

ARTICLE B. GENERAL PROVISIONS

Sec. 10-2004.SCOPE AND INTENT

This Article includes a variety of regulations that apply to uses and structures allowed in one or more zoning districts or to uses and structures allowed in all zoning districts except when specifically excluded by provisions contained elsewhere in this Ordinance.

Sec. 10-2005.OTHER LAWS APPLY

Compliance with this Ordinance shall not substitute for compliance with federal and state laws nor for other East Point Ordinances.

Sec. 10-2006.ADMINISTRATIVE APPROVAL

Action on a request brought under a provision of the zoning ordinance which requires approval by at least one City of East Point official, shall be accompanied or followed by an interoffice memorandum which shall be addressed to, and included in, the appropriate zoning file or alternate file if there is no zoning file. A courtesy copy of the authorization memo shall be sent to the Directors of the Departments of Public Works and Planning and Community Development and the Chief Building Official.

Sec. 10-2007. LOT, STRUCTURE AND USE REGULATIONS

Sec. 10-2007.1 USE, PERMITTED USE, CHANGE OF USE

Properties shall be used and structures or parts thereof shall be erected, constructed, reconstructed, modified, moved, enlarged, or altered in conformity with the regulations contained in this ordinance and any conditions of zoning.

Determination of use categories and subcategories.

- A. The Planning and Community Development Director is authorized to classify uses on the basis of the use category and subcategory descriptions of this section.
- B. When a use cannot be readily classified into a use category/subcategory or appears to fit into multiple categories/subcategories, the Planning and Community Development Director is authorized to determine the most similar, and thus most appropriate, use category/subcategory based on the actual or projected characteristics of the principal use or activity in relationship to the use category and subcategory descriptions provided in this section. Any decision made by the Planning and Community Development Director to authorize a use in a zoning district where it is not specifically authorized shall be published, and notice sent to adjacent property owners. In making such determinations, the

Planning and Community Development Director is authorized to consider all of the following:

1. The types of activities that will occur in conjunction with the use;
 2. The types of equipment and processes to be used;
 3. The existence, number and frequency of residents, customers or employees;
 4. Parking demands associated with the use; and
 5. Other factors deemed relevant to a use determination.
- C. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the Planning and Community Development Director must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate match.
- D. If the Planning and Community Development Director is unable to determine the appropriate use category for a proposed use, the Planning and Community Development Director is authorized to deny the permit request.

Sec. 10-2008. LOTS

Except as provided in Section 10-4004, structures shall be erected and uses shall be established only upon a single lot which meets or exceeds the requirements of this Ordinance or conditions of zoning, whichever is more restrictive. Regardless of the minimum requirements of individual zoning districts, a plat shall not be approved until the buildable area [including the buildable area(s) within the 50 percent of a minimum lot size which must be outside a flood plain] of every lot is determined to be sufficient to accommodate the minimum building area required by the zoning district.

Lots created within a development project to accommodate detention and retention facilities which are incidental, related, appropriate, and clearly subordinate to the main use in the project are exempt from the minimum lot size requirements in all zoning districts. No other construction/building shall be permitted on such lots.

Sec. 10-2009. REDUCTION OF LOT AREA

When a lot or property is reduced in size, all resulting divisions and all structures shall meet the minimum requirements of the applicable provisions of this Ordinance; except that if a lot or property is reduced in area to less than the district minimum lot size as a result of government action, the lot shall be deemed a legal nonconforming lot.

Sec. 10-2010. DIVISION OF CONDITIONALLY-ZONED PARCELS

All lots of a proposed subdivision must be in keeping with unit and density allocations, and other conditions of zoning as well as the City of East Point Subdivision Regulations

and this Ordinance. If each proposed parcel does not conform to the foregoing requirements, the proposed division shall require a rezoning.

Sec. 10-2011. MAINTENANCE OF VEGETATION

Pervious surfaces, including yards, shall be permanently maintained and shall be landscaped with grass, trees, shrubs, hedges and/or other landscaping materials in accordance with the Tree Protection and Landscaping Ordinance.

Sec. 10-2012. MULTIPLE ZONING

Whenever a lot is zoned for more than one single family dwelling district or zoned a single family district(s) and AG-1, the district which comprises the largest area shall control the development standards for that lot.

Sec.10-2013. BUILDING SEPARATIONS

All building separations shall be as specified by the International Code Council.

Sec.10-2014. EXCEPTIONS FOR GOVERNMENTAL PROPERTY

This Ordinance shall apply to every lot, parcel, property, use and structure in East Point except as excluded in this section. Furthermore, the provisions herein shall not apply to properties and structures owned, operated and/or leased for use by East Point for public purposes. The use of said property for a nonconforming use does not establish a precedent for other non-public (governmental) uses. Should the public use cease to exist, the provisions herein shall apply.

Sec.10-2015. NONCONFORMING LOTS, USES AND STRUCTURES

Within the zoning districts established by this Ordinance there may exist lots, structures, and uses of both land and structures which were lawful before this Ordinance was adopted or subsequently amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance as adopted or subsequently amended. Nonconforming lots, uses and structures may continue in their nonconforming status with the following limitations and/or requirements.

A. Nonconforming Lot.

A single, lawful lot-of-record which does not meet the requirements of this Ordinance for area or dimensions, or both, may be used for the buildings and accessory buildings necessary to carry out permitted uses subject to the following

provisions:

1. Parking space requirements as provided for in Article E are met; and
2. Such lot does not adjoin another vacant lot(s) or portion of a lot in the same ownership.
3. If two (2) or more adjoining undeveloped lots in single ownership do not meet the requirements established for lot width, frontage or area, the property involved shall be treated as one lot, and no portion of said lot shall be used or sold in a manner which diminishes compliance with this Ordinance. This paragraph shall not apply to non-conforming lots when fifty percent or more of adjoining lots on the same street are the same size or smaller.

B. Nonconforming Uses of Land.

When a use of land is nonconforming pursuant to the provisions of this Ordinance, such use may continue as long as it remains otherwise lawful and complies with the following provisions:

1. No nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than that which was occupied at the time use became nonconforming;
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot not occupied by such use at the time the use became nonconforming; and
3. If any nonconforming use of land ceases for a period of more than one year, regardless of any reservation of an intent not to abandon by the property owner, any subsequent use of such land shall comply with this Ordinance.

C. Nonconforming Use of Structures.

If a lawful use of structure, or of a structure and lot in combination, exists at the effective date of adoption of this ordinance or its subsequent amendment that would not be allowed under provisions of this Ordinance as adopted or amended, the use may be continued so long as it complies with other regulations, subject to the following conditions:

1. To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this Ordinance or any subsequent

amendment may be continued even though the use does not conform to the provisions of this Ordinance, except that the nonconforming use:

- a. Shall not be changed to another nonconforming use.
 - b. Shall not be reestablished after its removal from the property or its discontinuance for one year or more, or unless the premises are under a continuing lease but are unoccupied by the nonconforming use, regardless of the intent of the owner or occupier to resume the nonconforming use.
 - c. Shall not be extended to occupy a greater area of land.
 - d. Shall not be extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Ordinance and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.
2. If an existing use was lawfully established in a zoning district that is subsequently amended to require Special Use approval for such use, the existing use shall not be subject to the provisions of this subsection.
 3. Any intended but not yet existing nonconforming use for which a vested right was acquired prior to the adoption of this Ordinance or the adoption of an amendment to it shall be prohibited unless such intended nonconforming use for which a vested right was acquired is actually commenced within one year of the adoption of this Ordinance or the adoption of an amendment to it regardless of the intent or expectation to commence or abandon such nonconforming use.

D. Nonconforming Structures.

When a structure exists on the effective date of adoption of this Ordinance or its amendments that could not be built under the terms of this Ordinance because of restrictions on building area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may remain as long as it complies with all other zoning regulations, subject to the following conditions:

1. No structure may be enlarged or altered in a way which increases its nonconformity.
2. Any structure which is moved, for any reason and for any distance whatever, shall conform to the regulations for the district in which it is located.

3. Destruction by any means of more than sixty percent of the gross square footage of a structure shall require that the structure be reconstructed in conformity with the provisions of this ordinance.
4. Telecommunications Facilities.
 - a. All telecommunication facilities existing on the effective date of this ordinance shall be allowed to continue to be used as they presently exist.
 - b. Routine maintenance (including modifications to accommodate the co location of an additional user or users) shall be permitted on existing telecommunication facilities.
 - c. Replacement of antennas on a structure with different antennas shall be considered routine maintenance so long as the replacement antenna(s) does not increase the height of any existing structure.

E. Rezoning Which Results in Nonconforming Structures.

When a property containing lawful structures is rezoned, the following shall apply:

1. The approval of the rezoning by the City Council shall automatically adjust minimum/maximum yards to the extent necessary for existing structures to comply.
2. All new construction, expansions or additions shall comply with the minimum yard requirements of the new district.
3. Buffers and landscape areas shall be established by conditions of zoning which shall have precedence over the district standards contained in Chapter 6.
4. Destruction or removal of buildings which preexisted rezoning shall reinstate the development standards of the then applicable district provisions of this zoning ordinance.

F. Exemptions Due to State or City Action.

Whenever a lot becomes nonconforming as a result of land acquisition by the city or state, building permits shall be granted for new construction provided the proposed structure complies with all but lot area requirements, and setback requirements shall be reduced without requirement for a variance to the extent of the width of the acquired property.

Whenever a structure becomes nonconforming as a result of city or state action other than an amendment to this ordinance, the use of the structure may continue and the structure may be replaced as though no nonconformity exists if, subsequent to such action, the structure is destroyed.

Sec. 10-2016. MODEL HOMES

Dwelling units may be utilized for sales offices and/or model homes as long as two or more lots and/or dwelling units in the development have not undergone an initial sale or lease by the builder.

Sec. 10-2017. HEIGHT LIMITS

The zoning districts' maximum height limitations for structures shall not apply to the following:

- A. Church spires and belfries
- B. Water storage tanks
- C. Cooling towers
- D. Chimneys
- E. Mechanical penthouses located on roofs
- F. Smokestacks
- G. Flag poles
- H. Silos and grain elevators
- I. Fire towers

Public and semi-public buildings (except as exempt in Section 10-2014), hospitals and schools may be erected to 60 feet in height, and churches and temples may be erected to 75 feet in height. For each foot that said buildings exceed the height regulations of the district in which located, an additional foot of side and rear yard setbacks shall be required.

Sec. 10-2018. MINIMUM BUILDING LINES

The minimum yards (setbacks) in each district shall establish minimum building lines for all structures except those named in Section 10-2027.8 entitled OUTSIDE STORAGE AND ACCESSORY DISPLAYS.

A. Corner Lots.

Principal structures on corner lots shall be required to identify a main entrance. Said entrance shall be setback as specified in the front yard setback regulations for the applicable zoning district. The setback for the other street-adjointing side shall be as specified in the district regulations.

B. Permitted Encroachments into Yards.

The following encroachments shall be allowed to the extent specified below.

1. Non-residential. Canopies shall be allowed over walkways or driveways to within 12 feet of the street right-of-way or the right-of-way based on the street's functional classification, whichever is farther from the street's centerline. Fuel pumps and pump islands, when permitted, shall be set back as stated in this paragraph for canopies.

2. Single-family Residential and Townhouses used for single family on individual lots of record. Porches, decks or patios attached to the main dwelling may extend no more than 10 feet into a minimum front or rear yard. Outdoor fireplaces and outdoor uncovered kitchens, whether stand alone or constructed as a part of a patio, retaining wall or other structure, may only be located in the rear yard and may extend no more than 10 feet into the minimum rear yard. In no case shall an outdoor fireplace be located closer than 10 feet to a property line. Awnings may project to within 5 feet of a side lot line.

3. All Zoning Districts. Architectural features such as cornices, eaves, steps, gutters, fire chases, chimneys which are a part of an exterior wall of the primary structure, and fire escapes may not encroach or project over more than 36 inches (3 feet) into any minimum yard.

4. Adjoining Railroads. There shall be no minimum rear yard requirement adjoining the siding for those uses which utilize a rail siding for loading and unloading.

Sec.10-2019. ENCROACHMENT ON PUBLIC RIGHTS-OF-WAY

No privately owned structures other than driveways, access walkways, and mail boxes shall be permitted within a public right-of-way. Landscaping shall be allowed with permission of the Georgia Department of Transportation and the City of East Point or as specified in the Tree Protection and Landscaping Ordinance, as applicable. Signs and other structures belonging to the State of Georgia, East Point, MARTA, a railroad or utility are exempt from this provision.

Sec. 10-2020. LARGE SCALE RETAIL/SERVICE COMMERCIAL STRUCTURES AND DEVELOPMENTS 75, 000 SQUARE FEET OR GREATER {10-2020.1 through 10-2020.3}

Sec.10-2020.1 PURPOSE AND INTENT

The purpose of establishing requirements for large-scale retail establishments is to apply design standards and additional conditions to large developments proposed in East Point in order to ensure the development of appropriate, functional, well-planned, aesthetically pleasing retail/service commercial developments that stimulate economic and social growth, are integrated with surrounding areas, positively contribute to the changing community character, with facilities that have functional reuse potential in the future.

As such, these regulations intend to promote high quality materials and design, promote pedestrian-friendly environments, encourage infrastructure concurrency, encourage responsible storm-water management practices, and promote environmental planning policies.

The regulations are to be used in conjunction with the development criteria of the East Point Zoning Ordinance and all other adopted development standards and criteria, including overlay district standards.

Sec.10-2020.2. NUMBER, SIZE AND LOCATION CRITERIA

Large scale retail establishments or developments cannot be accessed solely via collector or local roads, as defined by East Point guidelines and depicted on the Georgia Department of Transportation Road Functional Classification maps. They are solely permitted on sites with at least one frontage on an arterial road. However, the Director may waive the road classification criteria if the developer can demonstrate that the proposed road improvements, with identified funding sources, will accommodate projected traffic volume to be generated by the proposed development to the degree that the current level of service (LOS) or better is maintained for the affected road segment.

No more than four large scale retail establishments, as defined in this Ordinance, are allowed in a single development. Developments may include additional smaller retail structures as part of the overall development; however, the number of retail establishments that are 75,000 square feet or larger is limited to four, and such developments are subject to the regulations outlined in this Ordinance.

Developments are encouraged to create a cluster effect in order to achieve a village and/or town center effect. This ordinance promotes an appropriate mix of large and small scale retail with smaller retail buildings located closer to streets in order to reduce the visual scale of the development, encourage pedestrian traffic, and promote the use of architectural details.

This Ordinance also recognizes the varied types of developments in East Point and promotes the use of screening and buffers.

Sec. 10-2020.3. SITE DESIGN GUIDELINES AND REQUIREMENTS

A. General Site Guidelines.

1. To the extent feasible, on site creeks should be integrated into the site as amenities.
2. New construction shall conform to the existing topography as much as possible subject to approval by the Director of Planning and Community Development.
3. Buildings shall be discouraged on sites with existing slopes greater than 33%. This condition may be amended as approved by the Director of Planning and Community Development.
4. Where retaining walls are required, they must be faced with stone, brick or decorative concrete modular block. Use of landscape timber as exterior treatment in retaining walls is prohibited. Retaining walls taller than 5 feet from base of the wall to top of wall shall have evergreen plantings in front or as approved by the Director of Planning and Community Development.
5. Detention facilities are encouraged to be designed pursuant to the Alternative Design Standards described in the East Point Subdivision Regulations.
6. To the greatest extent practicable, design of a traditional detention facility shall follow the natural landforms around the perimeter of the basin.

B. Open Space.

1. A minimum of ten percent (10%) of the site shall be landscaped open space.
2. Each retail development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as patio/seating area, water feature, clock tower, and pedestrian plazas or benches. Such features shall be constructed of materials that are the same or similar to those used for the principal buildings and landscape.
3. Square footage of community areas can be counted towards the minimum open space requirement.

C. Screening and Fencing.

1. Landscaping and fencing materials should be used to minimize visual and noise impact of parking, loading areas and accessory site features.
2. All loading areas shall be located to the rear or side of the building. Location should be restricted, however, to whichever location does not abut a residentially zoned property, if applicable. Loading areas shall be screened from view of any public street by a 5-foot berm, a continuous row of evergreen hedges 5 foot in height at the time of planting, or architectural treatment.
3. Refuse areas and receptacles shall be placed in the least visible location from public streets and shall be enclosed on 3 sides with opaque walls. The 4th side shall be a self-closing gate with an architectural finish. Opaque walls shall be a minimum of twelve inches higher than the receptacle. Wall materials shall be noncombustible brick, stone, or split-faced concrete masonry.
4. Accessory site features, as defined in this Zoning Ordinance, shall be placed in the least visible location from public streets, and shall be screened from view of any right-of-way and/or any property zoned, used, or developed for residential uses, including the AG-1 zoning district, by one of the following means: (1) placement behind the building, (2) 100% opaque fencing which must be constructed of the same type of exterior material used for the building, or (3) by a berm or vegetative screening. The screening shall consist of evergreen shrubs, be 3½ to 4 feet at time of planting, and reach a height of 6 feet within 2 years of planting.
5. Fencing materials along public streets and side yards are restricted to brick, stone, iron, decorative wrought iron, and treated wood, and or combinations of the above not resulting in an opaque fence.
6. Fences adjacent to a public street shall not exceed 4 feet from finished grade.
7. Chain link fencing, except as required along detention/retention ponds, is prohibited from public view. All chain link fencing shall be black vinyl clad.
8. Suburban Developments: All parking areas shall be screened from view of any public street by: (1) a 25 foot-wide landscape strip planted to buffer standards or (2) a berm planted with a continuous hedge or evergreen shrubs. Plants shall be a minimum height of 3½ to 4 feet at time of planting, and such plants (or in the case of option 2 above, the berm and the planting combined) shall be capable of reaching a height of six feet within two years of planting.

D. Outdoor Storage and Display.

1. Display or sale of goods outside the permanent portions of a building is prohibited. Garden centers, and other similar areas, with permanent walls/fencing on the outside are considered permanent structures. Exceptions: Seasonal holiday trees, pumpkins, and open air fairs, provided an administrative permit is obtained, pursuant to Article D of the Zoning Ordinance.
2. Vending machines, paper stands and other similar devices must be located interior to the building structure.

E. Buffer Standards.

1. All developments shall provide a minimum 25-foot wide landscape strip along all public streets, if buildings within the development do not front the street.
2. A minimum 10-foot wide natural, undisturbed buffer with a 10-foot improvement setback shall be provided along any interior property line adjacent to a residential zoning and/or use. This buffer shall be augmented with plantings if it does not achieve the intended visual screening.
3. To ensure that a visual buffer is achieved (for developments adjacent to a residential zoning and/or use), the city may require the installation of a four foot high earthen berm with plantings per the city Buffer Standards. The Planning and Community Development Director will make the determination of a berm requirement based upon a review of the Landscape Plan and existing topography and vegetation.
4. A minimum 15-foot wide landscape strip shall be provided along any interior property line adjacent to a nonresidential zoning and/or use.

F. Infill/Urban Developments.

1. Developments are encouraged to place small retail storefronts on the public street.
2. If buildings do not front a public street, all properties shall provide a minimum 15 foot-wide landscape strip along all public streets. The fifteen (15) foot wide strip shall be planted with minimum 3" caliper hardwood over-story trees every 30' feet.
3. A minimum 10-foot wide landscape strip shall be provided along any interior property line adjacent to a nonresidential zoning and/or use. This provision does not apply to individual lots within an overall development.

4. A minimum 5-foot wide natural, undisturbed buffer shall be provided along any interior property line adjacent to a residential zoning and/or use. This buffer shall be augmented with plantings if it does not achieve the intended visual screening.

G. Landscaping.

1. Specimen trees should be preserved to the extent possible.
2. Large overstory street trees in the landscape strips shall be planted in asymmetrical groupings at a minimum density of one tree per 30 feet of street frontage.
3. Street trees shall be a minimum of 3" caliper.
4. Street trees shall be selected from the list provided in Chapter 6 of the East Point Tree Protection and Landscaping Ordinance or as may be approved by the Director of Planning and Community Development.
5. Street trees may be counted towards the required tree density for a site as approved by the Director of Planning and Community Development.

H. Parking Lot Landscaping Islands.

1. Parking lot landscaping shall follow the standards within the East Point Tree Protection and Landscaping Ordinance Section 10-6009.

I. Landscape Installation and Maintenance.

1. Landscaping must be installed, or a landscape installation guaranty must be provided prior to the release of Certificate of Occupancy (CO), unless appropriate provisions are made to guarantee the installation of landscaping after such certificate is issued, such as approval by the Department of a bond for landscaping. The guaranty shall be stamped and signed by a registered landscape architect certifying that landscaping meets the standards of the East Point Tree Protection and Landscaping Ordinance. Landscape plantings must be replaced if damaged or dead.

J. Sidewalks and Pedestrian Circulation.

1. Sidewalks or pedestrian paths are required along all public and private road frontages and may meander around existing trees subject to the approval of the Director of Planning and Community Development.

2. Pedestrian paths may be installed instead of sidewalks as approved by the Director of Planning and Community Development.
3. Sidewalks shall be a minimum width of five feet.
4. Pedestrian paths shall be a minimum of 5 feet wide. They shall be made out of a hard surface material such as concrete, brick or pavers. Paths may be gravel or gravel dust as approved by the Director of Planning and Community Development.
5. Sidewalks for all new projects should connect with existing walks, where applicable.
6. Pedestrian access should be provided to all entrances including access from rear parking areas.
7. Inter-parcel connectivity shall be required for multiuse, pedestrian paths and sidewalks.
8. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of color and durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

K. Parking.

1. Parking lots should be distributed around large buildings along not less than two facades (front, rear or sides) in order to shorten the distance to other buildings and public sidewalks.
2. A minimum of 50% of the required surface parking for out-parcels shall be located at the rear of the out-parcel building, interior to the overall development or facing the large retail parking lot.
3. No parking or loading area shall be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.
4. All developments must provide space for parking bicycles. This area may be within the parking lot or courtyard. A bike rack must be permanently attached to the ground accommodating a bicycle lock or chain.

5. Where feasible, no more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment should be located along the property fronting a public road and between the front facade and the road.
6. Downtown Developments: On-street parking is allowed subject to the approval of the Director of Public Works.

L. Architectural Standards.

1. The design and layout of a development should build upon and complement the design of the surrounding community. The size, orientation, setback and scale of buildings are integral elements of communities. A building's orientation and placement should complement and relate to adjacent buildings, structures and properties.
2. The location of a building should take into consideration its surrounding and take advantage of opportunities to maintain open views and spaces. Buildings should be in proportion, in scale and characteristic to their natural setting. The building design and material should contribute to the style and surrounding areas. Building design that is based on a standardized formula associated with a business or franchise shall be modified to meet the provisions of this section.
3. Buildings shall include architecture elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, recesses/projections, clock towers, cupolas and/or courtyards.

M. Orientation.

1. All buildings shall be oriented to a public street. An entrance to a building should be located on the side of the building facing a public street.
2. Small retail stores as part of an overall development should be oriented to a public street; with the larger retail buildings in the rear.
3. Principal buildings should have articulated building entryways with greater architectural details, to include a minimum of two of the following elements:
 - a. Decorative columns or posts
 - b. Pediments
 - c. Arches
 - d. Brackets

- e. Transoms over doorways
- f. Sidelights
- g. Porticos

N. Height.

1. There shall be a maximum height of 40 feet from average-finished grade to the bottom of the roof eave.
2. Downtown Development: No specific height restriction for the C-R district.

O. Scale.

1. For every one hundred feet of building length on a single face, visible from the public street, there shall be variation in the exterior. This exterior variation shall be accomplished through the following means:
 - a. For each one hundred feet of building exterior wall, the building exterior and roof shall be offset.
 - b. For each one hundred feet of building exterior wall, there shall be a change in details, or patterns or materials.

P. Building Material.

1. The exterior wall materials of all buildings shall consist of a minimum of 60% (per vertical wall plane) of the following: brick, stone, stucco, solid plank, cementitious plank, or horizontal clapboard siding.
2. Accent wall materials on buildings shall consist of glass, architecturally treated concrete masonry, stone, or stucco and shall not exceed 40% per vertical wall plane.
3. Prohibited exterior building facade materials are: metal panel systems, precast, smooth concrete masonry or plain, reinforced concrete slabs, EIFS, aluminum or vinyl siding, plywood, mirrored glass, press-wood or corrugated steel (exceptions: mechanical penthouses & roof screens).
4. To the extent any rear or side of any building is adjacent to a public street or single family residence, architectural treatment shall continue through the rear or side.

Q. Colors.

1. If large scale retail establishment or development is not located in an overlay district, all aspects of a development should use colors common in the area and in nature. Earth-toned, subtle and muted colors provide for a development that incorporates sensitivity to its natural surrounding. High intensity fluorescent colors shall be prohibited.

R. Roof.

1. Permissible roof types are flat, gable, pyramidal, and hip. Shed roofs are permitted over porches, additions, and accessory structures.
2. Roof pitches shall be in the range of 4 over 12 to 12 over 12.
3. Roof pitch material shall be made out of the following materials: asphalt shingle, wood shingle, wood shake, standing seam metal, or materials designed to give the appearance of the above mentioned materials.
4. A decorative parapet or cornice shall be constructed along all roof lines with a lower pitch than specified in above.
5. Flat roofs and roof-mounted equipment shall be screened from the view of public and private streets by a parapet. No parapet shall be required to be greater than 4 feet above roof.

S. Additional Requirements.

1. Burglar bars, steel gates, metal awnings and steel-roll down curtains are prohibited on the exterior and interior of the structure except at the structure's rear. Steel roll down curtains may be located in other areas if not visible from the front of a building or from a public street.
2. Neon lights outlining and/or detailing building features are prohibited.
3. Where additional stores will be located in a large retail establishment, each such store that is 5,000 square feet and greater shall have at least one (1) exterior customer entrance, which shall conform to the above requirements.

RESERVED Sec. 10-2021 through 10-2024

Sec.10-2025. ADAPTIVE REUSE OF PROPERTIES AND STORE CLOSURE

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If an establishment remains empty for a period of 12 consecutive months the owner and/or lessee must work with Department of Economic Development to create a plan for the removal or adaptive re-use of the principal structure.

Sec.10-2026. VACANCY MAINTENANCE REQUIREMENTS

1. Owner shall provide security patrols on the site to deter vandalism or other illegal activities on the property.
2. Retail establishments that have been closed should be maintained at the standard of the occupied store, prior to store closure, this includes all parking lot surfaces and landscaping.
3. Building fenestration, including doors and windows cannot be boarded up.

Sec.10-2027. ACCESSORY USES AND STRUCTURES

Accessory structures shall be constructed concurrently with or subsequent to a principal structure and in accordance with the following regulations applicable to selected accessory uses and structures:

Sec. 10-2027.1 TEMPORARY STORAGE UNITS AND PORTABLE ON-DEMAND STORAGE (PODS)

Temporary storage units and portable on-demand storage structures may be utilized as a temporary structure within the City when in compliance with standards of this subsection. Any use of such structures within the City not in compliance with this subsection shall be unlawful.

- A. Before placing a temporary storage unit or a portable on-demand storage (PODS) structures on a property, an application and a fee must be submitted to the Department of Planning and Community Development.
- B. In residential areas, there is a limit of three (3) permits per calendar year, per lot. Each permit is limited to thirty (30) days, including the days of delivery and removal.
- C. In non-residential areas, there is a limit of one (1) permit per calendar year, per lot. The permit is limited to one hundred-eighty (180) days, including the days of delivery and removal. A valid building permit must be on file.
- D. Temporary storage units and portable on-demand storage (PODS) structures existing prior to the effective date must obtain a permit.

- E. To the extent possible, temporary storage units and portable on-demand storage (PODS) should be located on an impervious surface.
- F. Temporary storage units and portable on-demand storage (PODS) may not be located in any part of a fire lane, required parking space or public right-of-way. Units are prohibited from being placed in streets or the front yard of a property unless a variance from this provision is granted by the Director of Planning and Community Development set forth below.
- G. In the event an applicant for permit has property which does not have a driveway, has challenging topography or does not have adequate access to the rear yard, the Planning and Community Development Director may grant a variance from the requirements of subsections E and/or F above to allow the temporary storage unit/portable on-demand structure to be placed in an alternate location, provided that the location is in keeping with the intent of the ordinance. Pursuant to Section 10-2188 Secondary Variance/Interpretation, if the applicant does not concur with the decision of the Planning Director, the applicant may appeal the decision as a secondary variance/interpretation.
- H. Property must have a principal structure to which the storage unit is an accessory.
- I. Only one temporary storage unit or portable on-demand storage (PODS) unit may be placed at any property at one time.
- J. No temporary storage and portable on-demand (PODS) unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, illegal or hazardous material or goods for property other than at the property where unit is located.

Sec. 10-2027.2 GREENHOUSES

A greenhouse accessory to a residential use shall be limited in size to one-third of the floor area of the principal dwelling.

Sec. 10-2027.3 ANTENNAS

This provision shall apply to all antennas and towers except those that exceed the maximum height of the district in which they are located (Article D). Antennas and towers are accessory structures when erected on a residential lot in association with a residential use and must meet all accessory structure requirements for the District in which the antenna is located except that principal structure height requirements shall control. Antennas which are located on roofs shall be located only on that portion of the roof most closely associated with yard(s) for which accessory structures are allowed. In addition, an antenna shall be designed such that the entire structure will remain on the property or within

a fall easement if it should fall.

Sec. 10-2027.4 REFUSE AREAS

Refuse areas shall be identified on site plans for lots improved with structures other than single family dwellings, and such areas shall be screened to one-hundred percent opacity with fences or walls, or a vegetative screen which complies with the screening requirements of the Tree Protection and Landscaping Ordinance. The refuse containers located therein shall not be visible from streets or adjoining properties. Vegetative screens must comply with the provisions of Chapter 6. Refuse areas shall not be located in required landscape areas, required buffers, required parking areas, or required loading areas.

Sec. 10-2027.5. ANIMALS

Refer to Part 7. Health and Sanitation Chapter 3 for regulations that apply to animals other than animals associated with farming as a principal or accessory use.

Sec. 10-2027.7. NON-HABITABLE ACCESSORY STRUCTURE

Non-habitable accessory structures may not be rented to another party. The structure must be aesthetically compatible with the principal structure and include one additional on-site parking space. The use remains single-family and the lot may not be subdivided nor may the unit be sold separately. A building permit is required if accessory structure is greater than 200-square feet.

Criteria

1. The accessory structure cannot be built or moved onto any lot before construction of the principal structure unless a building permit has been issued for the construction of the principal structure.
2. The height must not exceed the height of the principal structure or 35 feet, whichever is less.
3. It cannot exceed the floor area of the principal structure constructed on the same lot.
4. The ground floor total area cannot cover more than 50 percent of the rear yard; unless otherwise specified in the zoning district in which property is located.
5. If located in the rear yards, excluding patio covers, it must be located at least 5 feet from the side and rear property lines and have a separation distance of at least 6 feet from the principal structure.
 - a. On corner lots, the roof of an accessory structure may be attached to the principal

structure, if there is a minimum 6 feet separation between the walls of the accessory structure and the principal structure and at least two sides of the breezeway are open.

- b. A gate or fence with at least 50 percent open construction may be attached to one end of the breezeway.
 - c. If located in the rear yard of corner lots, it cannot be located closer to the side property line than that required for the principal structure.
6. If located in the side yard area, excluding patio covers, it must be located a minimum distance of 5 feet from the side property line and must have a minimum of 6 feet separation from the principal structure.
 7. If the property is adjacent to an alley, it can be located on the property line.
 8. The accessory structure may be attached or detached.
 9. The accessory structure may not contain a 220 volt power supply, ventilation hood or gas line.

Sec. 10-2027.8 OUTSIDE STORAGE AND ACCESSORY DISPLAYS

Outside storage and accessory displays are permitted as indicated below for the various use districts.

1. Outside Storage Associated with Residential Uses or Districts Including AG-1 Used for Residential Purposes Only. Outside storage is permitted in side and rear yards only, if screened from adjoining residential uses and from streets with an opaque fence or a vegetative screen in accordance with Chapter 6 of the Tree Protection and Landscaping Ordinance. Any storage not normally associated with residential use shall be prohibited.
2. Outside Storage Associated with Industrial Uses or Districts. Outside storage is permitted in rear and side yards only in the I-1, I-2 and BP Districts. Outside storage shall be located at least 25 feet from any residential property line. Such storage must be screened, in accordance with the Tree Protection and Landscaping Ordinance, from neighboring residential uses in all industrial districts and from streets in the I-1, I-2, B-P, E-I, M-I and O-I-T Districts.
3. Outside Storage Associated with Institutional, Office and/or Commercial Uses or Districts. Outside storage is permitted only within rear yards, and shall be located at least 25 feet from any residential property line. Such storage must be screened from neighboring residential uses and streets with an opaque fence or a

vegetative screen in accordance with the Tree Protection and Landscaping Ordinance.

4. Outside Accessory Display Associated with Commercial and/or Industrial Uses or BP Districts. Accessory displays for merchandise which is being offered for sale on premise shall be permitted in the commercial and industrial districts only. Such displays may be located in any yard as long as it is not located in a minimum yard. Vehicle and similar displays may be located in minimum front yards, but may not encroach upon minimum landscape areas.

Sec. 10-2027.9. FENCES AND WALLS

Fences and walls which conform to the provisions stated herein shall be permitted by the Planning and Zoning Department. Fences erected for agricultural purposes in the AG-1 District shall be exempt from permit requirements.

- A. Visibility Triangle. Fences, walls and vegetative materials used in association therewith must not obstruct the minimum sight distance requirements which are specified in East Point Subdivision Regulations administered by the Director of the Public Works.
- B. Gates. No part of a gate shall be located within 20 feet of a public right-of-way, nor shall any gate or vehicle in any way obstruct a public right-of-way or the minimum sight distance specified in the East Point Subdivision Regulations regardless of whether open, closed or in an intermediate position.
- D. Fence and Wall Materials. Where the Zoning Ordinance or zoning conditions require fences and walls to be solid/opaque, the visual density of the fence shall be such that it cannot be seen through. The following standards shall apply to fences and walls.
 1. Adjoining Right-of-Way. In zoning districts AG-1, I-1, I-2, and B-P, wire and plastic fencing materials, including vinyl clad chain-link fencing with plastic or wooden inserts are required where adjoining a street right-of-way.

Fences of decorative wrought iron, aluminum or green vinyl clad chain-link with a planted landscape strip around the fencing shall be used as a security fence around storm water facilities.

The architectural treatment of poured concrete, common aggregate block or concrete walls shall be approved by the Director of Planning and Community Development.

Wire fencing materials, including vinyl-clad chain-link fencing with plastic or

wooden inserts are prohibited where adjoining a street right-of-way in all residential zoning districts and zoning districts that include a residential component. This prohibition extends to any front, side or rear yard fencing where the yard adjoins or abuts a street right of way.

2. Fences Along All Property Lines. Walls and fences constructed along all property lines shall be constructed with a finished side toward the neighboring property.
 3. Barbed Wire. Barbed wire may be used in the AG-1 District as long as its use is associated with a legitimate agricultural pursuit. Barbed wire shall not be approved for any single-family dwelling lots including such lots which are located in the AG-1 District. Barbed wire may be used for security strands in rear and side yards only in I-1, I-2 and only at a height of at least 8 feet above grade. Barbed wire may not be used in conjunction with electrified fences.
 4. Minimum Landscape Requirements. A minimum three-foot landscape strip shall be provided between a fence or wall and a public right-of-way.
 5. Material. Fences of ornamental iron, pre-treated wood, wrought iron, or vinyl in all residential and commercial districts are subject to height regulations.
 6. Repair. Fences and walls requiring a repair of twenty-five percent (25%) or less of the total linear feet of the fence do **not** require a permit.
- E. Height. Fences and walls shall not exceed a height of four (4) feet in front yard and six (6) feet for side and rear yards measured from finished grade in residential districts. Additionally, column and ornament heights are permitted to exceed the maximum fence/wall height up to 3 feet.
1. Fences and walls shall not exceed six (6) feet in all yards areas in C-1, C-2, C-L, CUP and MIX.
 2. Fences and walls shall not exceed eight (8) feet in all yards areas in E-1, M-I, I-1, I-2 and B-P.
 3. Fences and walls shall not exceed four (4) feet in all yard areas in CR.
- F. Setback. Fences and walls shall be set back a minimum of 3 feet from a public right-of-way.

Sec. 10-2027.10. HOME OCCUPATION

A home occupation is permitted as an accessory use of a dwelling unit in any zoning district and its operation is limited to members of the resident family only. The following are limitations on home occupations:

- A. The smaller of 25% or 750 square feet of the gross floor area of a dwelling unit may be used for activities devoted to the home occupation.
- B. Accessory buildings and structures may be used for the home occupation.
- C. There shall be no signs identifying the home occupation, nor shall there be any storage, display or activity associated with the home occupation visible outside the structure.
- D. The following uses are excluded from permissible home occupations: auto repair or similar operations, restaurants, keeping of animals, funeral homes, retail or wholesale shops, motel type establishments, taxi services, or any other occupation found incompatible with the intent of this Ordinance.
- E. Resident participants in a home occupation must have the appropriate occupational licensing, including business licenses.
- F. No Home Occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive.
- G. No more than two clients or patrons are allowed on the premises at the same time in conjunction with the home occupation (except for persons in care at a Family Daycare Home, where no more than six children are allowed).
- H. Vehicles kept on site in association with the home occupation shall be used by residents only.
- I. Incoming vehicles related to the Home Occupation shall be parked off-street within the confines of the residential driveway or other on-site permitted parking.
- J. The use of instruments, machinery or equipment that emit sounds (i.e. musical instruments, sewing machines, saws, drills) that are detectable beyond the unit are prohibited.
- K. Family Daycare Homes shall be located at least 1,000 feet in all directions from any other such use operated as a Home Occupation.
- L. Family Daycare Homes hours of operation shall be limited to Monday through Saturday from six a.m. to seven p.m.
- M. Family Daycare Home operators shall have a current, certified copy of the operator's State of Georgia Family Day Care Home registration which shall be filed with the

business license application and renewals.

- N. An on-site outdoor play area equal to one hundred (100) square feet of area for each child at play must be provided, and shall be limited to side or rear yards outside the minimum yard area, and shall not occupy any yard adjoining a street.
- O. The perimeter of outdoor play areas shall be enclosed by a minimum 6 foot decorative wrought iron or aluminum fence interior to any required landscape strips and/or buffers. Evergreen screen buffers may be required when deemed necessary by the Planning and Community Development Director to maintain compatibility with surrounding properties. Criteria to be considered include the nature and type of adjacent uses, lot size of the subject property and adjacent properties, and the distance to adjacent properties.
- P. Every Family Daycare Home shall meet all applicable fire, safety, and parking requirements.
- Q. No home occupation shall be operated so as to create or cause a nuisance.

RESERVED Sec. 10-2028 through 10-2037

Sec. 10-2036. OUTDOOR LIGHTING {10-2036 through 10-2042}

Sec. 10-2036.1. PURPOSE AND INTENT

The purpose and intent of this Ordinance is to provide a regulatory strategy for outdoor lighting that will permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce; curtail and reverse the degradation of the nighttime visual environment and the night sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary; conserve energy and resources to the greatest extent possible; and help to protect the natural environment from the damaging effects of night lighting from man-made sources.

Sec. 10-2037. CONFORMANCE WITH APPLICABLE CODES

All outdoor illuminating devices shall be installed in conformance with the provisions of this ordinance, the International Code Council and the National Electrical Code as applicable with the appropriate permits and inspections. Where there is conflict between the provisions of this Ordinance and other regulations, the most restrictive provision shall prevail.

Sec. 10-2038. APPLICABILITY

For all land uses, developments and buildings that require a permit, all outdoor lighting fixtures shall meet the requirements of this ordinance. All building additions or modifications of twenty five (25) percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall invoke the requirements of this ordinance for the entire property, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting sixty (60) percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.

A. Minor Additions.

Additions or modifications of less than twenty-five (25) percent to existing uses, as defined above, that require a permit shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this ordinance with regard to shielding and lamp type.

B. Exempt Lighting.

The following luminaries and lighting systems are exempt from these requirements:

1. Lighting for pools used at night.
2. Underwater lighting used for the illumination of swimming pools and fountains;
3. Temporary holiday lighting;
4. Lighting required and regulated by the Federal Aviation Administration, or other federal, state or local agency;
5. Emergency lighting used by police, fire, or medical personnel, or at their direction;
6. All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as kerosene and gasoline;
7. Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.

C. Prohibited Lighting.

The following lighting systems are prohibited:

1. Aerial lasers;
2. Searchlight style lights;
3. Other very intense lighting, defined as having a light source exceeding 200,000 lumens or intensity in any direction of 2 million candelas or more;
4. Mercury vapor lamps;
5. Neon lighting.

Sec. 10-2039. OUTDOOR LIGHTING STANDARDS

All nonexempt outdoor lighting fixtures shall meet the following criteria:

- A. Shall be full cut-off placed so as to allow no light above the horizontal as measured at the luminaire, except as herein noted in this Ordinance (as in the case of period fixtures, cut-off fixtures may be used).
- B. Shall be located, aimed or shielded so as to minimize glare and stray light trespassing across property boundaries and into the public right of way in accordance with the following standards:

At Property Lines Including Rights-of-Way	Maximum Foot-candles
At property line abutting a residential or an agricultural use	1.0
At property line abutting an office or institutional use	1.5
At property line abutting a commercial or industrial use	1.5

Off-Street Parking Lots	Minimum Foot-candles	Average Foot-candles	Maximum Foot-candles
Residential areas	0.5	2.0	4.0
Office-professional areas	1.0	3.0	6.0
Commercial areas	2.0	6.0	12.0
Light industrial areas	1.0	4.0	8.0

- C. Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway.
- D. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.
- E. Multi-use development lighting must conform to the standards of its respective use.
- F. Illumination levels are measured from any height and orientation of the measuring device at any location along the property line, except the lighting of parking lots shall be measured at grade with the meter sensor held horizontally on the surface.

Sec. 10-2040. SPECIAL USES

All lighting not directly associated with the special use areas designated below shall conform to the lighting standards described in this ordinance.

- A. Outdoor Sports, Recreation Fields, or Performance Areas. Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas shall meet the following requirements:
 - 1. Facilities designed for recreational, or professional leagues and training fields for recreational, professional, or social levels of play shall utilize luminaries with minimal uplight consistent with the illumination constraints of the design. Where fully shielded fixtures are not utilized, acceptable luminaries shall include those which:
 - a. Are provided with internal and/or external glare control louvers or lenses, and are installed so as to minimize uplight and offsite light trespass and glare; and
 - b. Are installed and maintained so as to avoid aiming no more than 2.5 times the mounting height.
 - 2. Illuminance. All lighting installations shall be designed to achieve the illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).
 - 3. Off Site Spill. The installation shall also limit off-site spill (off the parcel containing the sports facility) to the maximum extent possible consistent with the

illumination constraints of the design. For all levels of play and training fields, as well as, performance areas, illumination levels shall not exceed 1.5 foot-candles at any location along any non-residential property line, and 0.5 foot-candles at any location along any residential property line.

4. Curfew. All events shall be scheduled so as to complete all activity no later than 10:30 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. Field lighting for these facilities shall be turned off within 30 minutes after the last event of the night.
5. Setback. All light poles shall be set back the greater of fifty feet or one foot for every foot in height from any residential property line or right-of-way.

B. Service Station Canopies and Parking Structures.

1. All luminaries mounted on or recessed into the lower surface of service station canopies and parking structures shall be fully shielded and utilize flat lenses.
2. The total light output of luminaries mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, shall not exceed 50 foot-candles.
3. The total light output of illuminated areas of a service station other than as detailed in 2. above shall not exceed 15 foot-candles.
4. Illuminance levels for the interior of parking structures, where interior lighting is visible from outside the structure, shall conform to the IESNA recommendation (RP-20).
5. Lights shall not be mounted on the top or sides of a canopy and the sides of a canopy shall not be illuminated.

C. Security Lighting.

1. Security lighting shall be directed toward the targeted area.
2. Sensor activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the light shall not be triggered by activity off the property.

D. Pedestrian Path Lighting.

1. Lighting post shall not exceed 16 feet from the finished grade.

E. Architectural Accent Lighting.

1. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.
2. Lighting fixtures shall not generate glare, or direct light beyond the facade onto a neighboring property, streets or into the night sky.

F. Temporary Lighting Permits.

1. Permits for temporary lighting will be granted by the Department if the total output from the luminaries does not exceed 50 foot-candles and the following conditions apply:
 - a. The purpose for which the lighting is proposed can be completed within thirty (30) days, except that the permit for a major construction project may extend to completion.
 - b. The proposed lighting is designed in such a manner as to minimize light trespass and glare.
 - c. Permits issued for temporary recreational lighting shall be extinguished by 10:30p.m.
2. The application for the temporary lighting permit shall include, but not be limited to, the following information:
 - a. Name and address of applicant and property owner;
 - b. Location of proposed luminaire(s);
 - c. Date and times for the lighting;
 - d. Type, wattage and lumen output of lamp(s);
 - e. Type and shielding of proposed luminaires;
 - f. Intended use of the lighting;
 - g. Duration of time for requested exemption;
 - h. The nature of the exemption; and
 - i. The means to minimize light trespass and glare.

G. Commercial Parking Areas.

1. All lighting fixtures servicing parking lots, except floodlights, shall be cut-off fixtures, directed downward and not toward buildings or other areas.
2. The minimum illumination level for a parking lot shall be 0.4 foot-candles at grade level and the ratio of the average illumination to the minimum illumination shall not exceed 4:1.
3. Floodlights should be aimed or shielded to minimize uplight.
4. Light poles used in parking lots shall not exceed 35 feet in height.

H. Street lights.

1. All new, repaired (outside of normal maintenance) or replaced street light fixtures shall be the cut-off type.

Sec. 10-2041. VARIANCES

- A. Any person may submit an application to the Planning and Zoning Commission for a variance from the provisions of this Ordinance. The application should include, but not be limited to, evidence about the following:
1. How the proposed design and appearance of the luminaire are superior;
 2. How light trespass and glare will be limited;
 3. How the proposed solution will provide a benefit without negative impact on the health, safety, and welfare of the community.
- B. The application may include the recommended practices of the Illuminating Engineering Society of North America, a professional engineer, or other authority on outdoor lighting.

Sec. 10-2042. SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE

The applicant for any permit required by any provision of the laws of East Point, in connection with proposed work involving outdoor lighting fixtures, shall submit, as part of the application for permit, evidence that the proposed work will comply with this Ordinance. Even should no other such permit be required, the installation or modification, except for routine servicing and same-type lamp replacement of any exterior lighting, shall require submission of the information described below. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of East Point upon application for the required permit:

- A. Plans indicating the location on the premises of each illuminating device, both proposed and any already existing on the site.
- B. Description of all illuminating devices, fixtures, lamps, supports, reflectors, both proposed and existing. The description may include, but is not limited to catalog cuts and illustrations by manufacturers.
- C. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut off of light emissions.

Additional Submission.

The above required plans, descriptions and data shall be sufficiently complete to enable the Department to readily determine whether compliance with the requirements of this Ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination, the applicant shall additionally submit, as evidence of compliance to enable such determination, such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

Subdivision Plats.

All new subdivided properties shall submit information as described herein for installed street lights and other common or public area outdoor lighting.

Certification.

For all projects, certification that the lighting as installed, conforms to the approved plans shall be provided by an illumination engineer/professional before the Certificate of Occupancy is issued. Until this certification is submitted, approval for use by the issuance of the Certificate of Occupancy shall not be issued.

Sec. 10-2043. ARCHITECTURAL TREATMENT OF COMMON AGGREGATE BLOCK

Whenever visible from a public street in all except the AG-1 and industrial districts, and whenever adjoining a residential zoning district in all districts, the exterior of all common aggregate blocks shall be provided with an architectural treatment such as stucco, stone, brick, wood or an alternate treatment approved by the Director of Planning and Community Development. Split rib and marble aggregate block shall not be deemed to be common aggregate block.

Sec. 10-2046. OUTPARCEL DEVELOPMENT

Outparcel development permitted as a condition of zoning approval and identified on a Site Plan shall comply with the following standards.

- A. The total floor area for outparcels shall be included in the total floor area allowed for the larger parcel.
- B. Access for outparcels shall be from internal drives with no direct access to public roads.
- C. Each outparcel abutting a public right-of-way shall have a minimum of 200 feet of frontage on that public right-of-way.
- D. Internal entrance drives shall be located at least 100 feet from any publicly dedicated right-of-way.

Sec. 10-2047. NOISE

The East Point Site Acceptability Noise Standards shall apply to all new proposed residential and special uses described herein.

East Point Site Acceptability Noise Standards*		
Noise Classification	Day-Night Average Sound Levels (in Decibels)	Requirements and Restrictions
Acceptable I	Not exceeding 65 dBA	1. Noise Study Report per Sec. 2224.6 2. No Restrictions.
Normally Unacceptable I	Above 65 dBA but not exceeding 75 dBA	1. Noise Study Report per Sec. 2224.6 2. Sound Attenuation Plan.
Unacceptable I	Above 75 dBA	1. Noise Study Report per Sec. 2224.6 2. Residentially zoned/used developments are prohibited.
*Reference: Title 24, Housing & Urban Development, Part 51 – Environmental Criteria and Standards, Subpart B –Noise Abatement and Control Section 51.103 Criteria and Standards (c) Exterior standards.		

- 1. New residential development proposed within 5 miles of the Hartsfield Jackson International Airport boundary shall be in compliance with the East Point Site Acceptability Noise Standards.
- 2. No residential dwelling shall be occupied if the interior day-night average sound level is 50 dBA or higher.
- 3. Any existing legal residential lot of record that does not change use or

zoning classification is exempt from the requirements of this Section.

Sec. 10-2048. LANDFILLS, TRANSFER STATIONS, QUARRIES AND/OR SURFACE MINING SITES

1. No portion of a new proposed residentially zoned or used property shall be located within a one (1) mile radius of the property lines of an existing active landfill.
2. No portion of a new proposed residentially zoned or used property shall be located within a one (1) mile radius of the property lines of an existing active transfer station.
3. No portion of a new proposed residentially zoned or used property shall be located within a 1.5 mile radius of the property lines of an existing active quarry.
4. Any owner of property located within a one (1) mile radius of the property lines of an existing active landfill or existing active transfer station or within a 1.5 mile radius of the property line of an existing active quarry, shall, prior to the sale or transfer of said property, notify and disclose in writing the existence of the landfill, transfer station, or quarry to the potential owner or transferee.

Sec. 10-2052. SEVERABILITY

The East Point City Council hereby declares that every section, paragraph, clause and phrase of this Ordinance is severable. If, for any reason, any provision of the ordinance is held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Sec. 10-2053. APPEALS

Any person or persons severally or jointly aggrieved by any decision of the Planning and Zoning Commission may present an appeal to the Superior Court of Fulton County. Such an appeal to the Superior Court shall be by writ of certiorari and filed within thirty (30) days from the date of the decision of the Planning and Zoning Commission. Upon failure to file the appeal within thirty (30) days, the decision of the Planning and Zoning Commission shall be final.