

1 **FULTON COUNTY, GEORGIA**

2 **CITY of EAST POINT**

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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 AMEND SECTION 10-2080. – I-2 HEAVY INDUSTRIAL DISTRICT IN**
8 **ORDER TO REQUIRE CERTAIN PREVIOUSLY PERMITTED USES TO OBTAIN A USE**
9 **PERMIT; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES**
10

11 **CASE NO:**

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

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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

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19 **WHEREAS**, the City of East Point finds that certain previously permitted industrial uses for light and
20 heavy manufacturing, processing assembly, packaging and warehouse operations within the City of East Point
21 should be required to obtain a use permit to have additional development and design standards for approval in
22 order to mitigate the negative impact of those uses within the City of East Point; and

23 **WHEREAS**, the City of East Point finds that those negative impacts include but are not limited to diesel
24 or gasoline particulate matter from automobiles and/or on-road trucks associated with warehouses and distribution
25 centers and other industrial type uses on existing communities and sensitive receptors located in the City. In
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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**, in accordance with Section 10-1009 – Transmittal of commission results to mayor and city
4 council of the Zoning Ordinance, the Planning and Zoning Commission of the City of East Point has forwarded its
5 recommendation to the Mayor and City Council that the amendments to Chapter 2- Zoning Regulations, Article
6 C.- Zoning Text, District Classifications and Boundaries, Section 10-2080 – I-2 Heavy Industrial District be
7 approved and

8 **WHEREAS**, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a
9 properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor
10 more than 45 days from the date of publication of notice, and which public hearing was held on the 7th day of
11 December, 2020; and

12 **WHEREAS**, after the aforementioned public hearing, the governing authority has determined that adoption
13 of the amendments to Chapter 2. Zoning Regulations, Article C.- Zoning Text, District Classifications and Boundaries,
14 Section 10-2080 I-2 Heavy Industrial District to remove certain previously permitted light and heavy industrial uses in
15 order to require a use permit and have additional development and design standards is necessary in order to provide
16 a permitting process and regulations within the City of East Point and would be in the best interests of the residents,
17 property owners, businesses and citizens of the City of East Point; and

18 **NOW, THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of East Point, Georgia, and it**
19 **is hereby ordained by the authority of same that Chapter 2 - Zoning Regulations, Article C.- Zoning Text,**
20 **District Classifications and Boundaries, Section 10-2080 – I-2 Heavy Industrial District be amended in the**
21 **City of East Point Zoning Ordinance as depicted in Exhibit A attached hereto:**

22 **Section 1.**

23 1. Chapter 2 – Zoning Regulations, Article C.- Zoning Text, District Classifications and Boundaries, Section
24 10-2080. – I-2 Heavy Industrial District.
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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.** Nothing in this Ordinance shall prevent the continued operation of any industrial use or commercial
4 parking lot or garage operating under a validly issued land use permit and/or occupation tax certificate/business
5 license as of the date of enactment of this Ordinance.

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

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

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

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

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

Section 7. 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