

### **Sec. 10-2081. - Scope and intent.**

This article specifies uses which are not classified as permitted uses in zoning districts, and are therefore only allowed through the approval of an Administrative Permit or a Use Permit. The standards which apply to each use are enumerated and must be met in order for an application to be granted.

### **Sec. 10-2082. - Application and approval.**

Uses allowable with an Administrative Permit and the minimum standards for such uses are listed in [Section 10-2089](#) through [Section 10-2114.1](#) of this article.

Uses allowable with a Use Permit and the minimum standards for such uses are listed in [Section 10-2115](#) through Section 10-2150 of this article.

### **Sec. 10-2083. - Application of regulations.**

Uses enumerated herein may be authorized by an Administrative Permit or Use Permit within districts allowing such uses, upon the completion of the application form, payment of the filing fee and provision of supporting documents required by the Planning and Community Development Director and approval of said application either by the City Council or the Director of Planning and Community Development as set forth in this article. The regulations contained in this article shall not apply to any permitted use in any zoning district.

### **Sec. 10-2084. - Administrative permits.**

Any use authorized by an Administrative Permit shall be approved and permitted by the Director of Planning and Community Development whenever the proposed use complies fully with the requirements of the subject property's zoning district and standards as set forth in [Section 10-2086](#) through [Section 10-2114.1](#). Each requested use for which an Administrative Permit is required shall be assigned an Administrative Permit number and charged a fee. Said permit shall be posted on site prior to commencement of use. If the permit is for a parade, the parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade. Variances to Administrative Permit standards may be requested by application to the Planning and Zoning Commission. In certain cases, conditions may be imposed with respect to roadway, water, sewer and/or other infrastructure improvements, and rights-of-way dedications and alcohol service.

### **Sec. 10-2085. - Use permits.**

Any use authorized by a Use Permit shall be approved by the City Council in accordance with standards enumerated under each use set forth in [Section 10-2115](#) through 10-2150 and the general restrictions of Sections [10-2085](#) and [10-2087](#) provided:

(a)

The subject use is allowable in the subject property's zoning district;

(b)

The standards for the Use Permit as specified in Article D can be met, as well as Use Permit Considerations pursuant to [Section 10-2086](#);

(c)

A public hearing has been held in relation to the Use Permit before the Planning and Zoning Commission and the City Council in conformance with the procedures set forth in Article J;

(d)

Recommendations have been received from the Planning and Community Development Department and the Planning and Zoning Commission; and

(e)

Any conditions imposed with respect to right-of-way dedication and roadway, water, sewer and/or other infrastructure improvements are met; and

(f)

Any conditions recommended by the Police Chief or his/her designee with respect to alcohol service are met.

(1)

*Applications.* Use Permit requests shall require a separate application when included with a petition for rezoning. Each requested use for which a Use Permit is required shall be charged a standard Use Permit fee and assigned a Use Permit number which will be listed on the petition for rezoning. Each request shall be voted on separately, and each Use Permit request submitted as part of a rezoning petition shall be treated independently in the minutes of the City Council meeting.

(2)

*Expiration.* All Use Permits shall expire within three years from the date of approval by the City Council or as otherwise conditioned unless a Land Disturbance Permit, Building Permit, Business License or Certificate of Occupancy has been issued. Requests for extensions shall be made in accordance with the standards for extensions contained in Article J.

(3)

*Re-application.* The same or substantially similar petition for a Use Permit which has been denied by the City Council shall not be resubmitted to the Planning and Community Development Department for a period of six months from the date of the denial.

(4)

*Variances.* Variances to Use Permit standards contained in [10-2115](#) through 10-2150 for receiving a Use Permit may be considered by the City Council concurrently with a Use Permit petition if submitted with such petition. Such a variance request shall not require a separate variance application, but shall be assigned a variance number, charged a standard variance fee and be listed on the Use Permit petition as a Concurrent Variance in accordance with Article I, Appeals.

(g)

*Accessory uses.* Structures and land may be used for uses customarily incidental to any approved use.

## **Sec. 10-2086. - Administrative Permits and Use Permits—General considerations.**

In the interest of the public health, safety and welfare, the Department of Planning and Community Development (for Administrative Permits) and the City Council (for Use Permits) shall consider each of the following:

(1)

Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council

(2)

Whether the proposed use is compatible with land uses and zoning districts in the vicinity of the property;



(3)

Whether the proposed use is consistent with local, state and/or federal statutes, ordinances or regulations governing land development;

(4)

Whether the proposed use can operate without a negative effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets and whether any negative traffic effects can be ameliorated;

(5)

Whether the proposed location and number of off-street parking spaces complies with the requirements of the zoning ordinance;

(6)

Whether the amount and location of open space for the proposed use is adequate for the location, intensity and type of use proposed;

(7)

Whether any protective screening is needed to ameliorate negative effects on adjacent or nearby properties and whether such screening proposed is adequate;

(8)

Whether the hours and manner of operation of the special use can be structured so as not to have any negative effects on adjacent or nearby properties;

(9)

Whether there is any outdoor lighting proposed and whether any impacts of that lighting on adjacent and nearby properties can be ameliorated;

(10)

Whether adequate ingress and egress is provided to the property on which the use is located;

(11)

Whether the use will produce noise, odor, dust, or vibrations which can be minimized so as not to have significant negative effects on adjacent or nearby properties;

(12)

Whether the size and location of the site for the proposed use and the projected number of attendees is adequate;

(13)

Whether adequate provisions are being proposed for refuse, security, sanitation, emergency services access (i.e. fire, police and medical) and security areas; and

(14)

Whether remedial measures to reduce the impact of any other special events for which permits have been issued can be taken to prevent interference with or negative impacts on the proposed event.

No Use Permit will be granted unless City Council finds affirmatively in regard to the above factors and satisfactory provisions have been made for each factor applicable to the specific uses set forth in Sections [10-2115](#) through 10-2150. In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/use.

*Outdoor event.* An event or happening organized by any person or organization which will generate or invite considerable public participation and/or spectators for a particular and limited purpose of time, including, but not limited to, special sales and service promotions, car shows, arts and crafts shows, horse shows, carnivals, festivals, road races or similar sporting activities exhibitions, circuses, fairs, show houses and tours of homes for charity. Special events are not limited to those events conducted on the public streets but may occur entirely on private property. Special events may be for profit or nonprofit. Events which will occur in the public right-of-way, such as roadway foot races, fundraising walks, bike-a-thons, **parades**, etc. are subject to the approval of the East Point Police Department. A private party or event held at a location on residential property occupied by the host shall not be deemed a special event.

*Outdoor event, large.* A special event as defined above wherein 2000 or more attendees are anticipated. Such events may be permitted only upon the approval of a Use Permit application by the East Point City Council as per the procedures and standards set forth in Article D of the City of East Point Zoning Ordinance, Sections [10-2081](#) et seq.

*Outdoor event, small.* A special event as defined above wherein less than 2000 attendees are anticipated. Such events may be permitted only upon the approval of an Administrative Permit application by the Director of Planning and Community Development per the procedures and standards set forth in Article D of the City of East Point Zoning Ordinance, Sections [10-2081](#) et seq.

*Outparcel (spin-site).* A portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a Site Plan approved for the larger parcel.

## P

**Parade.** Any march, ceremony, show, exhibition, pageant or procession of any kind, or similar display in or upon any street, park or other public place in the city conducted by any person, any government or civic organization or other nonprofit organization. This definition specifically does not include funeral processions, students going to and from school or participating in educational activities under the direct supervision of school personnel.