

1 **FULTON COUNTY, GEORGIA**

2 **CITY of EAST POINT**

3
4 **AN ORDINANCE TO AMEND THE EAST POINT CODE OF ORDINANCES PART 10-**
5 **ZONING CODE AND DEVELOPMENT REGULATIONS CHAPTER 2 – ZONING**
6 **REGULATIONS, ARTICLE C.- ZONING TEXT, DISTRICT CLASSIFICATIONS AND**
7 **BOUNDARIES TO ADD SECTION 10-**** WH-I (WAREHOUSE INDUSTRIAL) ZONING**
8 **DISTRICT; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES**

9
10 **CASE NO:**

11 **ASSOCIATED CASE NO: N/A**

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13
14 **WHEREAS**, the duly elected governing authority of the City of East Point, Georgia is the Mayor and
15 Council thereof; and

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

18
19 **WHEREAS**, the City of East Point finds that certain industrial uses and commercial uses with high
20 vehicular use when located proximate to residentially used or zoned property has potential negative impacts on
21 those properties and on the residents therein; and

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

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

3 **WHEREAS**, the City of East Point finds that industrial uses consume large tracts of land, bring about
4 substantial environmental externalities, air pollutants, noise, pavement damage, threats to traffic safety threatened
5 when mixed with residential traffic; and

6 **WHEREAS**, the City of East Point is nonetheless aware of the contribution industry has made to its
7 economic development and appreciates industry's past contributions to the current vitality of the City and its
8 residents, it seeks to strike a fair balance between new industry and the future well-being of its residents;

9 **WHEREAS**, the follow regulations are not intended to include "big box" discount or warehouse stores
10 that sell retail goods, merchandise or equipment, or storage and mini-storage facilities that are offered for rent or
11 lease to the general public nor applicable to the operation of any existing industrial uses that are legally operating
12 within the City limits as of the date of the enactment of this ordinance; and

13 **WHEREAS**, the City seeks to impose restrictions on the location of certain industrial uses in an effort to
14 reduce negative impacts of such uses on housing, schools, parks, child care and day care centers, nursing homes
15 and hospitals.

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- Zoning Regulations, Article
19 C.- Zoning Text, District Classifications and Boundaries to add Section 10-**** WH-I Warehouse Industrial District
20 be approved and

21 **WHEREAS**, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a
22 properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor
23 more than 45 days from the date of publication of notice, and which public hearing was held on the __ day of _____,
24 2020; and

1 **WHEREAS**, after the aforementioned public hearing, the governing authority has determined that adoption
2 of the amendment to Chapter 2. Zoning Regulations, Article C.- Zoning Text, District Classifications and Boundaries,
3 Sin order to add WH-I (Warehouse Industrial) District is necessary in order to impose restrictions on the location of
4 certain industrial uses and commercial uses with high vehicular use in an effort to reduce negative impacts on
5 residentially used or residentially zoned properties within the City of East Point and would be in the best interests of
6 the residents, property owners, businesses and citizens of the City of East Point; and

7 **NOW, THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of East Point, Georgia, and it**
8 **is hereby ordained by the authority of same that Chapter 2 - Zoning Regulations, Article C.- Zoning Text,**
9 **District Classifications and Boundaries, Section 10-**** WH-I Warehouse Industrial District be added to the**
10 **City of East Point Zoning Ordinance as depicted in Exhibit A attached hereto:**

11 **Section 1.**

12 1. Chapter 2 – Zoning Regulations, Article C.- Zoning Text, District Classifications and Boundaries, Section
13 10-****. – WH-I Warehouse Industrial District.

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

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

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

22 (b) It is hereby declared to be the intention of the Mayor and council that, to the greatest extent allowed
23 by law, each and every section, paragraph, sentence, clause or phrase of this ORDINANCE, is severable from every
24 other section, paragraph, sentence, clause or phrase of the ORDINANCE. It is hereby further declared to be the
25

1 intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,
2 clause or phrase of this ORDINANCE is mutually dependent upon any other section, paragraph, sentence, clause
3 or phrase of this ORDINANCE.

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

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

12 **Section 6.** Penalties in effect for violations of Part 1 of the Code of Ordinances, City of East Point, Georgia at the
13 time of the effective date of this ORDINANCE shall be and are hereby made applicable to this ORDINANCE and
14 shall remain in full force and effect.

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

16
17 **Public Hearing:** _____

18
19 **First Reading:** _____

20
21 **SO PASSED AND APPROVED** this _____ day of _____ 2020.

22
23 **SPONSORED BY:**

24
25 _____

Deana Holiday Ingraham, Mayor

APPROVED AS TO FORM:

ATTEST:

Brad Bowman, City Attorney

Keshia McCullough, City Clerk

DRAFT