OR KENNEL

A. Standards:

1. All of the activities directly associated with animal treatment shall occur entirely

within a completely enclosed soundproof structure.

Sec. 10-2114.1. RESERVED

Sec. 10-2115. USE PERMITS {10-2115 through 10-2150}

Sec. 10-2115.1. MINIMUM USE PERMIT STANDARDS

Sec. 10-2116. ADULT BOOK STORE

INTENT AND FINDINGS

It is the intent of this article to regulate the place of operation of adult book stores as defined in this Ordinance. The City Council finds, based upon an October, 1980, study by the Minnesota Crime Prevention Center, Inc., Minneapolis, Minnesota, entitled An Analysis of the Relationship Between Adult Entertainment Establishments, Crime, and Housing Values, that adult book stores are significantly related to diminishing market values of neighboring residential uses, that adult book stores should not be located in residential areas, and that adult book stores should be permitted only in locations that are at least 1/10 mile, or approximately 500 feet, from residential areas.

The Council further finds, based upon a June, 1978, study by the Division of Planning of the St. Paul, Minnesota, Department of Planning and Economic Development and the Community Crime Prevention Project of the Minnesota Crime Control Planning Board entitled Effects on Surrounding Area of Adult Entertainment Businesses in Saint Paul, that the presence of adult book stores correlates with a decreasing market value of neighboring residential areas, that adult book stores tend to locate in areas of poorer residential condition, tend to be followed by a relative worsening of the residential condition, and that more than two adult entertainment businesses in an immediate area is associated with a statistically significant decrease in residential property market value, and that such a concentration of adult entertainment businesses in a given area should be discouraged. The Council also finds that such worsening of residential conditions will adversely affect uses found in residential areas or in the proximity of residential areas, such as public recreational facilities, public or private institutional uses, churches, schools, universities, colleges, trade-schools, libraries, and day care centers.

The Council further finds, based upon a May 19, 1986, land use study conducted in Austin, Texas, that an adult book store within one block of a residential area decreases the market value of homes, that adult book stores are considered a sign of decline by lenders, making underwriters hesitant to approve the 90-95% financing many home buyers require, and that patrons of adult book stores tend to be from outside the immediate neighborhood in which the adult book store is located.

The Council further finds, based upon a March 3, 1986, study conducted by the Oklahoma City, Oklahoma, Community Development Department entitled Adult Entertainment Businesses in Oklahoma City - A Survey of Real Estate Appraisers, that an adult bookstore will have a negative effect on residential property market values if it is located closer than one block to

residential uses.

This section is intended to be a carefully tailored regulation to minimize the adverse land use impacts caused by the undesirable secondary effects of adult bookstores, and the City Council finds that restricting adult book stores to industrially zoned areas and imposing development standards can legitimately regulate adult book stores by establishing zones where adult book stores are most compatible with other uses or the surrounding neighborhood, and by requiring minimum distances to be maintained between adult bookstore uses and other uses so as to afford the most protection to residential uses.

- a. It is not the intent of the City Council, in enacting this amendment to the zoning ordinance, to deny to any person rights to speech protected by the United States or Georgia Constitutions, nor is it the intent to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books, or other materials; further, in the adoption of this amendment to the zoning ordinance, the City Council does not intend to deny or restrict the rights of any adult to obtain or view any sexually oriented materials protected by the United States or Georgia Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute, or exhibit such constitutionally protected materials; finally, in the enactment of this ordinance, the City Council intends to adopt a content neutral measure to address the secondary effects of adult bookstores.

A. **Standards:**

1. All boundary lines of the property included within the use permit as filed must be located at least 1,000 feet from the properties listed below:
 - a. The property line of RL, R-1, R-1A, R-2, R-3, R-4, R-5, CUP, zoned property or property conditioned or used for residential purposes.
 - b. The property line of any public recreational facilities, public or private institutional uses, including but not limited to churches, schools, universities, colleges, trade-schools, libraries, day care centers and other training facilities where minors are the primary patrons.
2. The boundary line of the Use Permit must be located at least 1,500 feet from the property line of any other adult entertainment establishment or adult book store.
3. Submit with the application for a Use Permit, a certified boundary survey by a licensed surveyor of the site and the property lines of surrounding properties identifying the use of properties at or within 1,000 feet of the boundary lines of the subject property and adult entertainment establishments or adult bookstores within 1,500 feet of the boundary line of the subject property.

4. If the adult book store is to be located in an existing structure where a land disturbance permit is not required, an existing building permit review application must be filed and determined by the Planning and Community Development Department to be in compliance with the terms of this Ordinance prior to any occupancy.
6. Permitted curb cut access shall be from a local road.
7. No depiction of anatomical areas or sexual activities specified in the definition of “adult entertainment” shall be visible from outside the structure or on signage outside the structure.
8. The minimum landscape areas required for the MIX zoning district as specified in Chapter 6, shall be required. Where buffers are required, the underlying zoning district buffer standards shall apply.

C. Permit Issuance:

Notwithstanding the provisions of 10-2085 and 10-2086, any applicant meeting the above requirements and standards shall be entitled to the issuance of a use permit.

D. Permit Applications:

Notwithstanding any other provision herein, any material omission or untrue or misleading information contained in or left out of an application for a use permit shall be grounds for denial of said permit.

E. Permit Processing:

The City shall have 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City and required by this Ordinance, to complete the investigation) from receipt of a completed application for a use permit to make a decision in which to grant or deny a use permit. The Department of Planning and Community Development and the Planning and Zoning Commission shall make recommendations to the City Council regarding the approval or denial of the use permit and the Council shall make the final decision after a public hearing regarding the same. In the event the City Council has not granted or denied the application within 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City to complete the investigation), the use permit shall automatically issue.

F. Denial of Use Permit:

In the event an application for a use permit is denied by the City Council, the applicant shall be notified in writing of such denial within 10 business days by U.S. Mail. A decision by the City Council regarding the denial of said permit is a final action; therefore, any appeal of such decision shall be pursued by application for Writ of

Certiorari filed with the Superior Court of Fulton County within 30 days of the decision. This appeal shall in no way preclude an applicant from seeking any other remedies available at law or equity.

G. Permit Application:

Nothing in this section shall allow for the conducting or zoning of any business or entity which would otherwise be illegal.

Sec. 10-2116.1. RESERVED

Sec. 10-2117. ADULT DAY CENTER

A. Standards:

- a. Permitted curb cut access shall be from an arterial or major collector. Permitted curb cut access may be allowed from a minor collector if within 1,000 feet of the property line of an institutional use.
- b. Provide a 50-foot building setback from single family detached dwelling districts and/or AG/1 districts when used for single family.
3. No parking allowed in the minimum front yard.
4. The minimum parking spaces provided shall be in conformance with health care facilities per Article E. Off Street Parking.
5. Provide landscape strips and buffers as required in the MIX district as specified on Chapter 6 of the Zoning Code and Development Regulations when adjacent to residential.
6. Facility shall comply with all applicable local, state, and federal regulations, and provide applicable permits to the Department of Planning and Community Development prior to issuance.
7. Facility shall not be located closer than 1,320 feet to the nearest Adult Day Center.
8. The hours of operation shall be limited to Monday through Friday from 6:00 a.m. to 7:00 p.m.

Sec. 10-2117.1 RESERVED

Sec. 10-2118. ADULT ENTERTAINMENT ESTABLISHMENTS

INTENT

It is the intent of this Section to regulate the place and manner of the operation of businesses or facilities that offer Adult Entertainment as defined in this Ordinance. It is well established and has been the experience of other communities in Georgia and throughout the United States that adult entertainment, which includes public nudity, has been associated with and may encourage disorderly conduct, prostitution and sexual assault. This Section advances the substantial government interest in promoting and protecting public health, safety, and general welfare, maintaining law and order and prohibiting public nudity. The Section is narrowly constructed to protect the First Amendment rights of citizens of East Point while furthering the substantial governmental interest of combating the secondary effects of public nudity and adult entertainment from areas and uses of the community which are incompatible. Areas and uses which are to be protected from adult entertainment include but are not limited to residential, churches, day care centers, libraries, recreational facilities, and schools.

A. Standards:

1. All boundary lines of the property included within the use permit must be located at least 1,000 feet from the properties listed below:
 - a. The property line of RL, R-1, R-1A, R-2, R-3, R-4, R-5, CUP, AG-1 zoned property or property conditioned or used for residential purposes.
 - b. The property line of any public recreational facilities, public or private institutional uses, including but not limited to churches, schools, universities, colleges, trade-schools, libraries, day care centers and other training facilities where minors are the primary patrons.
2. The boundary line of the Use Permit must be located at least 1500 feet from the property line of any other adult entertainment establishment or adult bookstore.
3. Submit with the application for a Use Permit, a certified boundary survey of the site and the property lines of surrounding properties identifying the use of properties at or within 1,000 feet of the boundary lines of the subject property and adult entertainment establishments and/or adult bookstores within 1,500 feet of the boundary line of the subject property.
4. No final land disturbance permit, building permit, certificate of occupancy, or building permit review certificate may be issued until the approved City of East Point adult entertainment business license is filed with the Director of the Planning and Community Development Department.
5. If the adult entertainment business is to be located in an existing structure where a land disturbance permit is not required, an existing building permit review application must be filed and approved in the Planning and Community Development Department prior to any occupancy.

6. The adult entertainment business shall be located a minimum of 50 feet from all property lines.
7. Parking spaces at a ratio of 10 per 1,000 gross square feet of floor space shall be provided.
8. Permitted curb cut access shall be directly from a local road.
9. On-premise signs shall not display lewd or graphic depictions of body parts or acts which are defined in Chapter 7, Signs.
10. No adult entertainment shall be visible from outside the structure.
11. The minimum landscape areas required for the MIX zoning district as specified in Chapter 6 shall be required. Where buffers are required, the underlying zoning district buffer standards shall apply.

C. **Permit Issuance:**

Notwithstanding the provisions of sections 10-2085 and 10-2086, any applicant meeting the above requirements and standards shall be entitled to the issuance of a use permit.

D. **Permit Applications:**

Notwithstanding any other provision herein, any material omission or untrue or misleading information contained in or left out of an application for a use permit shall be grounds for denial of said permit.

E. **Permit Processing:**

The City shall have 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City and required by this code, to complete the investigation) from receipt of a completed application for a use permit to make a decision in which to grant or deny a use permit. The Department of Planning and Community Development and the Planning and Zoning Commission shall make recommendations to the City Council regarding the approval or denial of the use permit and the Council shall make the final decision after a public hearing regarding the same. In the event the City Council has not granted or denied the application within 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City to complete the investigation), the use permit shall automatically issue.

F. **Denial of Use Permit:**

In the event an application for a use permit is denied by the City Council, the applicant shall be notified in writing of such denial within 10 business days by U.S. Mail. A decision by the City Council regarding the denial of said permit is a final action; therefore, any appeal of such decision shall be pursued by application for Writ of Certiorari filed with the Superior Court of Fulton County within 30 days of the decision. This appeal shall in no way preclude an applicant from seeking any other remedies available at law or equity.

G. **Permit Application:**

Nothing in this section shall allow for the conducting of zoning of any business or entity which would otherwise be illegal.

Sec. 10-2118.1 RESERVED

Sec. 10-2119. AMATEUR RADIO ANTENNA TO EXCEED THE ADMINISTRATIVE PERMIT HEIGHT (See Administrative Permit 10-2090)

INTENT

It is the intent of this Article to regulate the placement of amateur radio towers in a manner that does not impose on public health, safety, general welfare.

The following regulations on design, location, placement, and height limits of antennas in residential districts implements East Point's governmental interest in land planning, aesthetics and public safety by requiring the following Use Permit Standards:

A. **Standards:**

1. Antennas shall be located in the rear yard.
2. The request to exceed the height of 90 feet shall be accompanied by a written justification of its intent by the licensee. Under no circumstances shall an antenna exceed 200 feet in height.
3. All antennas shall be set back from the property line one-third the height of the antenna or the district setback requirements, whichever is greater. However, the antenna must be located a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the primary dwelling or structure which is located on the same lot as the antenna.
4. Antennas shall not be lighted.
5. All antennas must be constructed with an anti-climbing device.
6. Antennas shall be painted in a neutral color identical or closely compatible with surroundings.

7. All guy wires must be anchored on site and outside of right-of-way.

Sec. 10-2119.1. RESERVED

Sec. 10-2120. AMPHITHEATERS

A. **Standards:**

1. Lot area shall be a minimum of 10 acres.
2. The stage shall be located a minimum of 600 feet from adjacent properties zoned for residential use and/ or AG-1 districts used for single family.
3. Permitted curb cut access shall be only from an arterial street.
4. A minimum 100-foot buffer and 10-foot improvement setback shall be provided adjacent to residential districts, property zoned for residential use zoning or development or AG-1 districts when used for single family.
5. A minimum 50-foot buffer and 10-foot improvement setback shall be provided adjacent to non-residential districts zoning or development.
6. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at the property lines of adjacent residential districts and/or AG-1 districts used for single family.
7. Eight (8) foot high fencing shall be provided adjacent to properties zoned for residential use or AG-1 districts used for single family.
8. The hours of operation of the facility shall be limited to 8:00 a.m. to 11:00 p.m. when adjacent to properties zoned for residential use and/or AG-1 districts used for single family.

Sec. 10-2120.1. RESERVED

Sec. 10-2121. ANTENNA TOWER, AND ASSOCIATED STRUCTURE (RADIO, T.V., MICROWAVE BROADCASTING, ETC.) (See Administrative Permit 10-2091)

INTENT

Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in East Point. It is the intent of this Section to address the aesthetic effect of telecommunication facilities on our landscapes, our citizens' demands for these services, and the needs of service providers.

The following regulations on design, location, placement, and height limits of antennas in residential and AG-1 zoned districts implements East Point's governmental interest in land planning, aesthetics and public safety by requiring the following Use Permit Standards:

A. **Standards:**

1. Towers must be set back a distance equal to one and one-half (1½) times the height of the tower adjacent to residential and/or AG-1 zoned property.
2. Height shall not exceed 200 feet from existing grade.
3. Tower and associated facilities shall be enclosed by fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.
4. A minimum 10-foot landscape strip planted to buffer standards shall be required surrounding the facility exterior to the required fence unless the Director of Planning and Community Development determines that existing plant materials are adequate.
5. Antennas or towers shall not have lights unless required by federal or state law.
6. Towers shall not be located within one-half mile from any existing telecommunication tower above the district height, excluding alternative structures.
7. The tower shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Towers which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.
8. Facilities shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).
9. Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to applicable federal standards which may be amended from time to time.
10. Telecommunications facilities shall not be used for advertising purposes and shall not contain any signs for the purpose of advertising.
11. Any telecommunications facility may co-locate on any existing tower, pole or other structure as long as there is no increase in height to the existing facility.

12. A commercial telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the county in writing of any intent to abandon the use of the tower.
13. Communication facilities not requiring FAA painting/markings shall have either a galvanized finish or [be] painted a dull blue, gray, or black finish or shall be screened through fencing and landscaping.
14. An application for a telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.
15. An application for a telecommunication facility shall include a certification from a registered engineer that the structure will meet the applicable design standards for wind loads.
16. Communications facilities shall not be located in 100-year flood plain or delineated wetlands.

Sec. 10-2121.1 RESERVED

Sec. 10-2122. ASSISTED LIVING FACILITY

A. Standards

1. Facilities shall be for 25 persons or more.
2. At least one administrator, on-site manager, or responsible staff person must be on the premises 24 hours a day. The minimum on-site, staff-to-resident ratio is 1:3 during waking hours and 1:5 during non-waking hours.
3. Permitted curb cut access shall be from an arterial or a major collector. Permitted curb cut access may be allowed from a minor collector if within 1,000 feet of the property line of an institutional use.
4. Facility must provide a 50-foot building setback from single-family detached dwelling districts and /or AG-1 districts when used for single family.
5. No parking allowed in the minimum front yard setback.
6. Off-street parking requirements shall be one per living unit plus one per nonresident employee. Parking is not allowed in the front yard setback
7. Facility must provide landscape strips and buffers as required in the MIX district when adjacent to residential as specified in Chapter 6.

8. The assisted living community must have a kitchen and a comfortable dining area which is properly equipped and adequate in size for the number of residents being served. Rooms or suites may be designed with separate kitchen facilities.
9. Bedrooms or private living spaces assigned to individual residents must have at least 80 square feet of usable floor space per resident with no more than two residents sharing the private living space, or provide the amount required by the State of Georgia for the licensing of assisted living facilities, whichever is greater.
10. Applicants must submit an 11x17 floor plan showing the room layout of the assisted living facility, drawn to scale.
11. Facility shall comply with all applicable local, state, and federal regulations, and provide applicable permits to the Department of Planning and Community Development prior to the issuance of a certificate of occupancy and business license.
12. Assisted living communities must provide or have conveniently located access to outdoor spaces for the use of the residents and access to parking spaces for the use of residents and visitors. Such outdoor spaces may include solaria, porches, balconies, roof decks, gardens or patios.
13. Each location shall be within 1,500 feet of a public transit station or transit stop or the operator of the assisted living facility shall be required to provide transportation service for its occupants.
14. Facility shall provide to the East Point Fire and Police Departments a current and updated annually list of residents living in the facility who have disabilities, and information concerning special needs, so as to ensure each resident's safety and removal from the premises in the event of a fire or similar emergency within the facility.
15. Off-street parking requirements shall be one per living unit plus one per nonresident employee. Parking is not allowed in the front yard setback.
16. No such facility shall be located within five thousand two hundred eighty (5,280) feet of any other assisted living facility, community living arrangement, personal care home, and medical related lodging or rehabilitation center.

Sec. 10-2122.1. RESERVED

Sec. 10-2123. BED AND BREAKFAST

A. **Standards:**

1. A minimum of 2 guest rooms and a maximum of 5 guest rooms are permitted.

2. No parking in the minimum front yard.
3. The bed & breakfast shall be owner occupied.
4. Permitted curb cut access shall be from a local street.
5. The minimum landscape and buffer areas shall be required as specified in Chapter 6, Tree Protection and Landscape for AG-1 Agricultural District.
6. Parking requirements shall be the same as hotel/motel as specified in Article E.

Sec. 10-2123.1. RESERVED

Sec. 10-2124. CEMETERY AND/OR MAUSOLEUM (Human or Pet)

A. **Standards:**

1. Permitted curb cut access shall be only from a major thoroughfare, unless in conjunction with a place of worship.
2. No building shall be located within 50 feet of a residential district and/or AG-1 district used for single family.
3. All structures, including graves, shall be inside and meet the minimum yard setbacks or 10 feet, whichever is greater.
4. If located adjacent to a single-family detached dwelling district and/or AG-1 district used for single family, the minimum buffers and landscape strips required for the MIX District as specified in Chapter 6 shall be required.

Sec. 10-2124.1. RESERVED

Sec. 10-2125. CHURCH, TEMPLE OR PLACE OF WORSHIP

A. **Standards:**

1. Minimum 3-acre lot required.
2. All buildings and use areas/structures other than parking and pedestrian walkways shall be located at least 100 feet from any adjoining residential district and/or AG-1 district used for single family.
3. No parking shall be located within the minimum front yard setback.
4. Any associated day care centers, private schools, recreational fields or other uses requiring a Use Permit or Administrative Permit shall be allowed only under a

separate approved Use Permit or Administrative Permit for each use.

5. The minimum buffers and landscape strips required for the MIX zoning district as specified in Chapter 6, shall be required.

Sec. 10-2125.1. RESERVED

Sec. 10-2126. COMMERCIAL AMUSEMENT, OUTDOOR

Including, but not limited to amusement parks, velodromes, bungee jumping parks, skateboard parks, ski slopes, batting cages, miniature golf, drive-in theaters, rock climbing walls, etc

A. Standards:

1. Permitted curb cut access shall be derived only from arterial streets.
2. A minimum 100-foot buffer and 10-foot improvement setback shall be provided adjacent to residential districts and/or AG-1 districts used for single family.
3. A minimum 50-foot buffer and 10-foot improvement setback shall be provided adjacent to non-residential zoning or development districts.
4. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.
5. Eight (8) foot high fencing shall be provided adjacent to any residential district and/or AG-1 district when used for single family and interior to any required landscape strips or buffers.
6. The hours of operation of the facility shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential districts and/or AG-1 when used for single family.
7. All recreational structures and activities shall maintain a minimum setback of 100 feet from any public right-of-way.
8. The height limits of the zoning district shall apply to all recreational structures unless a Use Permit to exceed the height is granted.

Sec. 10-2126.1. RESERVED

Sec. 10-2127. COMMUNITY LIVING ARRANGEMENT

A. Standards:

1. Facilities shall be for not more than 3 unrelated adults.
2. Permitted curb cut access shall be from an arterial or major collector. Permitted curb cut access may be allowed from a minor collector if within 1,000 feet of property line of an institutional use.
3. Each community living arrangement must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with all parking standards found in Article E. Off-Street Parking. No parking is allowed in the minimum front yard.
4. The minimum parking spaces provided shall be in conformance with health care facilities per Article E Off Street Parking.
5. Provide landscape strips and buffers as required in the MIX district as specified in Chapter 6 of the Zoning Code and Development Regulations when adjacent to residential.
6. Facility shall comply with all applicable local, state, and federal regulations, and provide proof of compliance with the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Addictive Diseases to the Department of Planning and Community Development prior to issuance of Certificate of Occupancy.
7. Each location shall be within 1,500 feet of a public transit station or transit stop or the operator of the community living arrangement shall be required to provide transportation service for its occupants.
8. At least one administrator, on-site manager, or responsible staff person must be on the premises 24 hours a day. The minimum on-site, staff-to-resident ratio is 1:3.
9. No such facility shall be located within five thousand two hundred eighty (5,280) feet of any other assisted living facility, community living arrangement, personal care home, and medical related lodging or rehabilitation center.

Sec. 10-2127.1. RESERVED

Sec. 10-2128. COMPOSTING

A. Standards:

1. Lot area shall be a minimum of five acres.

2. Permitted curb cut access shall be derived from an arterial or major collector.
3. The hours of operation shall be between the hours of 7:00 a.m. to 6:00 p.m.
4. All operations shall maintain a minimum setback of 100 feet from all property lines.
5. The minimum buffers required are as specified for the I-1 District. (See Chapter 6)
6. On-site traffic shall be limited to an all-weather surfaced area.
7. Stored materials shall be contained in such a manner as to prevent the blowing of any materials onto any surrounding property or roadway.
8. The composting facility shall obtain all necessary permits from the Department of Natural Resources, Environmental Protection Division.
9. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.
10. In accordance with Article J., submit an Environmental Impact Report as required.

Sec. 10-2128.1. RESERVED

Sec. 10-2129. COUNTRY INN

A. Standards:

1. Lot area shall be a minimum of 5 acres.
2. A minimum of 6 guest rooms and a maximum of 30 rooms are permitted. (See 10-2116, Bed and Breakfast, for less than 6 guest rooms).
3. The Country Inn shall be owner occupied.
4. Permitted curb cut access shall be from a local road or higher road classification.
5. The establishment may provide meal services to guests.
6. Parking shall not be permitted within the minimum front yard setback.
7. The minimum landscape strip and buffer requirements for the MIX District as

specified in Chapter 6 shall be required.

8. Parking requirements shall be the same as hotel/motel as specified in Article E.

Sec. 10-2129.1. RESERVED

Sec.10-2130. HABITABLE ACCESSORY STRUCTURE

Habitable accessory structures may be rented to another party so long as one of the dwelling units on the property is owner-occupied. The units must be aesthetically compatible with the principal structure, include one additional on-site parking space, and be limited to half the size of the primary structure. The habitable accessory structure may not take up more than half the rear yard of the lot. The use must remain single-family and the lot may not be subdivided nor may the unit be sold separately. A use permit is required for all habitable accessory structures. In the event a use permit application is approved, a building permit will also be required.

Criteria:

1. Full kitchen permitted.
2. An accessory structure must be aesthetically compatible with principal structure.
3. The accessory structure cannot be built or moved onto any lot before construction of the main house unless a building permit has been issued for the construction of the main house.
4. The owner of the property must reside either in the principal structure or the accessory structure on premises.
5. The lot must be a minimum of 5,000 square feet.
6. The property must have a minimum of three unobstructed parking spaces.
7. The accessory unit can only have one kitchen and may have a 220 volt power supply, a ventilation hood or gas line.
8. The height must not exceed the height of the main house or 35 feet, whichever is less.
9. The total floor area cannot exceed 50 percent of the floor area of the principal structure or exceed 50 percent of the rear lot coverage. All utilities for the structure must be fed from the primary structure.
10. The structure must be at least 6 feet away from the principal structure.

11. The structure must be at least three feet from all property lines and at least 15 feet from any structure on adjoining property.

12. If the property is adjacent to an alley, it can be located on the property line.

Sec. 10-2130.1. RESERVED

Sec. 10-2131. LANDFILL, SOLID WASTE DISPOSAL

A. Standards:

1. No access or travel over residential streets shall be allowed for landfill access.
2. No disposal of biomedical or hazardous wastes is permitted.
3. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Director of Public Works.
4. No portion of a new landfill shall be located within a three mile radius of the property lines of an existing landfill.
5. The waste disposal boundary of a landfill shall be located at least 500 feet from all property lines and any operational domestic water supply well, except adjacent to I-1 (Light Industrial) and I-2 (Heavy Industrial) zoned districts. Adjacent to all other zoning districts there shall be a minimum 200 foot buffer between the waste disposal boundary and all property lines.
6. A minimum 200-foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
7. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
8. A minimum 6-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.
9. Limit hours of operation from 6:00 a.m. to 6:00 p.m., Monday through Saturday.
10. The owner shall provide the Director of Planning and Community Development a current copy of all applicable permits from the Georgia Department of Natural Resource upon application for a land disturbance permit.
11. Vehicles shall be allowed into a landfill site only if waste is covered to

prevent blowing of material from the vehicle.

12. In accordance with Article I., submit an Environmental Impact Report as required.
13. No portion of a new or expanded landfill shall be located within a one (1) mile radius of the property lines of a residentially zoned or used property. An expanded landfill shall not include any expanded use within the parcel boundaries of an existing site or location.
13. The landfill shall be sited and operated in accordance with the Rules of Georgia, Department of Natural Resources, Environmental Protection Division, Chapter 391-3-4 Solid Waste Management, Official Code of Georgia Annotated 12-8-20 Georgia Comprehensive Solid Waste Management Plan, and 40 CFR Part 258 (Subtitle D of RCRA).

Sec. 10-2131.1. RESERVED

Sec. 10-2132. LODGE, RETREAT AND/OR CAMPGROUND

A. Standards:

1. Minimum lot size shall be 10 acres.
2. Facilities to include lodging and food service for social, educational and/or recreational purposes.
3. Permitted curb cut access shall not be derived from a local street.
4. A minimum 100-foot wide buffer and 10 foot improvement setback are required adjacent to residential districts, AG-1 districts used for single family and adjoining a public street.
5. A minimum 50-foot wide buffer and 10 foot improvement district are required adjacent to all other non-residential districts.
6. Length of the stay for all but permanent staff shall not exceed 30 consecutive days.
7. Sanitary facilities or trash receptacles shall be located a minimum of 200 feet from any residential district and/or AG-1 district when used for single family.
8. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.

9. Recreational facilities associated with the use shall be for staff and guests only.
10. One parking space per lodging unit or five (5) per 1000 square feet of floor area, whichever is greater.

Sec. 10-2132.1. RESERVED

Sec. 10-2133. MEDICAL RELATED LODGING

A. Standards:

1. Total number of bedrooms or units shall not exceed 20, including staff facilities.
2. Rooms or suites of rooms may be designed with separate kitchen facilities.
3. Lodging facility shall be located within one mile of a hospital or inpatient clinic.
4. If located adjacent to a single-family district and/or an AG-1 district used for single-family, the minimum buffers and landscape strips required for the MIX District as specified in Chapter 6 shall be required.
5. Off-street parking requirements shall be one per living unit plus one per nonresident employee. Parking is not allowed in the front yard setback.
6. No such facility shall be located within five thousand two hundred eighty (5,280) feet of any other assisted living facility, community living arrangement, personal care home, and medical related lodging or rehabilitation center.

Sec. 10-2133.1. RESERVED

Sec. 10-2134. OUTDOOR EVENT, LARGE

All large special events as defined in this ordinance must meet the standards for Use Permit approval set forth in Sections 10-2085 through 10-2087, the standards for applicable uses specified in 10-2115 through 10-2150, and follow the Use Permit application procedures set forth in Article J of the Zoning Regulations.

A. Standards:

No use permit shall be effective for more than 14 consecutive days for a single event on the same property. An application for a special event, large use permit shall be made no less than 120 days prior to the event. Said permit must be posted

on site such that it is visible from the street. If such permit is for a parade, the parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

1. The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through Thursday and 8:00 a.m. to 11:00 p.m., Friday through Saturday.
2. The entire property shall comply with the zoning district's setback requirements.
3. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of any residential use.
4. No tent, table or other temporary structure shall be located within 250 feet of a single family detached residential structure except within the C-R district. Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require structural plan review and a building permit. All tents are subject to the approval of the Fire Department.
5. Sales from vehicles with the exception of permitted vending carts and food trucks are prohibited.
6. The entire property shall comply with East Point's parking requirements.
7. Persons accessing the controlled zone (alcoholic beverages) must be identified by wristband and must remain in the controlled zone during consumption.
8. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
9. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.
10. Signage shall be in accordance with Chapter 7, Signs.
11. Projected attendance for the event must total 2000 attendees or more for the entire duration of the event.
12. Additional permits required for the proposed event including but not limited to food service permit, electrical permit, mechanical permit, building permit, business license, alcohol license, vendor permit, must be secured prior to the start of the special event, large use permit. Those relevant permits must be applied for separately in accordance with the City of East Point Code of Ordinances and Development Regulations.

B. Procedures:

Applications for a Use Permit for a large special event shall be on forms provided by the Department of Planning and Community Development and shall contain the documents and information required in Section 10-2085.

C. Applicability:

This section shall not apply to special events with projected attendance of 2000 people or less. Special events with 2000 or less in projected attendance must meet the standards and follow the procedures for securing an administrative permit approved by the Department of Planning and Community Development.

Sec. 10-2134.1. RESERVED

Sec. 10-2135. PERSONAL CARE HOME

A. Standards:

1. Facilities shall be for 5 to 24 unrelated adults.
2. At least one administrator, on-site manager, or responsible staff person must be on the premises 24 hours a day. The minimum on-site, staff-to-resident ratio is 1:2 during waking hours and 1:6 during non-waking hours.
3. Permitted curb cut access shall be from an arterial or a major collector. Permitted curb cut access may be allowed from a minor collector if within 1,000 feet of the property line of an institutional use.
4. Provide a 50-foot building setback from single-family detached dwelling districts and/or AG-1 districts when used for single family.
5. Off-street parking requirements shall be one per living unit plus one per nonresident employee. Parking is not allowed in the front yard setback
6. Provide landscape strips and buffers as required in the MIX district as specified in Chapter 6.
7. Facility shall provide to the East Point Fire and Police Departments a current and updated annually list of residents living in the facility who have disabilities, and information concerning special needs, so as to ensure each resident's safety and removal from the premises in the event of a fire or similar emergency within the facility.
8. Facility shall comply with all applicable local, state, and federal regulations, and provide applicable permits to the Department of Planning and Community

Development prior to the issuance of a certificate of occupancy.

9. Each location shall be within 1,500 feet of a public transit station or transit stop or the operator of the personal care home shall be required to provide transportation service for its occupants.
10. No such facility shall be located within five thousand two hundred eighty (5,280) feet of any other assisted living facility, community living arrangement, personal care home, and medical related lodging or rehabilitation center.

Sec. 10-2135.1. RESERVED

Sec. 10-2136. RECREATIONAL FIELDS

A. **Standards:**

1. Including but not limited to soccer, softball, baseball, polo, football, cricket, etc.
2. Permitted curb cut access shall not be from a local street.
3. A minimum 50-foot buffer and 10-foot improvement setback shall be provided adjacent to residential districts and/or AG-1 districts used for single family.
4. Loudspeakers/paging systems are prohibited adjacent to residentially used property.
5. The hours of operation shall be limited to daylight hours when said facility is located adjacent to residential districts and/or AG-1 districts used for single family.

Sec. 10-2136.1. RESERVED

Sec. 10-2137. RECYCLING CENTER, PROCESSING

A. **Standards:**

1. Limit hours of operation from 7:00 a.m. to 8 p.m. Monday through Saturday.
2. No portion of a new recycling facility shall be located within a three mile radius of the property lines of an existing recycling facility.
3. A minimum 200 foot buffer and 10-foot improvement setback shall be required

along all property lines except public rights-of-way.

4. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
5. All recyclable materials shall be stored in containers with no stockpiling outside the containers.
6. Collection, storage containers, or receptacles shall not be allowed in minimum yards. Storage shall be screened with a six-foot high, solid wall or fence, including access gates.
7. The processing of recyclable materials must be done within an enclosed building.
8. Driveways shall be designed so vehicles will exit the facility in a forward direction.
9. A maximum continuous sound level of 65 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.
10. The recycling center shall comply with regulations administered by the Fulton County Department of Health.
11. In accordance with Article J., submit an Environmental Impact Report as required.

Sec. 10-2137.1. RESERVED

Sec. 10-2138. REHABILITATION CENTERS

A. Standards:

1. Usage of such facility shall be restricted to the supervised rehabilitation of substance abusers.
2. Parking shall comply with the requirements of Article E for dwellings.
3. The minimum landscape strips and buffers required for the MIX district as specified in Chapter 6 shall be provided.
4. Copies of applicable local, state and federal permits shall be provided to the Department of Planning and Community Development prior to the issuance of a certificate of occupancy and business license.

5. Parking shall not be permitted within the minimum front yard.
6. No such facility shall be located within five thousand two hundred eighty (5,280) feet of any other group residence/shelter, personal care home/assisted living facility, and medical related lodging or rehabilitation center.

Sec. 10-2138.1. RESERVED

Sec. 10-2139. SALVAGE, STORAGE, AND/OR JUNK FACILITY

A. Standards:

1. No portion of a new salvage, storage, and/or junk facility shall be located within a three mile radius of the property lines of an existing salvage, storage, and/or junk facility.
2. A minimum 200-foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
3. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
4. All facilities shall be screened from view from adjacent properties and roadways with a minimum 6-foot high, solid fence or wall, as approved by the Planning and Community Development Department, except for approved access crossings and utility easements. Said fence or wall shall be located interior to any required buffer or landscape strip.
5. Vehicles and other materials shall not be stacked so that they are visible from any adjacent properties.
6. In accordance with Article J., submit an Environmental Impact Report as required.

Sec. 10-2139.1. RESERVED

Sec. 10-2140. SCHOOL, PRIVATE OR SPECIAL

A. Standards:

1. Minimum lot area shall be 4 acres.
2. If located adjacent to a single family dwelling district and/or AG-1 district used for single family, the minimum landscape strips, buffers, and improvement setbacks required for the MIX district as specified in Chapter 6 shall be required.

3. Buildings, and refuse areas shall not be located within 100 feet of a residential district and/or AG-1 district used for single family.
4. Active outdoor recreation areas shall not be located within 100 feet of an adjoining residential district or use. Recreational fields, such as playing fields, that are accessory to the school do not require a separate Use Permit.
5. Day care facilities in association with the school do not require a separate Use Permit.
6. Parking areas shall not be located within 50 feet of any residential district and/or AG-1 district used for single family.
7. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles may re-enter the public street in a forward manner.
8. Permitted curb cut access shall not be from a local street.
9. In accordance with Article J, submit a Noise Study Report as required in 2224.6.

Sec. 10-2140.1. RESERVED

Sec. 10-2141. SELF STORAGE/MINI

B. Standards:

1. At least 75% of the total on-site storage space shall be contained in individual enclosed stalls containing no more than 500 square feet each and being no more than 10 feet high.
2. No activities other than the dead storage or transfer of nonvolatile goods, or leasing of storage space are permitted. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment or other goods; transfer-storage business based on site; residential uses (other than the resident manager's apartment), or any use which creates a nuisance due to noise, odor, dust, light or electrical interference.
3. An on-site manager or resident manager shall be required and shall be responsible for the operation of the facility in conformance with conditions of approval. A resident manager's apartment is included in the Use Permit.
4. Provide a minimum six-foot high, 100% opaque solid wooden fence or masonry wall along the entire length (except for approved access crossings) of all property lines. Said fence/wall shall to be located outside of any public right-of-way and interior to any required landscape strips or buffers.

5. A new or expanded self-storage facility shall be located a minimum of 1,500 feet from the boundary of any other self storage facility (mini or multi).

Sec. 10-2141.1. RESERVED

Sec. 10-2142. SELF STORAGE/MULTI

A. Standards:

1. No outside storage shall be allowed, including vehicle leasing.
2. All buildings shall have windows or architectural treatments that appear as windows.
3. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space are permitted. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment or other goods; transfer-storage business based on site; residential uses (other than the resident manager's apartment), or any use which creates a nuisance due to noise, odor, dust, light or electrical interference.
4. Permitted curb cut access shall not be from a local street.
5. A new or expanded self storage facility shall be located a minimum of 1,500 feet from the boundary of any other self storage facility (mini or multi).

Sec. 10-2142.1. RESERVED

Sec. 10-2143. SKYWALKS

A. Standards:

1. A minimum vertical clearance of 16 feet above all streets, and a minimum vertical clearance of 16 feet above the walkway shall be provided.
2. Ample space for the free flow of pedestrians with a 12-foot minimum walkway width shall be provided.
3. Prior to issuance of a building permit, a Bridge Agreement shall be filed with the Planning and Community Development Department as a condition of approval. The Planning and Community Development Department shall be responsible for the interpretation and application of the conditions set forth above and no building permit shall be issued by the Planning and Community Development Department except upon

written approval of the Department of Public Works.

Sec. 10-2143.1. RESERVED

Sec. 10-2144. STADIUM (OFFSITE) ASSOCIATED WITH A PRIVATE SCHOOL

A. Standards:

1. Vehicular access is prohibited from a local street.
2. A minimum 200-foot buffer and 10-foot improvement setback shall be provided along all property lines adjacent to residential and AG-1 zoned properties.
3. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential and AG-1 zoned properties.
4. A 100-foot setback along any public right-of-way is required for all structures and activities.
5. The height limit of the zoning district shall apply to all structures unless a Use Permit to exceed the district minimum height is approved.

Sec. 10-2144.1. RESERVED

Sec. 10-2145. TRANSFER STATION, SOLID WASTE

A. Standards:

1. No access shall be allowed from local streets.
2. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Director of Public Works.
3. No portion of a new transfer station shall be located within a three mile radius of the property lines of an existing transfer station.
4. A minimum 200-foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
5. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
6. A minimum 6-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.

7. Limit hours of operation from 6:00 a.m. to 6 p.m., Monday through Saturday.
8. The owner shall provide the Director of the Planning and Community Development Department a current copy of all applicable permits from the State of Georgia upon application for a Land Disturbance Permit.
9. In accordance with Article J, submit an Environmental Impact Report as required.
10. No portion of a new or expanded solid waste transfer station shall be located within a one (1) mile radius of the property lines of a residentially zoned or used property. An expanded solid waste transfer station shall not include any expanded use within the parcel boundaries of an existing site or location.
11. Transfer stations shall be sited and operated in accordance with State Regulations 3891-3-4.06 Permit by Rule for Collection, Transportation, Processing, and Disposal, Official Code of Georgia Annotated 12-8-20 Georgia Comprehensive Solid Waste Management Act, Fulton County Solid Waste Management Plan, and Waste Transfer Stations: A Manual for Decision-Making (EPA 530- R-02-002, June 2002)

Sec. 10-2145.1. RESERVED

Sec. 10-2146. VETERINARY CLINIC/HOSPITAL OR KENNEL OUTSIDE

A. **Standards:**

1. Minimum 1 acre lot size is required.
2. Buildings and runs, sun areas, exercise yards, patios or facilities other than parking shall be located at least 100 feet from all property lines and 200 feet from any single family district and/or AG-1 district used for single family.

RESERVED Sec. 10-2146.1 through Sec. 10-2150