

1 **FULTON COUNTY, GEORGIA**
2 **CITY of EAST POINT**

3 **AN ORDINANCE TO AMEND THE EAST POINT CODE OF ORDINANCES PART 10-ZONING CODE AND**
4 **DEVELOPMENT REGULATIONS CHAPTER 2.- ZONING REGULATIONS, ARTICLE D.- ADMINISTRATIVE**
5 **PERMITS AND USE PERMITS TO ADD THE NEW SECTIONS xxx; TO REPEAL CONFLICTING ORDINANCES;**
6 **TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES**
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9 **CASE NO:**
10 **ASSOCIATED CASE NO: N/A**

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

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

16 **WHEREAS**, in accordance with Section 10-1009 – Transmittal of commission results to mayor and city
17 council of the Zoning Ordinance, the Planning and Zoning Commission of the City of East Point has forwarded its
18 recommendation to the Mayor and City Council that the amendments to Chapter 2, Article D. Administrative
Permits and Use Permits to add the new Sections be approved; and

19 **WHEREAS**, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a
20 properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor
21 more than 45 days from the date of publication of notice, and which public hearing was held on the __ day of _____,
22 2020; and

23 **WHEREAS**, after the aforementioned public hearing, the governing authority has determined that adoption
24 of the amendments to Chapter 2. Zoning Regulations, Article D- Administrative Permits and Use Permits to add the
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1 certain industrial uses in order to require use permit development standards is necessary in order to provide a
2 permitting process and regulations within the City of East Point and would be in the best interests of the residents,
3 property owners, businesses and citizens of the City of East Point; and
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5 **NOW, THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of East Point, Georgia, and it**
6 **is hereby ordained by the authority of same that Chapter 2 Zoning Regulations, Article D. – Administrative**
7 **Permits and Use Permits be amended in the City of East Point Zoning Ordinances as follows:**

8 **Section 1.**

9 **Section 10-**** Cement products manufacture and production of ready-mix concrete.**

10 (a) Standards.

11 Section 10-****.1 Reserved.

12 **Section 10-**** Commercial greenhouses or plant nursery.**

13 (a) Standards.

14 Section 10-****.1 Reserved.

15 **Section 10-**** Cooperage and bottling works.**

16 (a) Standards.

17 Section 10-****.1 Reserved.

18 **Section 10-**** Dry Cleaning Plants.**

19 (a) Standards.

20 (1) Such use shall be at least 300 feet from any property zoned or used for residential properties.

21 (2) All applicable state, federal and local codes must be complied with.

22 Section 10-****.1 Reserved.

23 **Section 10-**** Fuel and ice dealers, manufacturers and wholesalers.**

24 (a) Standards.

- 1 (1) No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the
2 walls of the building is permitted.

3 Section 10-****.1 Reserved.

4 **Section 10 -**** Gas Station Minimart.**

5 (a) Standards.

- 6 (1) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all
7 property lines.
8 (2) Canopies over fuel islands shall not encroach within fifteen (15) feet of any property line
9 (3) Minor automobile repair shall be allowed in conjunction with such use provided all such activities
10 shall take place within an enclosed building
11 (4) No outside storage or engine/body dismantling is allowed.

12 Section 10-****.1 Reserved.

13 **Section 10-*** Laundry and dry-cleaning pick up stations.**

14 (a) Standards

15 Section 10-****.1 Reserved.

16 **Section 10-**** Light assembly and fabrication.**

17 (a) Standards.

- 18 (1) No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls
19 of the building is permitted.

20 Section 10-****.1 Reserved.

21 **Section 10-**** Manufacturing, wholesaling, repairing, compounding, assembly, processing,
22 preparation, packaging of treatment articles, foods (smoking, curing and canning), components, products,
23 clothing, machines and appliances and the like, where character of operations, emissions and by-products
24 do not create adverse effects beyond the boundaries of the property.**

25 (a) Standards.

- 26 (1) Such use shall not be permitted within 50 feet of any property used for a school, park,
27 playground or hospital, streams and rivers.
28 (2) All activities shall be carried on entirely within an enclosed building.
(3) Such use shall not be established on a lot which is adjacent to or directly across the street from any
single-family residential district.

- (4) All outdoor storage must be in the rear of the principal structure and enclosed by opaque fence no less than eight feet in height.
- (5) Permitted curb cut access shall be only from a major thorough fare.
- (6) Development Standards as prescribed in this ordinance.

Section 10-****.1 Reserved.

Section 10-** Truck Terminals.**

(a) Standards.

- (1) Trucking, transit, or transportation terminals, including facilities for the repair or storage of trucks, shall front on a major or secondary highway as designated on the city master plan of highways.
- (2) The site shall have a minimum area of two acres.
- (3) The site shall not be located within five hundred feet of a residential use.
- (4) The site must be fenced and screened from view from all public rights-of-way.
- (5) All repair and washing shall occur within a completely enclosed building.
- (6) A traffic study shall be completed that demonstrates all adverse traffic impacts can be mitigated.

a. Setbacks for front, rear and side yards:

- 1. Structures fronting or adjoining a public street shall be located at least 45 feet from the front property;*
- 2. Structures, except fences shall be at least eight feet from the side-line of any tract;*
- 3. Structures shall be at least thirty (30) feet from the rear line of any tract;*
- 4. Only driveways, parking spaces, permitted signs, and landscaped areas shall be allowed between a structure and the front property line;*
- 5. All paved areas must have concrete curbs.*

b. Buildings:

1.Exterior wall materials shall be one or more of the following:

- i. Hard burned clay brick;*
- ii. Stone with either a weathered face or a polished, fluted or broken face. No quarry faced stone shall be used except in the retaining walls;*
- iii. Concrete masonry. Units shall be those generally described by the National Concrete Masonry Association as "Customize Architectural Concrete Masonry Units" or shall be broken-faced brick-type units with marble aggregate. There shall be no exposed concrete block on the exterior of any building, however, rear walls which do not front any street or building may be painted concrete block. Any concrete masonry units that have a gray cement color shall be coated with a coating approved by the building inspector;*
 - iv. Concrete may be poured in-place, tilt-up or precast. Poured in-place and tilt- up walls shall have a finish of stone, a texture or a coating. Textured finishes shall be coated. Coating shall be an approved cementitious type*

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2. *Roof-mounted equipment. Roof-mounted equipment shall be located and/or screened to minimize visibility from streets or surrounding buildings.*

i. *Parking and maneuvering. Parking shall not be permitted on streets. Parking spaces and loading docks shall be so located as to make maneuvering in the streets unnecessary. Ample parking spaces shall be provided as required in Article E to accommodate the parking for the subject development. All parking areas and driveways shall be paved with concrete, asphalt, their equivalent or better.*

ii. *Outside storage. No outside storage of any type will be permitted without specific approval of the Planning and Zoning Commission. When such approval is given, the outside storage area shall be enclosed with an approved screen so that storage is not from neighboring property or streets and in no event may storage exceed the height of the screen. In no event shall outside storage be permitted in front of any building.*

iii. *The entire area of any lot containing a building site, including the area between the lot line and street curb line, shall be landscaped except for areas covered by buildings and paved areas. A minimum strip of landscaping ten feet wide shall be installed and maintained along any portion of the lot bordering a public street right-of-way except for entrance driveways onto the lot. The landscaping plan submitted to the planning and zoning commission for approval shall identify such features as the planting of trees, shrubs and grass and the installation of screens as appropriate. The landscaping, as approved by the Planning and Zoning Commission, shall be installed prior to the issuance of a certificate of occupancy. The maintenance of the landscaping shall be the responsibility of the owner and shall include the operation and maintenance of an irrigation system.*

iv. *Exterior lighting. At minimum, an outdoor lighting plan shall include the following:*

1. *Manufacturer specification sheets, cut sheets, or other manufacturer provided information for all proposed outdoor lighting fixtures to show fixture diagrams, light source type, and light output levels (in watts or lumens per fixture).*

Dark Sky Compliance is highly encouraged for outdoor lighting fixtures, in which the lighting will be installed, that meets specific requirements to minimize light pollution, light trespass, glare and offensive light sources.

2. *The proposed location, mounting height, and aiming point of all outdoor lighting fixtures (a site plan is preferred).*

3. *If building elevations are proposed for illumination, the plan shall include drawings for all relevant building elevations showing the placement of fixtures, the portions of the elevations to be illuminated, and the aiming point for any remote light fixture.*

1 4. The outdoor lighting plan shall be correlated with any required landscaping plan that is submitted with
2 the building permit application package and shall demonstrate that outdoor lighting shall not be
unreasonably obscured or obstructed by existing or future foliage growth.

3 B. The above required plans and descriptions shall be sufficiently complete to enable the City of East Point
4 Planning and Community Development Department to readily determine whether the proposal is in
5 compliance with . If such plans and descriptions do not enable this determination, the director of that
6 department may require additional information following the initial outdoor lighting plan submittal,
including but, not limited to; a written narrative to demonstrate the objectives of the lighting and
manufacturer data as determined by that department as being necessary to determine compliance
with the provisions of this chapter.

7 All exterior lighting shall be designed, erected, altered and maintained in accordance with plans and
8 specifications **approved by the Planning and Zoning Commission.**

9 v. Loading areas. No materials, supplies, merchandise or equipment shall be stored in any area on a lot
10 except inside of a closed building, or behind an approved visual barrier screening

11 such areas so that they are not unsightly from surrounding properties or public streets. Loading doors and
12 docks shall not be constructed facing any public street or highway without the express prior approval
of the Planning and Zoning Commission.

13 vi. Prohibited activities, materials or products. No activities involving the storage, utilization, or manufacture
14 of materials or products which decompose by detonation shall be permitted within the City of East
Point, except such as are licensed by the Fire Prevention Bureau. The list of such prohibited materials
or products shall include, but shall not be limited to, the following:

- 15 1. Acetylides.
- 16 2. Azides.
- 17 3. Chlorates.
- 18 4. Dynamite.
- 19 5. Blasting Gelatin.
- 20 6. Fulminates.
- 21 7. Anhydrous Hydrazine.
- 22 8. Ammonium Nitrate.
- 23 9. Dinitroresorcinol.
- 24 10. Dinitrotoluene.
- 25 11. Guanidine Nitrate.
- 26 12. Guncotton (Cellulose Nitrate or Pyroxylin).
- 27 13. Hexamine.

14. Nitroglycerine.
15. *Petn (Pentaerythritoltetranitrate).*
16. *Picric Acid.*
17. *Tetryl (Trinitrophenylmethyltramine).*
18. *Cylonite or Hexogen (Trimethylene Trinitramine).*
19. *Dinol.*
20. *Petryl.*
21. *TNT (Trinitrotoluene).*
22. *Perchlorates (when mixed with carbonaceous materials).*
23. *Black Powder.*
24. *Fireworks.*
25. *Greek Fire.*
26. *Permanganates.*
27. *Peroxides.*

Section 10-****.1 Reserved.

Section 10-** Warehousing and Storage.**

(a) Standards.

- (1) Permitted curb cut access shall be only from a major thorough fare.
- (2) Development standards as prescribed in the I-1 (Light Industrial) zoning district.
- (3) Design standards as prescribed in the I-1 (Light Industrial) zoning district.

Section 10-****.1 Reserved.

Section 10-** Wholesale trade and distribution establishments and warehousing facilities, including offices.**

(a) Standards.

- (1) Permitted curb cut access shall be only from a major thorough fare.
- (2) Development standards as prescribed in the I-1 (Light Industrial) zoning district.
- (3) Design standards as prescribed in the I-1 (Light Industrial) zoning district.

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

3 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all Sections, paragraphs,
4 sentences, clauses and phrases of this ORDINANCE are upon, their enactment, believed by the Mayor and Council
5 to be fully valid, enforceable and constitutional.

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

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

19 **Section 4.** ALL ORDINANCES and parts of ORDINANCES in conflict herewith are hereby expressly repealed.

20 **Section 5.** Penalties in effect for violations of Part 1 of the Code of Ordinances, City of East Point, Georgia at the
21 time of the effective date of this ORDINANCE shall be and are hereby made applicable to this ORDINANCE and
22 shall remain in full force and effect.

23 **Section 6.** The effective date of this ORDINANCE shall be the date of adoption unless otherwise specified herein.
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Public Hearing: _____

First Reading: _____

SO PASSED AND APPROVED this _____ day of _____ 2020.

SPONSORED BY:

Deana Holiday Ingraham, Mayor

APPROVED AS TO FORM:

ATTEST:

Brad Bowman, City Attorney

Keshia McCullough, City Clerk