

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 10-2082 MX-CI MIXED USE COMMERCIAL**
8 **INDUSTRIAL ZONING DISTRICT; TO PROVIDE AN EFFECTIVE DATE AND FOR**
9 **OTHER PURPOSES**

10
11 **CASE NO:**

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

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

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

17
18 **WHEREAS**, the City of East Point finds that certain industrial uses and commercial uses with high
19 vehicular use when located proximate to residentially used or zoned property has potential negative impacts on
20 those properties and on the residents therein; and

21 **WHEREAS**, the City of East Point finds that those negative impacts include but are not limited to diesel
22 or gasoline particulate matter from automobiles and/or on-road trucks associated with warehouses and distribution
23 centers and other industrial type uses on existing communities and sensitive receptors located in the City. In
24 particular, industrial uses sited close to sensitive receptors (homes, schools, parks, day care centers, nursing
25 homes, hospitals and other places public places) can result in adverse health and environmental impacts; and

1 Sin order to add Section 10-2082 MX-CI Mixed Use Commercial Industrial District is necessary in order to impose
2 restrictions on the location of certain industrial uses and commercial uses with high vehicular use in an effort to
3 reduce negative impacts on residentially used or residentially zoned properties within the City of East Point and
4 would be in the best interests of the residents, property owners, businesses and citizens of the City of East Point; and
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 C.- Zoning Text,**
7 **District Classifications and Boundaries, Section 10-2082 MX-CI Mixed Use Commercial Industrial District be**
8 **added to the City of East Point Zoning Ordinance as depicted in Exhibit A attached hereto:**

9 **Section 1.**

10 1. Chapter 2 – Zoning Regulations, Article C.- Zoning Text, District Classifications and Boundaries, Section
11 10-2082. – MX-CI Mixed Use Commercial Industrial District.

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

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

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

21 (b) It is hereby declared to be the intention of the Mayor and council that, to the greatest extent allowed
22 by law, each and every section, paragraph, sentence, clause or phrase of this ORDINANCE, is severable from every
23 other section, paragraph, sentence, clause or phrase of the ORDINANCE. It is hereby further declared to be the
24 intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,
25 clause or phrase of this ORDINANCE is mutually dependent upon any other section, paragraph, sentence, clause
26 or phrase of this ORDINANCE.

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

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

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

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

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15 **Public Hearing:** _____

16 **First Reading:** _____

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19 **SO PASSED AND APPROVED** this _____ day of _____ 2020.

20 **SPONSORED BY:**

21
22 _____
23 **Deana Holiday Ingraham, Mayor**

APPROVED AS TO FORM:

ATTEST:

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Brad Bowman, City Attorney

Keshia McCullough, City Clerk