



CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

04-O-1618

BY: ZONING COMMITTEE

Hand Shook

AN ORDINANCE TO PLACE INTERIM CONTROLS ON THE ACCEPTING OF BUILDING PERMITS FOR CONCRETE BATCH PLANTS FOR A PERIOD NOT TO EXCEED SIX MONTHS TO ALLOW TIME FOR THE ADOPTION OF AN AMENDMENT TO THE ZONING ORDINANCE TO UPDATE DEFINITIONS AND TERMS RELATED TO CONCRETE BATCH PLANTS; AND FOR OTHER PURPOSES

WHEREAS Atlanta City Zoning Code Section 16-17.005(e) only allows cement plants to operate in the I-2 Zoning District by way of the issuance of a Special Use Permit; and

WHEREAS, the City of Atlanta Bureau of Buildings has taken the position that concrete batch plants, which are not mentioned in the Zoning Code, are, like cement plants, only allowed in the I-2 Zoning District with a Special Use Permit; and

WHEREAS, an Order entered on August 24, 2004 in the case of RMC Allied Readymix, Inc. v. City of Atlanta Board of Zoning Adjustment, Fulton County Superior Court Civil Action File No. 2003CV73751, held that a concrete batch plant was allowed as a matter of right as a permitted use in both I-1 and I-2, and

WHEREAS, Ordinance No. 04-O-1435 has been introduced which provides that concrete batch plants can only operate in the I-2, heavy industrial zoned areas, with the issuance of a Special Use Permit and it is presently going through the legislative and public hearing process; and

WHEREAS, there is an urgent need, substantially related to the public health, safety and welfare, that interim controls on the acceptance of building permits for concrete batch plants be imposed until such time as an appropriate ordinance can be acted on by the City Council providing that a Special Use Permit be required for the operation of a concrete batch plant in only the I-2 Zoning District; and

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

Section 1. That interim controls on applications for building permit for any concrete batch plant in the City be in effect for a period not to exceed six months to allow time for the City Council to consider Ordinance No. 04-O-1435 limiting their location to the I-2 Zoning District and requiring a Special Use Permit.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 20, 2004
SEP 28, 2004

RCS# 6059
9/20/04
3:33 PM

Atlanta City Council

Regular Session

04-O-1618

INTERIM CONTROLS ON ACCEPTING BUILDING
PERMITS FOR CONCRETE BATCH PLANTS 6 MOS
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
NV Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

04-O-1618

#1

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(Do Not Write Above This Line)

Hand Signed

AN ORDINANCE BY ZONING COMMITTEE

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SEP 2 0 2004

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred *09/07/04*

Referred To: *Zoning Committee*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee

Date *SEP 15, 2004*

Chair *[Signature]*

Action *[Signature]*

Fav, Adv, Hold (see rev. side) *[Signature]*

Other

Members

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

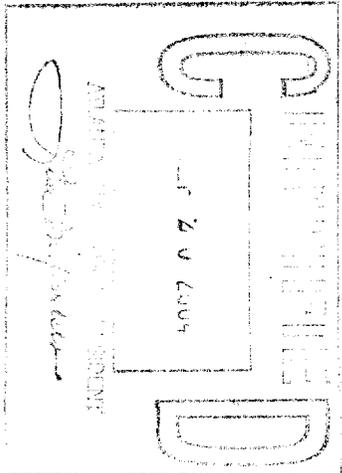
Other

Members

Refer To

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED



SEP 2 0 2004

MAYOR'S ACTION

[Signature]

SEP 2 8 2004

MAYOR