



City of Fairburn Council Meeting

Agenda - Zoom

March 28, 2022

7:00 pm

Dial (646) 558-8656

Meeting ID 731 291 3121

Electronic Device

<https://bit.ly/3FDfMto>

The Honorable Mayor Mario Avery, Presiding

The Honorable Mayor Pro-Tem Hattie Portis-Jones
The Honorable Linda J. Davis
The Honorable Pat Pallend

The Honorable Alex Heath
The Honorable Ulysses J. Smallwood
The Honorable James Whitmore

Mr. Rory Starkey
Mr. Tony Phillips
Brenda B. James

City Attorney
City Administrator
City Clerk

I. Meeting Called to Order:

The Honorable Mayor Avery

II. Roll Call:

City Clerk

III. Invocation

Pastor Donald Dorsey
Miller Grove Baptist Church

IV. Pledge of Allegiance

V. Adoption of the City Council Agenda:

VI. Adoption of the Minutes:

None

VII. Public Comments: Thirty (30) minutes shall be available for public comments. Each speaker shall be limited to three (3) minutes; however, a speaker may transfer his or her three (3) minutes to another speaker, but no speaker shall be permitted to speak for more than (6) minutes; further in the event, if more than ten (10) speakers desire to speak, each speaker shall be limited to two (2) minutes and no speaker may speak more than four (4) minutes. Issues raised at this time are generally referred to City Administration for review. Responses will be provided later.

VIII. Agenda Items/Public Hearings:

1. Ordinance to Rezone Certain Property 2021159 DRB Group Georgia, LLC

Purpose: Request for Mayor and Council to consider the rezoning of 18.226 acres from R-2 (Single Family Residential) to R-4 (Single Family Residential) (Community Development) Public Hearing was held February 14, 2022.

2. Ordinance 2022-001TA/ Text Amendment – Small Box Discount Retail Stores

Purpose: Public Hearing/Request for Public Hearing and Mayor and Council to approve amendments to Chapter 80, Zoning, Article 11, Section 80-83 C-1 (Neighborhood Commercial), Section 80-84 C-2 (General Commercial) and Section 80-85 M-1 (Light Industrial) to add a 1,500 foot distance separation for small box discount retail stores. (Community Development)

3 Ordinance 2022-002TA/Text Amendment -Small Box Discount Retail Stores in the Highway 29 Overlay District

Purpose: Public Hearing/Request for Public Hearing Mayor and Council to approve amendments to Chapter 80 Zoning, Article II, Section 80-89 Highway 29 Overlay District, to add small box discount retail stores as a prohibited use within the boundaries of the overlay district and to add a definition for small boxes discount retail stores. (Community Development)

4. Ordinance2022-003TA/Text Amendment -Small Box Discount Stores & Self Storage Facilities Highway 74 Overlay District

Purpose: Public Hearing/Request for Mayor and Council to approve amendments to Chapter 80 Zoning, Article II, Section 80-90 Georgia Highway 74 Overlay District, to add self- storage facilities and small box discount retail stores as prohibited uses within the boundaries of the Overlay District. (Community Development)

5. Ordinance 2022-004TA/Text Amendment- Restaurants, Drive Throughs in Highway 74 Overlay District

Purpose: Public Hearing/Request for Mayor and Council to approve amendments to Chapter 80 Zoning, Article II, Section 80-90 Georgia Highway 74 Overlay District, to add an exception to allow restaurants with drive-throughs that have a minimum of 4,000 square feet of gross floor area and 50% of the gross floor area designated for a dining area. (Community Development)

6. Ordinance 2022-006TA- R-4 Single-Family Residential Zoning District

Purpose: Public Hearing/Request for Mayor and Council to approve amendments to Chapter 80 Zoning, Article II, Section 80-75 R-4 (Single Family Residential zoning district, to modify the minimum front yard setback, minimum rear yard setback,

minimum lot area and minimum lot width. **(Community Development)**

7. Ordinance 2022-005TA- Definitions

Purpose: Public Hearing / Request for Mayor and Council to approve amendments to Chapter 80 Zoning, Article XIV, Section 80-478 Definitions, to add definition for small box discount retail store, modify the definition of a restaurant, drive-through and move the definition section to Chapter 802, Article I, Section 80-9. **(Community Development)**

8. Ordinance/ Use Permit 2021186- A Step at A Time Early Learning Center

Purpose: Public Hearing/ Request for the Mayor and Council to approve a Use Permit for a Child Daycare Center. **(Community Development)**

9. Approval to Transfer Position to Property Department

Purpose: Request for Mayor and Council to approve budget amendment to move funds and position from Streets Department to Property Management Department. **(City Administrator)**

10. Appointments to the Development Authority of Fairburn

Purpose: Mayor Avery would like to appoint Patricia Chambers of Chambers Drum Company, Inc. and Chris Wiley of Oz Pizza to the Downtown Development and Development Authority of Fairburn. These appointments are replacing Rhonda Appleby and Danita Jones whose terms expired January 2022. The new terms will begin immediately and expire January 31, 2026.

IX. City Administrator Monthly Report

Mr. Tony Phillips

X. Council Comments

XI. Executive Session

XII. Adjournment

When an Executive Session is required, one will be called for the following issues:

(1) Personnel (2) Real Estate or (3) Litigation



**CITY OF FAIRBURN
CITY COUNCIL AGENDA ITEM**

SUBJECT: REZONING 2021159 DRB GROUP GEORGIA, LLC

() AGREEMENT	() POLICY / DISCUSSION	() CONTRACT
() ORDINANCE	() RESOLUTION	(X) OTHER

Submitted: 03/21/22

Work Session: N/A

City Council: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: (X) Yes () No

PURPOSE: For Mayor and Council to consider the rezoning of 18.226 acres from R-2 (Single-family Residential) to R-4 (Single-family Residential).

DESCRIPTION: The applicant is requesting to rezone 18.226 acres from R-2 (Single-family Residential) to R-4 (Single-family Residential) to develop an 80-lot single-family residential subdivision with frontage on Elder Street and Strickland Street. The amenities for the development include greenspace, a picnic area, pergola, benches, walking trails, and landscaping.

Mario Avery, Mayor

Tony Phillips, City Administrator

APPLICATION INFORMATION

REZONING 2021159 DRB GROUP GEORGIA, LLC

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner
Rilla Entrekin, James Entrekin, Elizabeth and Jack Stevens	DRB Group Georgia, LLC

PROPERTY INFORMATION

Address:	294 Elder Street (09F171000670178), 296 Elder Street (09F171000670244), 0 Strickland (09F171000670137), 246 Strickland Street (09F171000670129), 260 Elder Street (09F171100670029), and 270 Elder Street (09F171100670011)
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Land Lot and District:	Land Lot 67, District 9
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Frontage:	Elder Street and Strickland Street
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Area of Property:	18.226 acres
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Existing Zoning and Use:	R-2 (Single-family Residential)
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Overlay District:	N/A
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Prior Zoning Cases/History:	N/A
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2040 Comprehensive Future Land Use Map Designation:	Town Center Mixed-Use
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MEETING AND HEARING DATES

Planning and Zoning Commission Meeting	City Council Public Hearing
Tuesday, January 11, 2022	Monday, February 14, 2022 - Continued to Monday, March 28, 2022

INTENT

A request to rezone 18.226 acres from R-2 (Single-family Residential) to R-4 (Single-family Residential) to develop an 80-lot single-family residential subdivision.

SURROUNDING ZONING

North: R-3 (Single-family Residential) and PD (Planned Development)

East: R-2 (Single-family Residential)

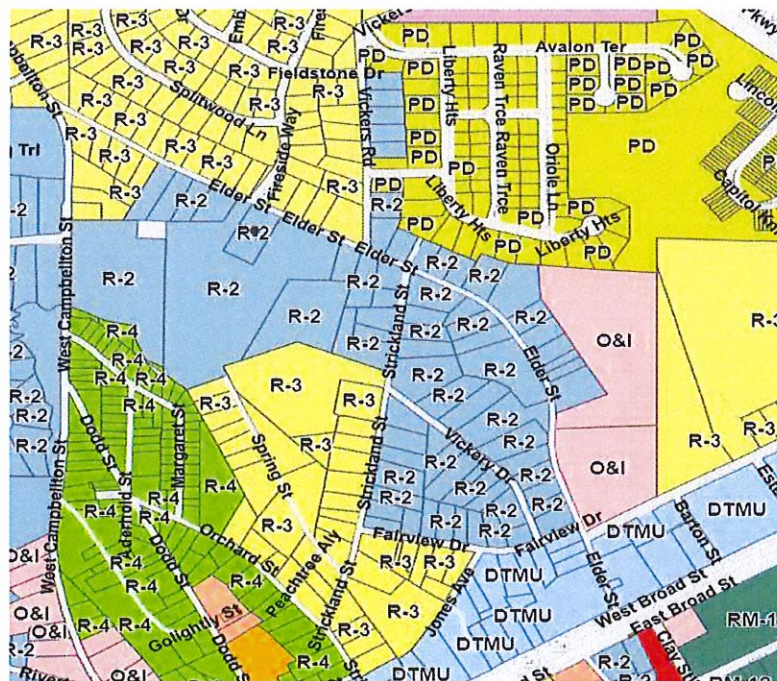
South: R-3 (Single-family Residential) and R-4 (Single-family Residential)

West: R-2 (Single-family Residential) and R-3 (Single-family Residential)

ARIEL MAP



ZONING MAP



PUBLIC PARTICIPATION

Property owners within 750 feet of the subject properties were invited to attend two (2) community meetings that were hosted by the applicant. The first meeting was held on Wednesday, September 29, 2021, at 6:30 p.m. via Zoom Video Conferencing. Based on the meeting sign-in sheet, approximately 15 property owners were in attendance. A second community meeting was held on Wednesday, November 10, 2021, at 6:00 p.m. via Zoom Video Conferencing, and based on the meeting sign-in sheet, approximately ten (10) property owners attended the meeting.

The rezoning petition was deferred to the March 28, 2022, City Council meeting to provide time for the applicant to meet with the community to discuss their issues and concerns. A community meeting was held on Wednesday, March 9, 2022, from 7:00 p.m. to 8:00 p.m. at the Fairburn Annex and approximately nineteen (19) property owners attended the meeting. Some of the issues and concerns presented at the meeting by the attendees were:

- Stormwater runoff
- Inadequate water pressure
- Density (too many houses)
- The project does not fit the neighborhood
- NIMBY (Not In My Back Yard)
- Increase in traffic

STAFF COMMENTS

Engineering/Public Works

1. Please note that when property fronting on a city street is to be developed or when the property is to be accessed from a city street, the developer shall cause to be constructed roadway improvements (pavement, signing, striping, curb and gutter, and drainage) which are required along the existing road across the entire property frontage at no cost to the city. Required improvements shall not be less than provided in these regulations for the designated street classification. [Sec. 71-37 (a)]
2. Additional street right-of-way width may be required to be dedicated at intersections or other locations fronting the property where turning lanes, storage lanes, medians, islands, or realignments are required for traffic safety and minimum right-of-way standards would be inadequate to accommodate the improvements [Sec. 71-36 (c)].
3. Acceleration and deceleration lanes shall be provided at the proposed driveway connection unless a traffic study demonstrates that the total traffic on the existing roadway is less than 2,000 vehicles per day including traffic projected as a result of the proposed development (count of existing traffic must have been made within one year of the development plan submittal date) [Sec. 71-40].
4. Turning lanes may be required by the city to meet projected traffic demand and/or safe operations, as determined by the city engineer. When provided, turning lanes shall meet the following criteria:
 - o Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
 - o Provide taper lengths of not less than 100 feet.
 - o Longer storage and taper lengths may be required when traffic projections indicate they are justified. [Sec. 71-38(4)]
5. All materials, methods of construction, and workmanship for street construction shall conform to the latest edition of the state department of transportation Standard Specifications for Road and Bridge Construction, including all amendments [Sec. 71-42].

6. Sidewalks are required on all street frontages, from property line to property line. All sidewalks shall have a minimum width of five feet (unless otherwise provided in this chapter) and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards, city's development standards and be subject to review and approval by the city engineer and/or director of building. [Sec. 71-46 (a) (c)]
7. All stormwater runoff generated from a site shall be adequately treated before discharge.
8. If existing water mains and/or sanitary sewers must be extended to serve a development, the developer shall install or have installed the necessary extensions at no cost to the city under the existing city policy and procedures at plan approval time. [Sec. 71-74]
9. Site utilities serving the site shall be placed underground. [Sec. 71-72]

Fire

IFC Appendix D requires a second access road to a subdivision with over 30 homes for fire apparatus. The applicant addressed this comment by adding emergency access on Elder Street.

Water and Sewer

Sewer is serviced by Fulton County and water is serviced by the City of Atlanta.

ZONING IMPACT ANALYSIS

A. Does the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

The proposed use of the subject properties for single-family detached lots is consistent with the adjacent and nearby properties. The subject properties are surrounded by single-family residential uses. Properties currently zoned R-2 (Single-family Residential) are located to the east and west, R-3 (Single-family Residential) are located to the north and south, R-4 (Single-family Residential) are located to the south, and PD (Planned Development) with single-family lots and townhouses are located to the north.

B. Does the proposal adversely affect the existing use or usability of adjacent or nearby property?

Staff is of the opinion that the proposal if approved will not have an adverse impact on the use or usability of adjacent or nearby properties.

C. Does the property have a reasonable economic use as currently zoned?

Staff is of the opinion that the subject properties have a reasonable economic use as currently zoned.

D. Will the proposal result in a use that could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Traffic Impact & Improvements

The applicant conducted a Trip Generation Study for the proposed single-family residential development based on 86 lots. The Trip Generation Study provided the following data:

Table:1

Land Use	A.M. Peak Hour			P.M. Peak Hour			24-Hour
	In	Out	Total	In	Out	Total	2-Way
86 Single-family Residential Lots	17	48	65	54	32	86	878

Please note: the original study was performed based on 86 lots; however, the development was reduced by six (6) lots so the A.M. peak and P.M. peak hour numbers will be slightly less than the numbers represented in the above table (*Table:1*).

The proposed subdivision will generate 65 new trips in the morning peak hour, 85 new trips in the evening peak hour, and 878 new daily trips.

One full-movement vehicular access will be provided on the south side of Elder Street, aligning with Fireside Way.

The developer will be required to conduct a traffic study to determine existing traffic operating conditions in the vicinity of the proposed development, project future traffic volumes, assess the impact of the subject development, and develop recommendations to mitigate the project traffic impacts and ensure safe and efficient existing and future traffic conditions in the vicinity of the project. The installation of deceleration lanes and turn lanes will be required at the proposed entrances to accommodate access to and from the proposed development and to meet projected traffic demand and/or safe operations unless deemed unwarranted by a traffic study. The installation of 5' sidewalks along the street frontage (Elder Street and Strickland Street) and both sides of internal streets throughout the development will be required.

Impact on Schools

The home schools for the proposed development are Campbell Elementary, Renaissance Middle, and Langston Hughes High. According to the Fulton County Schools Development Impact Statement, the elementary, middle, and high schools are under the GADOE population capacity for the 2021-2022 school year. Any residential development on the subject properties would increase the baseline population numbers; however, the numbers would not increase above the GADOE population capacity numbers. The school system addresses population increases using "portable classrooms or other measures that may be needed to accommodate the instructional needs of the school," as stated in the Fulton County School's Development Impact Statement.

E. Is the proposal in conformity with the policies and intent of the land use plan?

The properties contained in the proposed single-family residential development are in the Town Center Mixed-Use character area. According to the 2040 Comprehensive Plan, the Town Center Mixed-Use character area includes Downtown Fairburn and the surrounding core. The development strategies for the Town Center Mixed-Use character area are:

1. Maintain the integrity of interconnected grid and pedestrian circulation
2. Historic structures should be preserved or adaptively reused wherever possible
3. New development should reflect the historical context of building mass, scale, and setbacks
4. Encourage mixed-use infill and redevelopment
5. Encourage transit-supportive residential development
6. Economic development strategies should continue to nurture thriving commercial activity
7. Enhance tree planting to include more shade trees and ornamental streetscape plantings
8. Ensure that future phases of streetscape enhancements are developed in harmony with previous efforts, as well as economic development goals of the city and the downtown
9. Encourage the development of various housing types
10. Encourage vibrant architectural designs and unique amenities
11. Promote the implementation of public art and placemaking assets
12. Promote cohesive building signage

As stated in the 2040 Comprehensive Plan (page 38), the appropriate zoning districts for the Town Center Mixed-Use character area include RM-12, RM-36, R-3, R-4, R-CT, and O&I and the appropriate uses are Mixed-Use, Civic/Institutional/Educational, Residential (all types), and Commercial/Retail/Office.

Staff believes the proposed 80-lot single-family residential subdivision conforms with the policies and intent of the 2040 Comprehensive Plan and Future Land Use Map.

F. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the proposal?

Metro Atlanta Housing Strategy

According to the Atlanta Regional Commission (ARC), the housing supply is not keeping up with demand. The Metro Atlanta Housing Strategy, which has been coordinated by the ARC, states that the City of Fairburn's housing strategy should consist of the following:

1. Increase Housing Supply: Reduce Development Cost and Barriers, Leverage Public Land & Establish Policies Supporting Affordable Housing
 - Address zoning and land use code that shapes development to provide housing options, including land use options, building sizes, building materials, building forms, parking, and more
2. Promote Housing Stability: Stabilize existing residents, Promote Home Buying
 - Implement supportive educational programs and financial policies for residents to stabilize their current housing.
3. Preserve Affordable Supply: Coordinate Across Agencies and Among Governments
 - Engage in robust coordination efforts between different levels of government and across various state and local agencies to create, manage, and maintain existing affordable units.
4. Develop Leadership & Collaboration on Affordability; Build Internal Resources to Address Housing
 - Expand internal capacity to address housing needs and collaborate across various industries, sectors, and organizations to create a multi-disciplinary approach to provide housing options.

Based on the calculations generated by the 2010 Census, the population of the city increased substantially, from 5,464 in 2010 to 12,950 in 2020. In 2019, the city's estimated population was 15,516. The overall growth in population accounts for a 136% increase from 2000 to 2010 and a 184% increase from 2000 to 2019. A continued increase in population is predicted with an estimated population of 21,570 people by 2040, a 37.2% increase. Residential demands are based on the population projects, therefore as the population increase, the need for housing will increase.

Fairburn Downtown Master Plan

The vision of the LCI Downtown Master Plan, which was adopted by the City Council on November 8, 2021, is for downtown to be a thriving, vibrant historic downtown that provides access to a diverse array of retail, restaurants, entertainment, office, and housing options with pedestrian-friendly connectivity via modes of transportation to the surrounding neighborhoods and commercial nodes.

Six goals were created to help support the plan's overall vision. The plan's goals include:

- Determine catalyst sites throughout public input that further the community vision for the study area and create innovative investment strategies to activate catalyst sites in partnership with private development.
- Encourage a diversity of *residential*, employment, shopping, and recreation opportunities in the study area with a focus on capitalizing on local business development
- Provide mobility access that is inclusive of a range of travel modes including transit, roadways, walking, and biking throughout the study area.

- Utilize public art programs and creative placemaking to establish a sense of place.
- Improve connectivity to surrounding neighborhoods.
- Create a safe travel environment for pedestrians, bicyclists, and motorized vehicles

The housing and marketing recommendations identified in the plan are focused on incorporating residential units of all types, tenures, and price points into the study area. The existing land use patterns in the study area, coupled with accessibility and visibility, approximately 30% of the future demand will likely be in a single-family detached format. Based on the forecasts, this would result in a demand for 115 to 175 new single-family residential units. According to the plan, the inclusion of new residential properties will bring new rooftops to the area and be effective in enhancing the surrounding historic neighborhoods without compromising character. Also, the success of future commercial and office development hinges on bringing more residents to the study area to increase rooftops and consumer spending.

G. Does the proposal permit a use that can be considered environmentally adverse to the natural resources, environment, and citizens of Fairburn?

Staff is of the opinion that the proposal would not permit a use that could be considered environmentally adverse to the natural resource, environment, or citizens of Fairburn. The stream that runs along the rear of the property will be protected by a 75' stream buffer.

STAFF RECOMMENDATION

Staff believes the proposed use of the subject properties for a single-family residential subdivision is consistent with nearby and adjacent residential dwellings. Single-family residential lots, ranging from R-2 to R-4 are adjacent to the proposed development. In addition, the proposed development conforms with the 2040 Comprehensive Plan and Future Land Use Map. The rezoning of the property from R-2 (Single-family Residential) to R-4 (Single-family Residential) will not adversely affect the surrounding properties and cause detriment to the area. An increase in residential density will provide a greater opportunity to attract quality commercial development within the city, particularly in the Historic Downtown and Highway 74 corridors, and address the need for more housing.

Should the Mayor and Council decide to approve the rezoning request, staff recommends the conditions listed below. The applicant's agreement to these conditions would not change the staff's recommendations. These recommended conditions shall prevail unless otherwise stipulated by the Mayor and Council:

A. To restrict the use of the subject property as follows:

1. Single-family Residential Lots
 - a. A maximum of 80 single-family residential lots with a density of 4.38 units per acre whichever is less

B. To abide by the following:

1. The property shall be developed in conformity with the site plan prepared by Ashford Engineers South, LLC and attached as Exhibit B. Said site plan is conceptual only and must meet or exceed the requirements of the City's ordinances prior to the approval of a Land Disturbance Permit. Any major deviation from this site plan is subject to approval by the City Engineer or designee.
2. Property maintenance shall be accomplished through a homeowner's association in which membership shall be mandatory. Such maintenance shall encompass all common areas that are not contained within the boundaries of individual lots. Such association by-laws shall be subject to approval by the City

Administrator and shall be recorded with covenants that shall be subject to approval by the City Administrator.

C. To the following site development considerations:

1. Development standards for each single-family residential lot shall be as follows:
 - a. Building setbacks:
 - i. Front: 15 feet
 - ii. Side: 10 feet
 - iii. Rear: 25 feet
 - b. Minimum lot area: 5,000 square feet
 - c. Minimum heated floor: 1,400 square feet
 - d. Minimum lot width: 50 feet
2. Amenity package shall include greenspace, picnic area, benches, pergola, walking trails, and a mail kiosk.
3. Facades of the homes shall be constructed with a combination of two or more of the following materials: fiber-cement siding, wood shake, clapboard, brick, and/or stone. The use of vinyl or EIFS (synthetic stucco) is strictly prohibited. At least 25% of the front façades shall consist of at least 25% brick or stone.
4. Two-car garages shall be provided for each single-family house. Upgraded garage doors with architectural elements shall be utilized.
5. Sidewalks on all street frontages shall be a minimum of five-foot and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards and the City of Fairburn development standard. Five-foot sidewalks shall be provided along both sides of internal streets throughout the development and shall be designed to provide inter-connectivity to amenities areas.
6. Pedestrian-scale street lighting shall be provided along both sides of internal streets throughout the development.
7. All utilities shall be installed underground throughout the development area.
8. Acceleration and deceleration lanes shall be provided at the proposed driveway connection unless a traffic study demonstrates that the total traffic on the existing roadway is less than 2,000 vehicles per day including traffic projected as a result of the proposed development (count of existing traffic must have been made within one year of the development plan submittal date)
9. Turning lanes may be required to meet projected traffic demand and/or safe operations, as determined by the City Engineer and/or traffic study. When provided, turning lanes shall meet the following criteria:
 - a. Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
 - b. Provide taper lengths of not less than 100 feet.
 - c. Longer storage and taper lengths may be required when traffic projections indicate they are justified.



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
TRANSMITTAL OF RECOMMENDATION TO MAYOR AND CITY COUNCIL**

Date: March 28, 2022
To: Mayor and City Council
From: Elizabeth Echols, Chair of the Planning and Zoning Commission
Agenda Item: RezoningDRB Group Georgia, LLC

Pursuant to Section 80-287 of the City of Fairburn Zoning Ordinance, the Planning and Zoning Commission recommendation to Mayor and City Council is **APPROVAL CONDITIONS** on Rezoning 2021156 DRB Group Georgia, LLC.



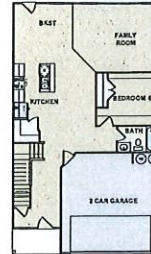
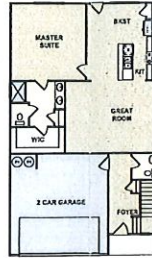
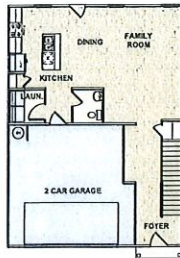
LAYLA II

MILLHAVEN

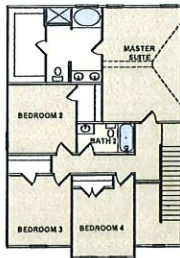
ZOEY II

NOTE: ELEVATIONS SHOWN WITH OPTIONAL TEXTURES

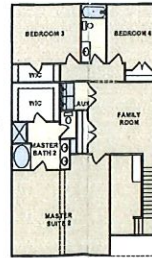
MAIN LEVEL



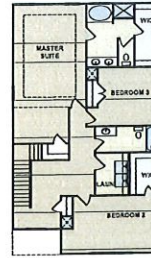
UPPER LEVEL



APPROXIMATE SQ. FT. 2,172



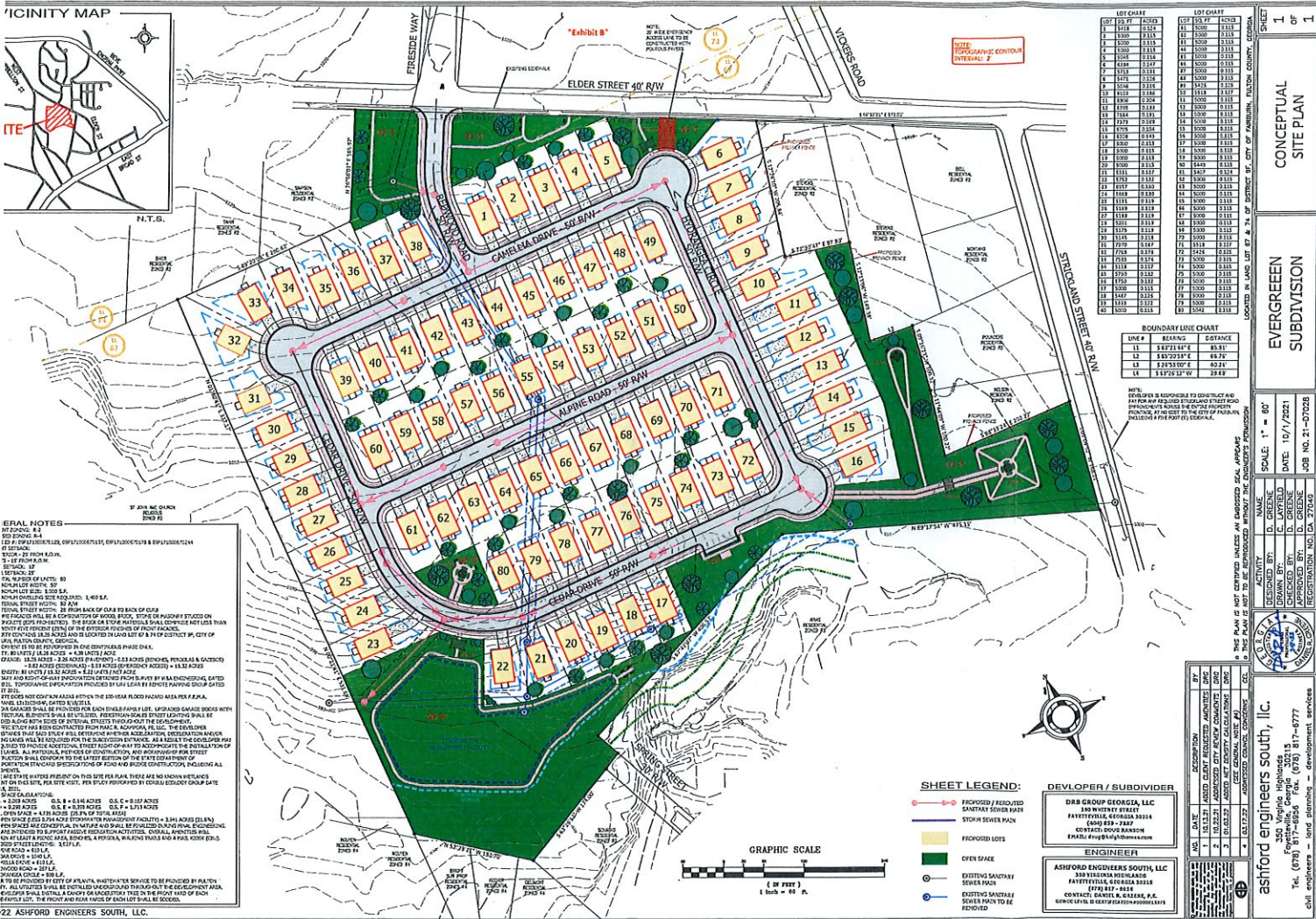
APPROXIMATE SQ. FT. 2,212



APPROXIMATE SQ. FT. 2,412



These floor plans are for informational purposes only. They are not to be used for construction. All dimensions are approximate. Actual dimensions may vary. All rights reserved. © 2018 Dan Ryan Builders. All other trademarks are the property of their respective owners.



LOT CHART		LOT CHART	
137	137-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000	137	137-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-

LINE #	BEARING	DISTANCE
L1	S 67°21'44" E	85.91'
L2	S 85°29'58" E	66.76'
L3	S 24°55'00" E	40.24'
L4	S 63°26'12" W	29.63'

NOTE:
DEVELOPER IS RESPONSIBLE TO CONSTRUCT AND
PAY FOR ANY REQUIRED STRUCTURAL STREET ROAD
IMPROVEMENTS ACROSS THE ENTIRE PROPERTY
FRONTAGE, AT NO COST TO THE CITY OF FAIRBURY,
INCLUDING A FIVE FOOT (5') SIDEWALK.

EVERGREEN SUBDIVISION CONCEPTUAL SITE PLAN 1 of 1 SHEET

ACTIVITY	NAME	SCALE: 1" = 60'
DESIGNED BY:	D. GREENE	
DRAWN BY:	C. LAYFIELD	DATE: 10/1/2021
CHECKED BY:	D. GREENE	
APPROVED BY:	D. GREENE	JOB NO. 21-D7028
REGISTRATION NO.	CA 27049	

ashford engineers south, llc.
350 Virginia Highlands
Fayetteville, Georgia 30215
Tel. (678) 817-6936 Fax. (678) 817-6777
civil engineers — land planning — development services

Re: REZONING ORDINANCE 2021159
Property of Rilla Entrekin, James Entrekin, Elizabeth and Jack Stevens
294 Elder Street (Parcel ID No.: 09F171000670178),
296 Elder Street (Parcel ID No.: 09F171000670244),
0 Strickland (Parcel ID No.: 09F171000670137),
246 Strickland Street (Parcel ID No.: 09F171000670129),
260 Elder Street (Parcel ID No.: 09F171100670029) and
270 Elder Street (Parcel ID No.: 09F171100670011)
18.226 acres; Land Lot 67
District 9

**STATE OF GEORGIA
COUNTY OF FULTON**

AN ORDINANCE TO REZONE CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF FAIRBURN FROM R-2 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT TO R-4 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME:

Section 1. That the City of Fairburn Zoning Ordinance be amended, and the official maps established in connection therewith be changed so that the property located in the City of Fairburn as indicated on Exhibit "A" to this Ordinance be changed from R-2 (Single-Family Residential) Zoning District to R-4 (Single-Family Residential) Zoning District, subject to the following conditions:

A. To restrict the use of the subject property as follows:

1. Single-family Residential Lots

- a. A maximum of 80 single-family residential lots with a density of 4.38 units per acre whichever is less.

B. To abide by the following:

1. The property shall be developed in conformity with the site plan prepared by Ashford Engineers South, LLC and attached as Exhibit B. Said site plan is conceptual only and must meet or exceed the requirements of the City's ordinances prior to the approval of a Land Disturbance Permit. Any major deviation from this site plan is subject to approval by the City Engineer or designee.

2. Property maintenance shall be accomplished through a homeowner's association in which membership shall be mandatory. Such maintenance shall encompass all common areas that are not contained within the boundaries of individual lots. Such association by-laws shall be subject to approval by the City Administrator and shall be recorded with covenants that shall be subject to approval by the City Administrator.

C. To the following site development considerations:

1. Development standards for each single-family residential lot shall be as follows:
 - a. Building setbacks:
 - i. Front: 15 feet
 - ii. Side: 10 feet
 - iii. Rear: 25 feet
 - b. Minimum lot area: 5,000 square feet
 - c. Minimum heated floor: 1,400 square feet
 - d. Minimum lot width: 50 feet
2. Amenity package shall include greenspace, picnic area, benches, pergola, walking trails, and a mail kiosk.
3. Facades of the homes shall be constructed with a combination of two or more of the following materials: fiber-cement siding, wood shake, clapboard, brick, and/or stone. The use of vinyl or EIFS (synthetic stucco) is strictly prohibited. At least 25% of the front façades shall consist of at least 25% brick or stone.
4. Two-car garages shall be provided for each single-family house. Upgraded garage doors with architectural elements shall be utilized.
5. Sidewalks on all street frontages shall be a minimum of five-foot and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards and the City of Fairburn development standard. Five-foot sidewalks shall be provided along both sides of internal streets throughout the development and shall be designed to provide inter-connectivity to amenities areas.
6. Pedestrian-scale street lighting shall be provided along both sides of internal streets throughout the development.
7. All utilities shall be installed underground throughout the development area.
8. Acceleration and deceleration lanes shall be provided at the proposed driveway connection unless a traffic study demonstrates that the total traffic on the existing roadway is less than 2,000 vehicles per day including traffic projected as a result of the proposed development (count of existing traffic must have been made within one year of the development plan submittal date).

9. Turning lanes may be required to meet projected traffic demand and/or safe operations, as determined by the City Engineer and/or traffic study. When provided, turning lanes shall meet the following criteria:
 - a. Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
 - b. Provide taper lengths of not less than 100 feet.
 - c. Longer storage and taper lengths may be required when traffic projections indicate they are justified.
10. The Developer shall construct roadway improvements (pavement, signing, striping, curb and gutter, and drainage) along the existing road across the entire property frontage where required, at no cost to the city.
11. The Developer shall install a canopy or understory tree in the front yard of each single-family lot. The front and rear yards of the single-family lots shall be sodded.

Section 2. That the property shall be developed in compliance with the conditions of approval as stated in this Ordinance. Any conditions hereby approved do not authorize the violation of any district regulations; and

Section 3. That the official maps referred to on file in the Office of the City Clerk, be changed to conform with the terms of this Ordinance; and

Section 4. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 5. Pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 14th day of February, 2022 and continued to March 28, 2022; and

Section 6. This Ordinance shall become effective on the 28th day of March, 2022.

Section 7. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed.

APPROVED this 28th day of March, 2022, by the Mayor and Council of the City of Fairburn, Georgia.

Mario Avery, Mayor

ATTEST:

Brenda James, City Clerk

APPROVED AS TO FORM:

Rory K. Starkey, City Attorney

Exhibit A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, LYING AND BEING IN LAND LOT 67 & 74 OF DISTRICT 9F, IN THE CITY OF FAIRBURN, FULTON COUNTY, GEORGIA CONTAINING 18.259 ACRES MORE OR LESS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE CENTERLINE INTERSECTION OF ELDER STREET (40' R/W) AND STRICKLAND STREET (40' R/W); THENCE GO NORTH 66 DEGREES 32 MINUTES 21 SECONDS WEST, 373.01 FEET TO A 1/2" PIPE FOUND ON THE SOUTHERN R/W OF ELDER STREET (40' R/W) AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 12 DEGREES 24 MINUTES 10 SECONDS WEST, 205.84 FEET TO POINT; THENCE SOUTH 77 DEGREES 30 MINUTES 47 SECONDS EAST, 97.80 FEET TO POINT; THENCE SOUTH 12 DEGREES 13 MINUTES 06 SECONDS WEST, 149.38 FEET TO A POINT; THENCE SOUTH 85 DEGREES 20 MINUTES 58 SECONDS EAST, 66.76 FEET TO A 5/8" REBAR SET; THENCE SOUTH 09 DEGREES 16 MINUTES 23 SECONDS WEST, 100.32 FEET TO A 1/2" REBAR FOUND; THENCE SOUTH 11 DEGREES 44 MINUTES 09 SECONDS WEST, 100.22 FEET TO A 5/8" REBAR SET; THENCE SOUTH 88 DEGREES 33 MINUTES 24 SECONDS EAST, 202.27 FEET TO A 5/8" REBAR SET ON THE WESTERN R/W OF STRICKLAND STREET (40' R/W); THENCE ALONG SAID R/W SOUTH 09 DEGREES 04 MINUTES 52 SECONDS WEST, 168.21 FEET TO A 5/8" REBAR SET; THENCE LEAVING SAID R/W NORTH 69 DEGREES 17 MINUTES 54 SECONDS WEST, 475.15 FEET TO AN ANGLE IRON FOUND; THENCE SOUTH 67 DEGREES 42 MINUTES 07 SECONDS WEST, 406.57 FEET TO A 5/8" REBAR SET; THENCE SOUTH 24 DEGREES 55 MINUTES 00 SECONDS EAST, 40.24 FEET TO A 5/8" REBAR SET ON THE EASTERN R/W OF SPRING STREET (30' R/W); THENCE ALONG SAID R/W SOUTH 63 DEGREES 26 MINUTES 12 SECONDS WEST, 29.68 FEET TO A POINT ON THE WESTERN R/W OF SPRING STREET (30' R/W); THENCE SOUTH 63 DEGREES 26 MINUTES 12 SECONDS WEST, 174.00 FEET TO A 5/8" REBAR SET; THENCE NORTH 52 DEGREES 28 MINUTES 21 SECONDS WEST, 182.70 FEET TO A 3" PIPE FOUND; THENCE NORTH 00 DEGREES 21 MINUTES 41 SECONDS EAST, 531.69 FEET TO A 3" PIPE FOUND; THENCE NORTH 01 DEGREES 30 MINUTES 41 SECONDS EAST, 337.17 FEET TO A 1-1/2" PIPE FOUND; THENCE SOUTH 89 DEGREES 20 MINUTES 02 SECONDS EAST, 280.62 FEET TO A 1" PIPE FOUND; THENCE NORTH 26 DEGREES 56 MINUTES 01 SECONDS EAST, 165.97 FEET TO A 1/2" REBAR FOUND ON THE SOUTHERN R/W OF ELDER STREET (40' R/W); THENCE ALONG SAID R/W THE FOLLOWING COURSES AND DISTANCES, SOUTH 63 DEGREES 21 MINUTES 44 SECONDS EAST, 85.91 FEET TO A POINT; THENCE SOUTH 63 DEGREES 13 MINUTES 37 SECONDS EAST, 163.37 FEET TO A POINT; THENCE SOUTH 63 DEGREES 30 MINUTES 56 SECONDS EAST, 351.67 FEET TO A 1/2" PIPE FOUND ON THE SOUTHERN R/W OF ELDER STREET AND THE TRUE POINT OF BEGINNING.



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: TEXT AMENDMENT 2022-001TA SMALL BOX DISCOUNT RETAIL STORES IN C-1 (NEIGHBORHOOD COMMERCIAL), C-2 (GENERAL COMMERCIAL), AND M-1 (LIGHT INDUSTRIAL) ZONING DISTRICTS

<input type="checkbox"/> AGREEMENT	<input type="checkbox"/> POLICY / DISCUSSION	<input type="checkbox"/> CONTRACT
<input checked="" type="checkbox"/> ORDINANCE	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> OTHER

Submitted: 03/14/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: ☒ Yes ☐ No

PURPOSE: For the Mayor and Council to approve amendments to Chapter 80 Zoning, Article II, Section 80-83 C-1 (Neighborhood Commercial), Section 80-84 C-2 (General Commercial), and Section 80-85 M-1 (Light Industrial), to add a 1,500 feet distance separation for small box discount retail stores.

DISCUSSION: According to the 2040 Comprehensive Plan, the vision of the City of Fairburn is to be an economically thriving community and a desired destination for residents and visitors of all ages. To ensure the development of vibrant commercial corridors that provide an array of goods and services, the need to eliminate the clustering of small box discount retail stores has been identified.

Currently, there are two small box discount retail stores within the city limits, Highway 29, and Highway 74. To reduce the proliferation of small box discount stores in the city, staff is recommending a distance separation of 1,500 feet for such uses. The required distance separation will be measured in a straight route from the nearest point on the lot line of the property occupied by a small box discount retail store to the nearest point on a lot line of the other property occupied by a small box discount retail store. However, these regulations would not apply to the rebuilding and/or enlargement of an existing small box discount retail store. The regulation will be included in the following zoning districts: C-1 (Neighborhood Commercial), C-2 (General Commercial), and M-1 (Light Industrial).

RECOMMENDED ACTION: For the Mayor and Council to **APPROVE** amendments to Chapter 80 Zoning, Article II, Section 80-83 C-1 (Neighborhood Commercial), Section 80-84 C-2 (General Commercial), and Section 80-85 M-1 (Light Industrial), to add a 1,500 feet distance separation for small box discount retail stores.

Attachments: Chapter 80 Zoning, Article II, Section 80-83 C-1 (Neighborhood Commercial), Section 80-84 C-2 (General Commercial), and Section 80-85 M-1 (Light Industrial) - Mark Up

Transmittal of Recommendation to Mayor and City Council Memo



Mario Avery, Mayor



Tony Phillips, City Administrator



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
TRANSMITTAL OF RECOMMENDATION TO MAYOR AND CITY COUNCIL**

Date: March 28, 2022
To: Mayor and City Council
From: Elizabeth Echols, Chair of the Planning and Zoning Commission
Agenda Item: Text Amendment 2022-001TA Small Box Discount Retail Stores in C-1 (Neighborhood Commercial), C-2 (General Commercial), and M-1 (Light Industrial) Zoning Districts

Pursuant to Section 80-287 of the City of Fairburn Zoning Ordinance, the Planning and Zoning Commission recommendation to Mayor and City Council is **APPROVAL** of Text Amendment 2022-001TA Small Box Discount Retail Stores in C-1 (Neighborhood Commercial), C-2 (General Commercial), and M-1 (Light Industrial) Zoning Districts.

Sec. 80-83. C-1—Neighborhood Commercial Zoning District.

- (a) *C-1—Intent.* Regulations set forth in this section are the C-1 Neighborhood Commercial Zoning District regulations. Article IV should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The C-1 neighborhood commercial district is to serve the convenience and pedestrian needs of surrounding residents.
- (b) *C-1—Use regulations.* Within the C-1 district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by use permit shall be prohibited.
- (c) *C-1—Permitted uses.* Structures and land may be used for only the following purposes:
 - (1) Office and institutional services and similar uses, including:
 - a. Art studios, galleries, halls and schools.
 - b. Banking and financial institutions.
 - c. Clubhouse.
 - d. Dance studios, halls and schools.
 - e. Insurance agencies, agents, brokers, and services.
 - f. Legal service offices.
 - g. Martial arts facilities.
 - h. Music studios, halls and schools.
 - i. Photography studios.
 - j. Physical fitness facilities.
 - k. Real estate agencies, agents, brokers, and services.
 - l. Theatrical producers (except motion picture).
 - (2) Retail services and similar uses, including:
 - a. Bicycle repair shops.
 - b. Book stores.
 - c. Camera and photographic supply stores.
 - d. Candy, nut, and confectionery stores.
 - e. Dairy products stores.
 - f. Delicatessens.
 - g. Drop-off laundry, garment services and agents for laundries and drycleaners.
 - h. Drug stores and proprietary stores.
 - i. Florists.
 - j. Fruit and vegetable markets.
 - k. Gift, novelty, and souvenir shops.
 - l. Hardware stores.
 - m. Hobby, toys, and games shops.

- n. Jewelry stores.
- o. Lock smith.
- p. Men's, women's, and children's apparel, shoes, and accessory stores.
- q. Sporting goods stores.
- r. Stationery stores.
- s. Tobacco and cigar stores.
- t. Used merchandise stores.

(3) Personal services and similar uses, including:

- a. Barber shops.
- b. Beauty shops.
- c. Shoe repair and shoeshine shops.

(d) *C-1—Accessory uses and structures*

- (1) Accessory uses and structures incidental to any permitted use.
- (2) Minimum accessory structure requirements: Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.
- (3) Accessory buildings and uses customarily incidental to the permitted uses, provided that the square footage devoted to storage not to exceed 25 percent of the total building square footage.
- (4) For sale, for rent, or for lease signs in accordance with the sign regulations of this section.
- (5) Temporary storage pods are intended for a limited period of time and not for permanent storage.

(e) *C-1—Conditional uses.*

<i>Uses Subject to an Administrative Permit:</i>	<i>Subject to the requirements of Article IV—Administrative Permit Requirements:</i>
Administrative Permit Uses:	See sections 80-174 through 80-195
(1) Amateur radio antenna to exceed the district height.	See section 80-176. Allowable districts: All.
(2) Club.	See section 80-178. Allowable districts: O&I, C-1, C-2.
(3) Event, special indoor/outdoor (less than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(4) Farmers market	See section 80-179.1. Allowable districts: O&I, DTMU, C-1, C-2, M-1, M-2, and P&O. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful non-conforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(5) Golf course.	See section 80-180. Allowable districts: All.
(6) Home occupations.	See section 80-138. Allowable districts: All residential districts.

(7) Parking, off-site and shared.	See section 80-181. Allowable districts: O&I, DTMU, C-1, C-2.
<ul style="list-style-type: none"> Whenever parking as required in article IX cannot be accomplished, shared parking in accordance with article IX may be approved via an administrative permit provided: <ul style="list-style-type: none"> If the off-site parking is committed for a specified period of time, the duration of the administrative permit shall be limited to the period of time stipulated therein. No more than 20 percent of the total parking requirement may be provided off-site via an administrative permit. The property must be located no more than 300 feet from the principal use with pedestrian access provided between the sites as may be required by the department of planning and zoning. 	
(8) Recreational court, private.	See section 80-183. Allowable districts: C-1, and C-2 M-2 with standards.
(9) Recreational court, public.	See section 80-183. Allowable districts: O&I, C-1, C-2, M-1, M-2, and P&O with standards.
(10) Revival tent.	See section 80-186. Allowable districts: O&I, C-1, C-2, and P&O with standards. In AG or R districts, a revival tent may be placed only on property occupied by an existing building used as a place of worship.
(11) Roadside produce stands.	See section 80-187. Allowable districts: C-1, C-2 (with standards), and accessory to institutional uses, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(12) Roadside vending.	See section 80-188. Allowable districts: C-1, C-2 (with standards), and accessory to institutional uses, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(13) Seasonal business use.	See section 80-189. Allowable districts: C-1, C-2, M-1 and M-2 with standards. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful nonconforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(14) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(15) Swimming pool, public.	See section 80-191. Allowable districts: O&I, C-1, C-2, and P&O.
(16) Temporary classroom.	See section 80-192. Allowable districts: All.
(17) Temporary structures.	See section 80-193. Allowable districts: All, except emission inspection stations shall be permitted only in non-residential districts except AG.
(18) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All with standards.
<i>Uses Subject to a Use Permit:</i>	<i>Subject to the requirements of Article IV—Use Permit Requirements:</i>

Use Permit Uses	See Sections 80-196 through 80-239
(1) Agricultural-related activities.	See section 80-197. Allowable districts: All with standards.
(2) Amateur radio antenna to exceed the administrative height.	See section 80-198. Allowable districts: All with standards.
(3) Amphitheaters.	See section 80-199. Allowable districts: AG, O&I, C-1, C-2.
(4) Antenna tower, and associated structure (radio, t.v., microwave broadcasting, etc.), to exceed the district height.	See section 80-200. Allowable districts: Residential districts, AG (see same heading in section 80-174, for other non-residential districts).
(5) Bed and breakfast.	See section 80-201. Allowable districts: C-1, C-2, and DTMU with standards.
(6) Cemetery and/or mausoleum (human or pet).	See section 80-202. Allowable districts: All except AG with standards.
(7) Child day care center.	See section 80-208. Allowable districts: R-1, R-2, R-3, O&I, and P&O with standards.
(8) Commercial amusement, outdoor.	See section 80-204. Allowable districts: C-1, M-1, M-2 with standards.
(9) Convalescent center/nursing home/hospice.	See section 80-206. Allowable districts: R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(10) Country inn.	See section 80-207. Allowable districts: C-1, and C-2 with standards.
(11) Driving range (not associated with a golf course).	See section 80-209. Allowable districts: O&I, C-1, C-2 and M-1 with standards.
(12) Event, indoor/outdoor (more than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTM, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(13) Massage therapy establishments.	See section 80-238 for locational standards.
(14) Mobile food truck.	See section 80-237. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, and P&O.
(15) Places of worship.	See section 80-203. Allowable districts: All.
(16) Personal care home/assisted living.	See section 80-224. Allowable districts: C-1, C-2, O&I.
(17) Portable sawmills.	See section 80-225. Allowable districts: All.
(18) Recreational fields.	See section 80-227. Allowable districts: All.
(19) School, private or special.	See section 80-230. Allowable districts: All.
(20) Small group home/shelter (18 and older).	See section 80-211. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(21) Medium group home/shelter (18 and older).	See section 80-212. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.
(22) Large group home/shelter (18 and older).	See section 80-213. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(23) Congregate group home/shelter (18 and older).	See section 80-214. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(24) Small group home (17 and younger).	See section 80-215. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(25) Medium group home (17 and younger).	See section 80-216. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.

(26) Large group residence (17 and younger).	See section 80-217. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(27) Congregate group home (17 and younger).	See section 80-218. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(28) Colleges, universities and trade schools, private.	See section 80-230. Allowable districts: C-1, C-2, DTMU, M-1, M-2, and O&I.
(29) Landscaping business, plant nursery, or garden center with indoor retail component.	See section 80-221. Allowable districts: C-1, C-2, DTMU with standards.
(30) Self-storage/multi.	See section 80-232. Allowable districts: C-1, and C-2 with standards.
(31) Senior housing.	See section 80-233. Allowable districts: All except M-1, M-2.
(32) Skywalks.	See section 80-234. Allowable districts: AG, O&I, C-1, C-2.
(33) Stadium (off-site) associated with a private school.	See section 80-235. Allowable districts: All.
(34) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(35) Temporary classroom.	See section 80-192. Allowable districts: All.
(36) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All.

- (f) *C-1—Development standards.* Unless otherwise provided in this chapter, uses permitted in the C-1 zoning district shall conform to the following standards:

Minimum front yard setback	30 feet
Minimum side yard setback	None
Minimum rear yard setback	15 feet
Note: All C-1 uses abutting a residential district must maintain a side and rear yard of 25 feet with a minimum ten-foot landscaped buffer as specified in article X, or undisturbed natural buffer. No storage of equipment or vehicle parking is permitted in the side yard and/or rear yard.	
Minimum lot area	¼ acre (10,890 square feet)
Minimum width of lot frontage or width at building line	80 feet

- (1) A small box discount retail store must be separated from another small box discount retail store by a minimum distance of fifteen hundred (1,500) feet. The required separation distance must be measured in a straight route from the nearest point on the lot line of the property occupied by a small box discount retail store to the nearest point on a lot line of the other property occupied by a small box discount retail store. This subsection (1) shall not apply to the rebuilding and/or enlargement of an existing small box discount retail store. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a small box discount retail store.

- (g) *C-1—Building height and form.*

Maximum height	48 feet
Maximum lot coverage a. Including accessory structures.	80 percent

- (h) *C-1—Design standards.* Unless otherwise provided in this chapter, uses permitted in the C-1 district shall conform to the following design standards:
- (1) No building or structure shall exceed 3,200 square feet per floor.
 - (2) No off-street parking area shall contain more than ten parking spaces.
 - (3) Site plans must provide facilities for pedestrian and bicycle shoppers.
 - (4) No C-1 use shall be located in a neighborhood, which permits parking on both sides of the street unless off-street loading space is provided.
 - (5) Off-street parking shall be provided as specified in article IX.
 - (6) Buffers shall be provided as specified in article X.
- (i) *C-1—Other regulations.* The headings below contain provisions applicable to the C-1 Neighborhood Commercial Zoning District:

Chapter Number

Fire Codes Chapter 29

Manufactured and Mobile Homes Chapter 38

Solid Waste Chapter 47

Traffic and Vehicles Chapter 56

Building Regulations Chapter 62

Environment Chapter 65

Soil Erosion and Sedimentation Control Chapter 65

Stormwater Management Chapter 65

Stream Buffer Protection Chapter 65

Flood Damage Prevention Chapter 68

Land Development Regulations Chapter 71

Landscaping Chapter 74

Subdivisions Chapter 77

Zoning Chapter 80

Overlay Districts Chapter 80

Home Occupation Chapter 80

Fencing Chapter 80

Off-Street Parking Chapter 80

Use Permits Chapter 80

Non-Conforming Chapter 80

Appeals Chapter 80

Signs Chapter 80

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. of 10-28-2019(1))

Sec. 80-84. C-2—General Commercial Zoning District.

- (a) *C-2—Intent.* Regulations set forth in this section are the C-2 General Commercial Zoning District regulations. Article IV should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The C-2 general commercial district is to serve the retail and commercial needs of the regional community.
- (b) *C-2—Use regulations.* Within the C-2 district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by use permit shall be prohibited.
- (c) *C-2—Permitted uses.* Structures and land may be used for only the following purposes:
 - (1) Office and institutional services and similar uses, including:
 - a. Accident and health insurance carriers.
 - b. Adjustment and collection services.
 - c. Accounting, auditing, and bookkeeping services.
 - d. Advertising agencies.
 - e. Ambulance and emergency medical services.
 - f. Architectural services.
 - g. Bands, orchestras, actors, and other entertainers and entertainment groups.
 - h. Banking and financial institutions.
 - i. Business associations and consulting services.
 - j. Commercial art, photography and graphic design.
 - k. Communication services.
 - l. Computer repair, programming services and stores.
 - m. Employment agencies.
 - n. Engineering services.
 - o. Health services such as offices and clinics of doctor of medicine, dentists, doctors of osteopathy, chiropractors, optometrists, podiatrists, and other miscellaneous health practitioners.
 - p. Individual and family social services.
 - q. Job training and vocational rehabilitation services.
 - r. Libraries and museums.
 - s. Labor unions and similar labor organizations.
 - t. Libraries and museums.
 - u. offices.
 - v. Public relations services.
 - w. Surveying services.
 - x. Tax return preparation services.
 - y. Title abstract offices.
 - z. Travel agencies and tour operators.

(2) Retail services and similar uses, including:

- a. Armature rewinding shops.
- b. Auto and home supply stores.
- c. Automotive glass replacement shops.
- d. Drapery, curtain, and upholstery stores.
- e. Electrical and electronic repair shops.
- f. Furniture stores.
- g. Heating and air-conditioning services.
- h. Home furnishing stores.
- i. Household appliance stores.
- j. Liquor stores.
- k. Musical instrument stores.
- l. Outdoor advertising services.
- m. Optical stores.
- n. Pet shops and pet supply stores; pet grooming (no overnight stay).
- o. Photocopying and duplicating services.
- p. Plumbing services.
- q. Refrigeration and air-conditioning service and repair shops.
- r. Retail stores or shops.
- s. Security systems services.
- t. Tinsmithing shop associated with retail sales.
- u. Truck rental and leasing.
- v. Watch, clock, and jewelry repair.
- w. Welding repair.

(3) Recreational and similar uses, including:

- a. Amusement and recreation services.
- b. Batting cage.
- c. Bowling centers.
- d. Gymnasiums.
- e. Membership sports and recreation clubs.
- f. Billiards.
- g. Recreational vehicle dealers.
- h. Professional sports clubs and promoters.
- i. Skating rink.
- j. Utility trailer and recreational vehicle rental.

(4) Other uses, including:

- a. Apartments, above or behind commercial and office uses in the same building.
- b. Assembly halls.
- c. Automatic merchandising machine operators.
- d. Automobile dealers (new and/or used).
- e. Automotive exhaust system repair shops.
- f. Automotive parking lots, automotive specialty shops, garages, and general automobile repair except painting, body repair and overhaul of major components, parking lots, parking garages/decks.
- g. Automotive transmission repair shops.
- h. Automobile, boats, motorcycle dealers (new and/or used).
- i. Building cleaning and maintenance services.
- j. Car wash.
- k. Cleaning services.
- l. Disinfecting and pest control services.
- m. Equipment rental and leasing (except heavy construction equipment).
- n. Film studios and services allied to film production.
- o. Restaurants and eating establishments.
- p. Funeral services and homes.
- q. Garden machinery and equipment.
- r. Gasoline service stations (except truck stops).
- s. Grocery stores.
- t. Health club/spa.
- u. Bus transportation and other transit services.
- v. Local bus charter service; bus charter services.
- w. Lumber and other building materials dealers.
- x. Masonry, stone setting, and other stonework.
- y. Medical equipment rental and leasing.
- z. Recycling centers, collecting.
- aa. Rooming and boarding houses.
- bb. School buses and services.
- cc. Security brokers, dealers, and flotation companies.
- dd. Security and commodity exchanges, investment advice, and services allied with the exchange of securities or commodities.
- ee. Theaters, except drive-in motion picture theatres.
- ff. Hotels, provided that no guest room shall have direct access to the exterior of the building except through a main or central lobby; that the main or central lobby must have an area of at least 700

square feet; and that the main or central lobby must have a management employee on duty 24 hours per day and seven days per week.

gg. Banking and financial establishments such as federal reserve banks; central reserve depository institutions; national commercial banks; state commercial banks; commercial banks, not elsewhere classified; savings institutions (federally and not federally chartered); credit unions (federally and not federally chartered); branches and agencies of foreign banks; foreign trade and international banking institutions; non-deposit trust facilities; and functions related to depository banking.

(d) *C-2—Accessory uses and structures.*

- (1) Accessory uses and structures incidental to any permitted use.
- (2) Minimum accessory structure requirements: Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.
- (3) Other use: Accessory structures shall not be located in the minimum front yard.
- (4) For sale, for rent, or for lease signs in accordance with the sign regulations of this section.
- (5) Temporary storage pods are intended for a limited period of time and not for permanent storage.

(e) *C-2—Conditional uses.*

<i>Uses Subject to an Administrative Permit:</i>	<i>Subject to the requirements of Article IV—Administrative Permit Requirements:</i>
Administrative Permit Uses:	See sections 80-174 through 80-195
(1) Alternative antenna support structure to exceed the district height.	See section 80-175. Allowable districts: C-2, M-1 and M-2 with standards.
(2) Amateur radio antenna to exceed the district height.	See section 80-176. Allowable districts: All.
(3) Antenna, tower, and associated structures (radio broadcasting, t.v. broadcasting, microwave broadcasting, etc.), to exceed the district height.	See section 80-177. Allowable districts: O&I, C-2, DTMU, M-1 and M-2 (see use permit, for use in residential and the AG district).
(4) Club.	See section 80-178. Allowable districts: O&I, C-1, C-2.
(5) Event, special indoor/outdoor (less than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(6) Farmers market	See section 80-179.1. Allowable districts: O&I, DTMU, C-1, C-2, M-1, M-2, and P&O. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful non-conforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(7) Golf course.	See section 80-180. Allowable districts: All.
(8) Home occupations.	See section 80-138. Allowable districts: All residential districts.
(9) Parking, off-site and shared.	See section 80-181. Allowable districts: O&I, DTMU, C-1, C-2.

- Whenever parking as required in article IX cannot be accomplished, shared parking in accordance with article IX may be approved via an administrative permit provided:

a. If the off-site parking is committed for a specified period of time, the duration of the administrative permit shall be limited to the period of time stipulated therein.

b. No more than 20 percent of the total parking requirement may be provided off-site via an administrative permit.

c. The property must be located no more than 300 feet from the principal use with pedestrian access provided between the sites as may be required by the department of planning and zoning.

(10) Recreational court, private.	See section 80-183. Allowable districts: C-1, C-2 with standards.
(11) Recreational court, public.	See section 80-183. Allowable districts: O&I, C-1, C-2, M-1, M-2, and P&O with standards.
(12) Revival tent.	See section 80-186. Allowable districts: O&I, C-1, C-2, and P&O with standards. In AG or R districts, a revival tent may be placed only on property occupied by an existing building used as a place of worship.
(13) Roadside produce stands.	See section 80-190. Allowable districts: C-1, C-2, and accessory to institutional uses, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(14) Roadside vending.	See section 80-190. Allowable districts: C-1, C-2 and accessory to institutional uses, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(15) Seasonal business use.	See section 80-190. Allowable districts: C-1, C-2, M-1 and M-2. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful nonconforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(16) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(17) Swimming pool, public.	See section 80-191. Allowable districts: O&I, C-1, C-2, and P&O.
(18) Temporary classroom.	See section 80-192. Allowable districts: All.
(19) Temporary structures.	See section 80-193. Allowable districts: All, except emission inspection stations shall be permitted only in non-residential districts except AG.
(20) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All with standards.
(21) Veterinary clinic/hospital or kennel.	See section 80-195. Allowable districts: C-2 and M-1 with standards.
<i>Uses Subject to a Use Permit:</i>	<i>Subject to the requirements of Article IV—Use Permit Requirements:</i>
Use Permit Uses	See Sections 80-196 through 80-239

(1) Agricultural-related activities.	See section 80-197. Allowable districts: All with standards.
(2) Amateur radio antenna to exceed the administrative height.	See section 80-198. Allowable districts: All with standards.
(3) Amphitheaters.	See section 80-199. Allowable districts: AG, O&I, C-1, C-2.
(4) Antenna tower, and associated structure (radio, t.v., microwave broadcasting, etc.), to exceed the district height.	See section 80-200. Allowable districts: Residential districts, AG (see same heading in section 80-174, for other non-residential districts).
(5) Bed and breakfast.	See section 80-201. Allowable districts: C-1, C-2, and DTMU with standards.
(6) Cemetery and/or mausoleum (human or pet).	See section 80-202. Allowable districts: All except AG with standards.
(7) Child day care center.	See section 80-208. Allowable districts: R-1, R-2, R-3, O&I, and P&O with standards.
(8) Commercial amusement, outdoor.	See section 80-204. Allowable districts: C-1, M-1, M-2 with standards.
(9) Composting.	See section 80-205. Allowable districts: C-2 with standards.
(10) Convalescent center/nursing home/hospice.	See section 80-206. Allowable districts: R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(11) Country inn.	See section 80-207. Allowable districts: C-1, and C-2 with standards.
(12) Driving range (not associated with a golf course).	See section 80-209. Allowable districts: O&I, C-1, C-2 and M-1 with standards.
(13) Event, special indoor/outdoor (more than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTM, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(14) Kennel or outside animal facilities.	See section 80-219. Allowable districts: C-2 with standards.
(15) Massage therapy establishments.	See section 80-238 for locational standards.
(16) Mobile food truck.	See section 80-237. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, and P&O.
(17) Places of worship.	See section 80-203. Allowable districts: All.
(18) Personal care home/assisted living.	See section 80-224. Allowable districts: C-1, C-2, O&I.
(19) Portable sawmills.	See section 80-225. Allowable districts: All.
(20) Recreational fields.	See section 80-227. Allowable districts: All.
(21) School, private or special.	See section 80-230. Allowable districts: All.
(22) Small group home/shelter (18 and older).	See section 80-211. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(23) Medium group home/shelter (18 and older).	See section 80-212. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.
(24) Large group home/shelter (18 and older).	See section 80-213. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(25) Congregate group home/shelter (18 and older).	See section 80-214. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(26) Small group home (17 and younger).	See section 80-215. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.

(27) Medium group home (17 and younger).	See section 80-216. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.
(28) Large group residence (17 and younger).	See section 80-217. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(29) Congregate group home (17 and younger).	See section 80-218. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(30) Colleges, universities and trade schools, private.	See section 80-230. Allowable districts: C-1, C-2, DTMU, M-1, M-2, and O&I.
(31) Landscaping business, plant nursery, or garden center with indoor retail component.	See section 80-221. Allowable districts: C-1, C-2, and DTMU with standards.
(32) Self-storage/mini.	See section 80-231. Allowable districts: C-2 with standards.
(33) Self-storage/multi.	See section 80-232. Allowable districts: C-1, and C-2 with standards.
(34) Senior housing.	See section 80-233. Allowable districts: All except M-1, M-2.
(35) Skywalks.	See section 80-234. Allowable districts: AG, O&I, C-1, C-2.
(36) Stadium (off-site) associated with a private school.	See section 80-235. Allowable districts: All.
(37) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(38) Temporary classroom.	See section 80-192. Allowable districts: All.
(39) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All.

- (f) *C-2—Development standards.* Unless otherwise provided in this chapter, uses permitted in the C-2 zoning district shall conform to the following standards:

Minimum front yard setback	35 feet
Minimum side yard setback	None
Minimum rear yard setback	15 feet
Note: All C-2 uses abutting a residential district must maintain a side and rear yard of 25 feet with a minimum ten-foot landscaped buffer as specified in article X, or undisturbed natural buffer. No storage of equipment or vehicle parking is permitted in the side yard and/or rear yard.	
Minimum lot area	½ acre (21,780 square feet)
Minimum width of lot frontage or width at building line	100 feet
All vehicle parking areas which abut a residential district shall be concealed using a ten-foot planted buffer or opaque screen.	

- (1) A small box discount retail store must be separated from another small box discount retail store by a minimum distance of fifteen hundred (1,500) feet. The required separation distance must be measured in a straight route from the nearest point on the lot line of the property occupied by a small box discount retail store to the nearest point on a lot line of the other property occupied by a small box discount retail store. This subsection (1) shall not apply to the rebuilding and/or enlargement of an existing small box discount retail store. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months

from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a small box discount retail store.

(g) *C-2—Building height and form.*

Maximum height	48 feet
Maximum lot coverage a. Including accessory structures.	50 percent

(h) *C-2—Design standards.* Unless otherwise provided in this chapter, uses permitted in the C-2 district shall conform to the following design standards:

- (1) All uses must be located on a collector street or larger.
- (2) All outside storage of materials and equipment must be completely screened from public view from adjacent properties and streets by an opaque screening device.
- (3) Site design must permit on-site maneuvering of all vehicles; no backing from the street shall be permitted.
- (4) Off-street parking shall be provided as specified in article IX.
- (5) Buffers shall be provided as specified in article X.

(i) *C-2—Other regulations.* The headings below contain provisions applicable to the C-2 General Commercial Zoning District:

Chapter Number

Fire Codes Chapter 29

Manufactured and Mobile Homes Chapter 38

Solid Waste Chapter 47

Traffic and Vehicles Chapter 56

Building Regulations Chapter 62

Environment Chapter 65

Soil Erosion and Sedimentation Control Chapter 65

Stormwater Management Chapter 65

Stream Buffer Protection Chapter 65

Flood Damage Prevention Chapter 68

Land Development Regulations Chapter 71

Landscaping Chapter 74

Subdivisions Chapter 77

Zoning Chapter 80

Overlay Districts Chapter 80

Home Occupation Chapter 80

Fencing Chapter 80

Off-Street Parking Chapter 80

Use Permits Chapter 80

Non-Conforming Chapter 80

Appeals Chapter 80

Signs Chapter 80

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. of 10-28-2019(1))

Sec. 80-85. M-1—Light Industrial Zoning District.

- (a) *M-1—Intent.* Regulations set forth in this section are the M-1 Light Industrial Zoning District regulations. Article IV should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The intent of this section, in establishing the M-1 district, is to provide areas within the city for the manufacture, storage, sale and distribution of goods and the conduct of related commercial and industrial activities.
- (b) *M-1—Use regulations.* Within the M-1 district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by use permit shall be prohibited.
- (c) *M-1—Permitted uses.* Any permitted use, provided that all manufacturing, processing, assembly and/or disassembly operations and all storage operations associated with such uses not specifically identified below shall be housed entirely within an enclosed building or buildings. All outside storage shall be enclosed by an opaque fence meeting the district height regulations.

Structures and land may be used for only the following purposes:

- (1) Agriculture and forestry.
- (2) Ambulance and emergency radical services.
- (3) Animal hospitals, kennels (boarding and breeding) and veterinary clinics.
 - a. All structures shall be located and activities conducted at 100 feet from any property zoned for residential purposes.
 - b. All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.
- (4) Animal grooming shops.
 - a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
- (5) Automobile and truck sales (including retail parts sales and/or tire store).
 - a. Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
 - b. All activities shall be carried on entirely within an enclosed building.
 - c. Such use shall not be established on a lot which is adjacent to or directly across the street from any single-family residential district.
 - d. All outdoor storage must be in the rear of the principal structure and enclosed by an opaque fence no less than eight feet in height.
- (6) Automobile, trailer and boat sales/service.
 - a. Minimum one-acre lot size.
 - b. All vehicles shall be set back at least ten feet from the street right-of-way line.
 - c. Such use shall be located at least 50 feet from any properties zoned for residential purposes.
 - d. A solid fence or wall no less than eight feet in height shall be maintained to provide a visual screening between the residential and commercial properties.
- (7) Automobile repair (including paint and body).
 - a. Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.

- b. All activities shall be carried on entirely within an enclosed building.
 - c. Such use shall not be established on a lot which is adjacent to or directly across the street from any single-family residential district.
 - d. All outdoor storage must be in the rear of the principal structure and enclosed by an opaque fence no less than eight feet in height.
- (8) Automobile service station.
- a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
 - b. Canopies over fuel islands shall not encroach within 15 feet of any property line.
 - c. Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
 - d. No outside storage or engine/body dismantling is allowed.
 - e. All gasoline service stations shall be set back at least 1,000 feet from another gasoline service station on the same side of a street right-of-way as measured from property line to property line.
- (9) Automobile towing.
- a. All outside storage must be in rear of the principal structure and enclosed by opaque fence no less than eight feet in height.
- (10) Carnival, video, horseshow, shooting or athletic event.
- (11) Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
- a. All activities shall take place within an enclosed building.
 - b. No outside storage or engine/body dismantling is allowed.
- (12) Carwashes.
- (13) Commercial greenhouses or plant nursery.
- (14) Commercial recreation and entertainment facilities.
- (15) Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
- (16) Drive-in movie theater.
- a. The theater screen and all buildings shall be set back at least 50 feet from any property line.
 - b. Central loudspeakers are prohibited.
 - c. The theater screen shall not be visible from an interstate or arterial roadway.
- (17) Dwellings, residence for watchmen or caretaker employed on premises.
- (18) Eating establishments, including restaurants, drive-in restaurants and cafeterias.
- (19) Electric supply store.
- (20) Electric transformer station, gas regulator station and telephone exchange.
- (21) Farm equipment sales.
- (22) Fuel and ice dealers, manufacturers and wholesalers.
- (23) Food processing plants not to include slaughterhouses.

- (24) Home appliance repair and related service.
- (25) Jewelry repair.
- (26) Laundry and dry-cleaning pickup stations. Linen and diaper services, garment pressing, alteration and repair.
- (27) Light assembly and fabrication. No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.
- (28) Liquefied petroleum gas (bottled gas) dealers.
- (29) Lumber, hardware and other building material establishments.
 - a. All outdoor storage must be in the rear of the principal structure and enclosed by opaque fence no less than eight feet in height.
- (30) Manufacturing, wholesaling, repairing, compounding, assembly, processing, preparation, packaging of treatment articles, and the transportation of foods (smoking, curing and canning), components, products, clothing, machines and appliances and the like, where character of operations, emissions and by-products do not create adverse effects beyond the boundaries of the property.
- (31) Newspaper publishing facilities.
- (32) Noncommercial club or lodge.
- (33) Office.
- (34) Paint, glass and wallpaper stores.
- (35) Parks and places of amusement, recreation and assembly, including but not limited to golf courses, golf driving ranges, miniature golf courses and tennis courts.
- (36) Photoengraving, typesetting, electrotyping and stereotyping.
- (37) Plumbing and heating equipment dealers.
- (38) Printing, publishing and reproducing establishments. Bookbinding and related work.
- (39) Public buildings and public recreation facilities.
- (40) Radio and television broadcasting stations.
- (41) Railroad car classification yards and train truck yards.
- (42) Railroad stations for freight.
- (43) Research and experimental testing laboratories including medical and dental laboratories.
- (44) Retail/commercial.
 - a. A small box discount retail store must be separated from another small box discount retail store by a minimum distance of fifteen hundred (1,500) feet. The required separation distance must be measured in a straight route from the nearest point on the lot line of the property occupied by a small box discount retail store to the nearest point on a lot line of the other property occupied by a small box discount retail store. This subsection (1) shall not apply to the rebuilding and/or enlargement of an existing small box discount retail store. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a small box discount retail store.
- (45) Self-storage mini-warehouse facilities.
- (46) Taxi stands and dispatching agencies.

- (47) Truck terminals/truck stops.
 - (48) Warehousing and storage.
 - (49) Wholesale sales offices.
 - (50) Wholesale trade and distribution establishments and warehousing facilities, including offices.
- (d) *M-1—Accessory uses.*
- (1) *Accessory uses and structures.*
 - a. Accessory uses and structures incidental to any permitted use.
 - b. Minimum accessory structure requirements: Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.
 - c. Other use: Accessory structures shall not be located in the minimum front yard.
 - d. For sale, for rent, or for lease signs in accordance with the sign regulations of this section.
 - e. Temporary storage pods are intended for a limited period of time and not for permanent storage.
 - (2) *Accessory uses and structures incidental to any legal permitted use, provided:*
 - a. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory.
- (e) *M-1—Conditional uses.*

<i>Uses Subject to an Administrative Permit:</i>	<i>Subject to the requirements of Article IV—Administrative Permit Requirements:</i>
Administrative Permit Uses:	See sections 80-174 through 80-195
(1) Alternative antenna support structure to exceed the district height.	See section 80-175. Allowable districts: C-2, M-1 and M-2 with standards.
(2) Amateur radio antenna to exceed the district height.	See section 80-176. Allowable districts: All.
(3) Antenna, tower, and associated structures (radio broadcasting, t.v. broadcasting, microwave broadcasting, etc.), to exceed the district height.	See section 80-177. Allowable districts: O&I, C-2, DTMU, M-1 and M-2 (see use permit, for use in residential and the AG district).
(4) Event, special indoor/outdoor (less than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(5) Farmers market	See section 80-179.1. Allowable districts: O&I, DTMU, C-1, C-2, M-1, M-2, and P&O. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful non-conforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(6) Golf course.	See section 80-180. Allowable districts: All.
(7) Home occupations.	See section 80-138. Allowable districts: All residential districts.
(8) Recreational court, public.	See section 80-183. Allowable districts: O&I, C-1, C-2, M-1, M-2, and P&O with standards.

(9) Seasonal business use.	See section 80-190. Allowable districts: C-1, C-2, M-1 and M-2. Allowable in AG and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful nonconforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.
(10) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(11) Temporary classroom.	See section 80-192. Allowable districts: All.
(12) Temporary structures.	See section 80-193. Allowable districts: All, except emission inspection stations shall be permitted only in non-residential districts and except AG.
(13) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All with standards.
(14) Veterinary clinic/hospital or kennel.	See section 80-195. Allowable districts: C-2 and M-1 with standards.
<i>Uses Subject to a Use Permit:</i>	<i>Subject to the requirements of Article IV—Use Permit Requirements:</i>
Use Permit Uses	See Sections 80-196 through 80-239
(1) Agricultural-related activities.	See section 80-197. Allowable districts: All with standards.
(2) Amateur radio antenna to exceed the administrative height.	See section 80-198. Allowable districts: All with standards.
(3) Antenna tower, and associated structure (radio, t.v., microwave broadcasting, etc.), to exceed the district height.	See section 80-200. Allowable districts: Residential districts, AG (see same heading in section 80-174, for other non-residential districts).
(4) Cemetery and/or mausoleum (human or pet).	See section 80-202. Allowable districts: All except AG with standards.
(5) Commercial amusement, outdoor.	See section 80-204. Allowable districts: C-1, M-1, and M-2 with standards.
(6) Convalescent center/nursing home/hospice.	See section 80-206. Allowable districts: R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(7) Country inn.	See section 80-207. Allowable districts: C-1, and C-2 with standards.
(8) Driving range (not associated with a golf course).	See section 80-209. Allowable districts: O&I, C-1, C-2 and M-1 with standards.
(9) Event, special indoor/outdoor (more than 75 persons).	See section 80-179. Allowable districts: O&I, C-1, C-2, DTM, M-1, M-2, P&O, AG and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.
(10) Lodge, retreat and/or campground.	See section 80-222. Allowable districts: AG, M-1 and M-2 with standards.
(11) Massage therapy establishments.	See section 80-238 for locational standards.
(12) Mobile food truck.	See section 80-237. Allowable districts: O&I, C-1, C-2, DTMU, M-1, M-2, and P&O.
(13) Places of worship.	See section 80-203. Allowable districts: All.
(14) Portable sawmills.	See section 80-225. Allowable districts: All.
(15) Recreational fields.	See section 80-227. Allowable districts: All.

(16) School, private or special.	See section 80-230. Allowable districts: All.
(17) Small group home/shelter (18 and older).	See section 80-211. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(18) Medium group home/shelter (18 and older).	See section 80-212. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.
(19) Large group home/shelter (18 and older).	See section 80-213. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(20) Congregate group home/shelter (18 and older).	See section 80-214. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(21) Small group home (17 and younger).	See section 80-215. Allowable districts: 24-hour care R-2, R-3, R-4, C-1, C-2, and M-1 with standards.
(22) Medium group home (17 and younger).	See section 80-216. Allowable districts: 24-hour care R-3, R-4, C-1, C-2, and M-1 with standards.
(23) Large group residence (17 and younger).	See section 80-217. Allowable districts: 24-hour care R-4, C-1, C-2, and M-1 with standards.
(24) Congregate group home (17 and younger).	See section 80-218. Allowable districts: 24-hour care C-1, C-2, and M-1 with standards.
(25) . Colleges, universities and trade schools, private.	See section 80-230. Allowable districts: C-1, C-2, DTMU, M-1, M-2, and O&I.
(26) Stadium (off-site) associated with a private school.	See section 80-235. Allowable districts: All.
(27) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(28) Temporary classroom.	See section 80-192. Allowable districts: All.
(29) Truck terminals/truck stops.	See section 80-239. Allowable districts: M-1 and M-2 with standards.
(30) Utility substations (telephone, electric, or gas, etc.).	See section 80-194. Allowable districts: All.

- (f) *M-1—Development standards.* Unless otherwise provided in this chapter, uses permitted in the M-1 zoning district shall conform to the following standards:

Minimum front yard setback	35 feet
Minimum side yard setback	20 feet
Minimum rear yard setback	30 feet
Note: All M-1 uses abutting a residential district must maintain a side and rear yard of 50 feet.	
Minimum lot area	1 acre (43,560 square feet)
Minimum width of lot frontage or width at building line	100 feet

- (g) *M-1—Building height and form.*

Maximum height (unless approved by the fire marshal)	48 feet
Maximum lot coverage Including accessory structures.	60 percent

- (h) *M-1—Design standards.* Unless otherwise provided in this chapter, uses permitted in the M-1 district shall conform to the following design standards:

- (1) All uses must be located on a collector street or within an industrial park served by a collector.
 - (2) All outside storage of materials and equipment must be completely screened from public view from adjacent properties and streets by an opaque screening device.
 - (3) Site design must permit on-site maneuvering of all vehicles; no backing to or from the street shall be permitted.
 - (4) No use shall be permitted which produces an objectionable or offensive odor in such concentrations as to be readily perceptible at any point along the lot line of the property on which the use is located.
 - (5) The site shall be designed to accommodate adequate queuing and stacking of trucks on-site.
 - (6) Off-street parking shall be provided as specified in article IX.
 - (7) Buffers shall be provided as specified in article X.
- (i) *M-1—Other regulations.* The headings below contain provisions applicable to the M-1 Light Industrial Zoning District:

Chapter Number

Fire Codes Chapter 29

Manufactured and Mobile Homes Chapter 38

Solid Waste Chapter 47

Traffic and Vehicles Chapter 56

Building Regulations Chapter 62

Environment Chapter 65

Soil Erosion and Sedimentation Control Chapter 65

Stormwater Management Chapter 65

Stream Buffer Protection Chapter 65

Flood Damage Prevention Chapter 68

Land Development Regulations Chapter 71

Landscaping Chapter 74

Subdivisions Chapter 77

Zoning Chapter 80

Overlay Districts Chapter 80

Home Occupation Chapter 80

Fencing Chapter 80

Off-Street Parking Chapter 80

Use Permits Chapter 80

Non-Conforming Chapter 80

Appeals Chapter 80

Signs Chapter 80

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2014-12, § 1, 6-9-2014; Ord. No. 2016-08, § 1(Exh. A), 7-25-2016; Ord. of 10-28-2019(1))

Re: AMENDMENT TO CITY OF FAIRBURN ZONING
ORDINANCE 2022-001TA

AN ORDINANCE TO AMEND CHAPTER 80. ZONING, ARTICLE II. ZONING DISTRICTS, DIVISION 2. – DISTRICT REGULATIONS, SECTION 80-83.- C-1 (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT; SECTION 80-84.- C-2 (GENERAL COMMERCIAL) ZONING DISTRICT AND SECTION 80-85 – M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT IN ORDER TO ADD A 1,500- FOOT DISTANCE SEPARATION FOR SMALL BOX DISCOUNT RETAIL STORES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Whereas, zoning ordinance amendments are important in order to continue the realization of the vision, goal and policies set forth by Staff and the community in the most recent Comprehensive Land Use Plan update;

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 28th day of March, 2022; and

Whereas, in accordance with the requirements of the Zoning Ordinance, the Planning and Zoning Commission of the City of Fairburn has forwarded its recommendation to the Mayor and City Council that the amendment to Chapter 80. Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-83.- C-1 (Neighborhood Commercial) Zoning District, Section 80-84.- C-2 (General Commercial) Zoning District and Section 80-85.- M-1 (Light Industrial) Zoning District be approved in order to add a 1,500- foot distance separation for small box discount retail stores; and

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, the Mayor and Council of the City of Fairburn have conducted a properly advertised hearing on the proposed amendments to the Zoning Ordinance of the City of Fairburn, Georgia; and

Whereas, after the aforementioned public hearing, the Mayor and Council have determined that adoption of the amendment to Chapter 80. Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-83.- C-1 (Neighborhood Commercial) Zoning District, Section 80-84.- C-2 (General Commercial) Zoning District and Section 80-85.- M-1 (Light Industrial) Zoning District in order to add a 1,500- foot distance separation for small box discount retail stores would be in the best interest of residents, property owners, businesses and citizens of the City of Fairburn; and

1 **NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and City Council of the City of
2 **Fairburn, Georgia**, and it is hereby ordained by the authority of same that **Chapter 80.**
3 **Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-83.- C-1**
4 **(Neighborhood Commercial) Zoning District, Section 80-84.- C-2 (General Commercial)**
5 **Zoning District and Section 80-85.- M-1 (Light Industrial) Zoning District be amended in**
6 **the Fairburn Zoning Ordinance as follows:**

7
8 **Section 1.** *(f) C-1 – Development standards. Unless otherwise provided in this chapter, uses*
9 *permitted in the C-1 zoning district shall conform to the following standards:*

10
11 *(1) A small box discount retail store must be separated from another small box discount*
12 *retail store by a minimum distance of fifteen hundred (1,500) feet. The required separation*
13 *distance must be measured in a straight route from the nearest point on the lot line of the property*
14 *occupied by a small box discount retail store to the nearest point on a lot line of the other property*
15 *occupied by a small box discount retail store. This subsection (1) shall not apply to the rebuilding*
16 *and/or enlargement of an existing small box discount retail store. For the purposes of this*
17 *subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an*
18 *existing structure and submittal of a building permit application within six months from the*
19 *demolition of the existing structure. Failure to obtain a building permit shall require a developer*
20 *and/or landowner to follow the development requirements for a small box discount retail store.*

21
22 *(f) C-2 – Development standards. Unless otherwise provided in this chapter, uses permitted in*
23 *the C-2 zoning district shall conform to the following standards:*

24
25 *(1) A small box discount retail store must be separated from another small box discount*
26 *retail store by a minimum distance of fifteen hundred (1,500) feet. The required separation*
27 *distance must be measured in a straight route from the nearest point on the lot line of the property*
28 *occupied by a small box discount retail store to the nearest point on a lot line of the other property*
29 *occupied by a small box discount retail store. This subsection (1) shall not apply to the rebuilding*
30 *and/or enlargement of an existing small box discount retail store. For the purposes of this*
31 *subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an*
32 *existing structure and submittal of a building permit application within six months from the*
33 *demolition of the existing structure. Failure to obtain a building permit shall require a developer*
34 *and/or landowner to follow the development requirements for a small box discount retail store.*

35
36 *(c) M-1- Permitted uses. –*

37
38 *(44) Retail/commercial.*

39
40 *a. A small box discount retail store must be separated from another small box*
41 *discount retail store by a minimum distance of fifteen hundred (1,500) feet. The*
42 *required separation distance must be measured in a straight route from the nearest*
43 *point on the lot line of the property occupied by a small box discount retail store to*
44 *the nearest point on a lot line of the other property occupied by a small box discount*
45 *retail store. This subsection (1) shall not apply to the rebuilding and/or*
46 *enlargement of an existing small box discount retail store. For the purposes of this*

1 subsection, rebuilding and/or enlargement shall mean partial or complete
2 demolition of an existing structure and submittal of a building permit application
3 within six months from the demolition of the existing structure. Failure to obtain a
4 building permit shall require a developer and/or landowner to follow the
5 development requirements for a small box discount retail store.
6

7 **Section 2.** In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall
8 be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect
9 the previously existing provisions of the other sections, subsections, sentences, clauses or phrases
10 of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence,
11 clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part
12 thereof. The City Council declares that it would have passed the remaining parts of this Ordinance
13 or retained the previously existing Ordinance if it had known that such part of parts hereof would
14 be declared or adjudicated invalid or unconstitutional.
15

16 **Section 3.** This Ordinance shall become effective on the 28th day of March, 2022.
17

18 **Section 4.** All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to
19 the extent of the conflict.
20

21 APPROVED this 28th day of March, 2022, by the Mayor and Council of the City of Fairburn,
22 Georgia.
23

24 
25 _____
26 Mario Avery, Mayor
27

ATTEST:

28 _____
29 Brenda James, City Clerk
30

31 APPROVED AS TO FORM:
32

Rory K. Starkey, City Attorney



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: TEXT AMENDMENT 2022-002TA SMALL BOX DISCOUNT RETAIL STORES IN THE HIGHWAY 29 OVERLAY DISTRICT

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Submitted: 03/14/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: (X) Yes () No

PURPOSE: For the Mayor and Council to approve amendments to Chapter 80 Zoning, Article II, Section 80-89 Highway 29 Overlay District, to add small box discount retail stores as a prohibited use within the boundaries of the overlay district and to add a definition for small box discount retail stores.

DISCUSSION: The Highway 29 Overlay District was adopted by the Mayor and Council in 2012. The purpose and intent of establishing the Highway 29 Overlay District are as follows:

1. To promote the development of a more dynamic, mixed-use district of appropriate scale and magnitude in the downtown city area
2. To build on the character that is uniquely Fairburn to have a thriving, compact historic downtown.
3. To balance the rights of private property owners with the city's desire to guide future development.
4. To ensure that new structures and developments are consistent with the vision and recommendations of the downtown city LCI plan (completed in 2009) with significant community involvement and input.
5. To design and arrange structures, buildings, and common spaces to create an inviting, walkable, human-scale environment.
6. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel.
7. To ensure a proportional relationship of surrounding buildings with respect to the general spacing of structures, building mass and scale, and street frontage by using techniques to achieve compatibility, such as:
 - a. Use of consistent setbacks from property lines;
 - b. Development of consistent sidewalks and a more active, interesting pedestrian environment;
 - c. Use of landscaping and lighting to unify district buildings and define space;
 - d. Use of compatible building materials to promote a design and building aesthetic compatible with the desired urban character; and
 - e. To implement the policies and objectives of the comprehensive plan and the zoning ordinance of the city within the Fairburn Overlay District.

Additionally, there are six goals identified in the recently adopted Downtown Master Plan. One of the goals is to encourage a diversity of residential, employment, shopping, and recreational opportunities in the study area with a focus on capitalizing on local business development.

To comply with the purpose and intent of the Highway 29 Overlay District and achieve the goals of the Downtown Master Plan, staff is recommending prohibiting small box discount retail stores in the overlay district. Currently, there are two small box discount retail stores within the city limits; one in the Highway 29 Overlay District and one Highway 74 Overlay District.

RECOMMENDED ACTION: For the Mayor and Council to **APPROVE** amendments to Chapter 80 Zoning, Article II, Section 80-89 Highway 29 Overlay District, to add small box discount retail stores as a prohibited use within the boundaries of the overlay district and to add a definition for small box discount retail stores.

Attachments: Chapter 80 Zoning, Article II, Section 80-89 Highway 29 Overlay District - Mark-up

Transmittal of Recommendation to Mayor and City Council Memo

Mario Avery, Mayor

Tony Phillips, City Administrator



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
TRANSMITTAL OF RECOMMENDATION TO MAYOR AND CITY COUNCIL**

Date: March 28, 2022
To: Mayor and City Council
From: Elizabeth Echols, Chair of the Planning and Zoning Commission
Agenda Item: Text Amendment 2022-002TA Small Box Discount Retail Stores in the
Highway 29 Overlay District

Pursuant to Section 80-287 of the City of Fairburn Zoning Ordinance, the Planning and Zoning Commission recommendation to Mayor and City Council is **APPROVAL** of Text Amendment 2022-002TA Small Box Discount Retail Stores in the Highway 29 Overlay District.

Sec. 80-89. Highway 29 Overlay Zoning District.

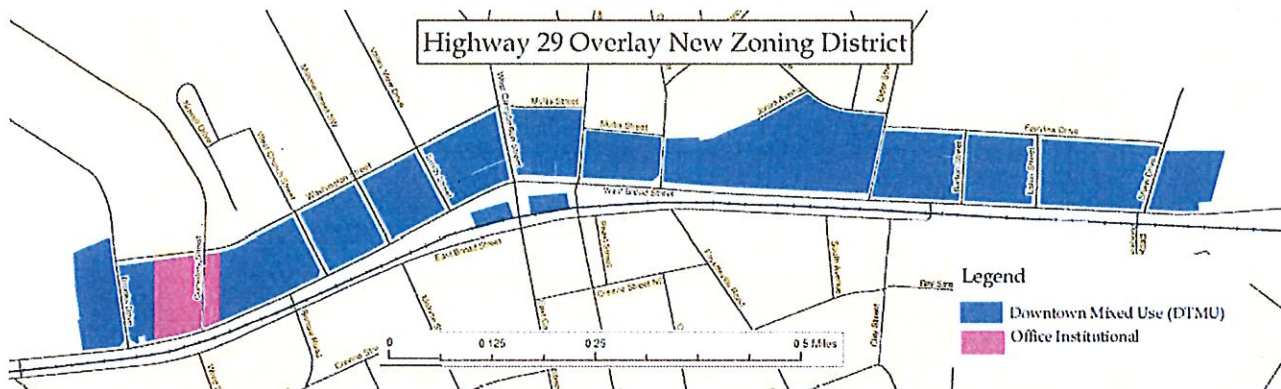
- (a) *Scope.* This article establishes standards and procedures that apply to any development, use, alteration, height, density, parking, common space, and building that lies, in whole or in part, within the Fairburn U.S. Highway 29 Overlay Zoning District, hereinafter referred to as the Fairburn overlay district. The Fairburn overlay district is based upon the urban design and development guidelines included in the downtown city livable centers initiative (LCI) study.

The LCI study calls for a community that incorporates higher density development in the downtown city area while providing a mix of commercial, office, recreation, and housing options. Also included in the LCI's goals is the improved mobility on the major corridors.

- (b) *Applicability.* This article applies to:

- (1) Every application for a building permit where one of the following conditions exist:
 - a. Changes resulting in complete demolition of a primary structure.
 - b. An increase in building footprint of 20 percent or more.
 - c. An increase in building square footage of 50 percent or more. The signage standards within this article apply to:
 1. Every sign permit application for the installation of a new sign.

The procedures, standards, and criteria herein apply only to that portion of the subject property within the boundaries of the Fairburn overlay district. Below are the boundaries of the Highway 29 Overlay Zoning District.



Wherever the underlying zoning regulations are in conflict with the provisions of this overlay district, the regulations of this overlay district shall apply.

Non-conforming uses created by the adoption of the Fairburn overlay district shall be administered as per article V.

Appeals, exceptions and variances shall be administered as per article VI.

- (c) *Purpose and intent.* The purpose and intent of establishing the Fairburn overlay district is as follows:

- (1) To promote the development of a more dynamic, mixed-use district of appropriate scale and magnitude in the downtown city area.
- (2) To build on the character that is uniquely Fairburn to have a thriving, compact historic downtown.
- (3) To balance the rights of private property owners with the city's desire to guide future development.
- (4) To ensure that new structures and developments are consistent with the vision and recommendations of the downtown city LCI plan (completed in 2009) with significant community involvement and input.

- (5) To design and arrange structures, buildings, and common spaces to create an inviting, walkable, human-scale environment.
- (6) To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel.
- (7) To ensure a proportional relationship of surrounding buildings with respect to the general spacing of structures, building mass and scale, and street frontage by using techniques to achieve compatibility, such as:
 - a. Use of consistent setbacks from property lines;
 - b. Development of consistent sidewalks and a more active, interesting pedestrian environment;
 - c. Use of landscaping and lighting to unify district buildings and define space;
 - d. Use of compatible building materials to promote a design and building aesthetic compatible with the desired urban character; and
 - e. To implement the policies and objectives of the comprehensive plan and the zoning ordinance of the city within the Fairburn overlay district.

(d) *Definitions.*

Boarding and breeding kennels. Establishments where dogs or cats are boarded for compensation or where dogs or cats are bred or raised for sale purposes.

Extended stay motels. Any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves, and ovens.

Heavy repair shop and trade shop. Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

Liquor stores. Any business selling general alcoholic beverages, also known as sale of distilled spirits or hard liquor, for off-premises consumption. Liquor store does not include a business selling only beer and/or wine for off-premises consumption.

Live-work units. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Mixed-use. A building or groups of buildings under one ownership designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: Retail, office and/or service, and residential.

Multi-family residential. A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, townhomes, flats and condominiums.

Salvage yards/junk yards. A parcel of land on which wastes or used secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials include but are not limited to: Scrap iron and other ferrous metals, paper; rags, rubber tires, bottles, discarded goods, machinery, or two or more inoperable motor vehicles.

Self-storage. A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses.

Sexually oriented business. See chapter 5, section 5 of part I.

Small box discount retail stores. A retail store with a floor area less than fifteen thousand square feet that primarily offers for sale an assortment of physical goods, products, or merchandise directly to the consumer,

including food or beverages for off-premises consumption, household products, personal grooming, and health products, and other consumer goods, with the majority of items being offered for sale at lower than the typical market price. Small box discount retail stores shall not include the following: pharmacy drug store or a convenience store attached to or collocated with a gas station.

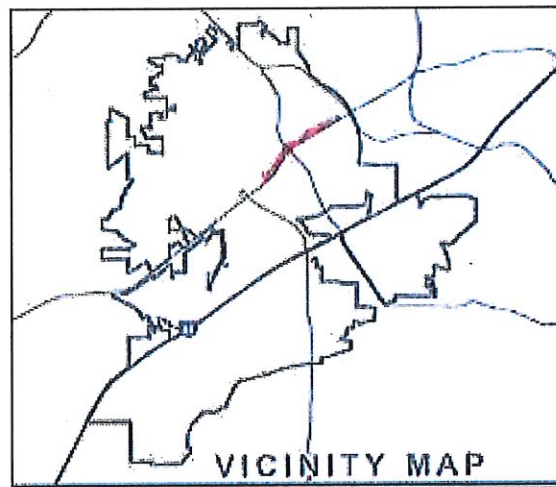
Title and pawn shops. An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

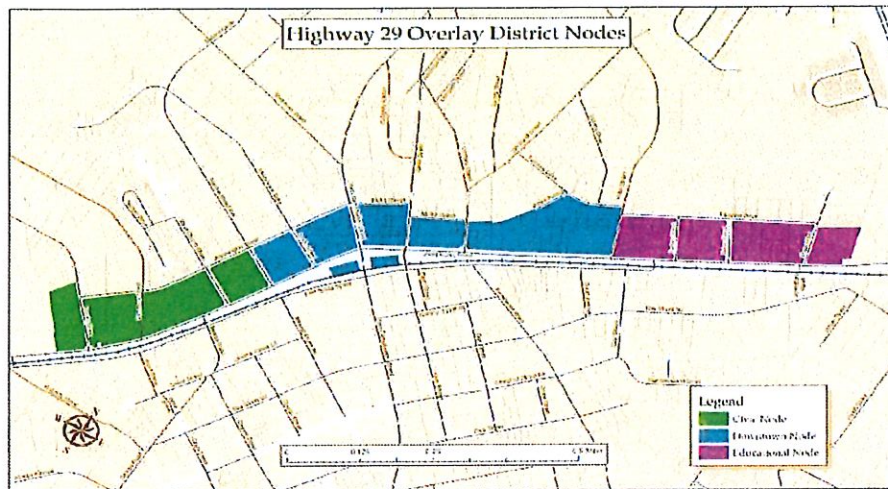
- (e) *District boundaries and map.* The boundaries and development categories of the Fairburn overlay district shall be established by a zoning map amendment adopted pursuant to this chapter which amendment shall be incorporated herein and made a part of this article. This map shall be incorporated by reference and shall be known as the official U.S. Highway 29 overlay district map.

The Fairburn overlay district shall be divided into three development categories:

- (1) *Educational node.* The intent of the educational node is to act as a gateway into the city from the north. Various educational institutions are collocated here to offer opportunities for shared facilities and infrastructure. A flexible mix of land uses is desired to better facilitate service commercial and residential uses in this area catering to the campus community as well as nearby residents.
- (2) *Downtown node.* The intent of the downtown node is to preserve the historic commercial heart of the city while encouraging a mixture of retail, entertainment, commercial, office and residential uses.
- (3) *Civic node.* The intent of the civic node is to be gateway into the downtown area from the south. It is expected that several of the civic uses currently spread throughout the city will eventually relocate to this node, creating an area of strong civic presence for the city.

The city director of planning or designee shall have the final authority to determine whether any property is located within the boundaries of the Fairburn overlay district.





(f) *Principal uses.* The following principal uses of land and structures shall be authorized within the Fairburn overlay district:

- (1) The Fairburn overlay district development may consist of any authorized use or combination of principal uses as authorized in the section below.
- (2) Sites may contain a mixture of uses. A single use category (commercial, residential, office/institutional, or civic) should occupy no more than 70 percent of the gross square footage of total building construction approved for the project.
- (3) In buildings with a mixture of residential and non-residential uses, non-residential uses must occupy the ground floor facing the public street.
- (4) For principal uses not to exceed a certain square footage per use, this applies to each use (or business) within a structure, not the structure itself.

Principal uses authorized in each node are:

- (1) *Educational node.*
 - a. Live-work units.
 - b. Multi-family residential units.
 - c. Institutional uses.
 - d. Governmental uses.
 - e. Mixed-use with ground floor retail, office and/or service, and residential and/or office located on upper stories.
 - f. Office uses—not to exceed 25,000 square feet per use.
 - g. Retail uses—not to exceed 45,000 square feet per use.
 - h. Food service establishments.
 - i. Professional service.
- (2) *Downtown node.*
 - a. Live-work units.
 - b. Multi-family residential units.

- c. Mixed-use with ground floor retail, office and/or service, and residential and/or office located on upper stories.
- d. Governmental uses.
- e. Office uses—Not to exceed 25,000 square feet per use.
- f. Retail uses—Not to exceed 45,000 square feet per use.
- g. Food service establishments.
- h. Professional service.

(3) *Civic node.*

- a. Live-work units.
- b. Multi-family residential units.
- c. Institutional uses.
- d. Governmental uses.
- e. Mixed-use with ground floor retail, office and/or service, and residential and/or office located on upper stories shall be allowed.
- f. Office uses—not to exceed 25,000 square feet per use.
- g. Retail uses—not to exceed 45,000 square feet per use.
- h. Food service establishments.
- i. Professional service.

Live-work units, which consist of buildings used jointly as dwellings and non-residential (work) purposes that are both permitted in the Fairburn overlay district. Live-work units shall meet all of the following standards:

- (1) Work uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, smells, electrical interferences, or fire hazards that would unreasonably interfere with residential uses. Permitted uses are:
 - a. Accounting office;
 - b. Planning, engineering, or architectural office;
 - c. Financial services office;
 - d. Insurance office;
 - e. Legal office;
 - f. Counseling office;
 - g. Real estate office;
 - h. Information processing uses;
 - i. Tutorial/educational services;
 - j. Fine arts studios and/or galleries;
 - k. Photography studios;
 - l. Consulting services;
 - m. Food service establishments; and
 - n. Beauty salons.

- (2) The maximum number of employees on the premises shall be five, in addition to the occupants of the residential space.
- (3) The unit shall not accommodate more than seven customers/clients at a time.
- (4) The minimum size of the live-work unit shall be 1,200 square feet with at least one-third of the unit designated for residential space.

The following principal uses of land and structures shall be prohibited within the Fairburn overlay district:

- (1) Boarding and breeding kennels.
- (2) Storage yard for damaged or confiscated automobiles.
- (3) Tire re-treading and recapping.
- (4) Sexually oriented businesses. See chapter 5, section 5 of part I.
- (5) Automotive repair shops.
- (6) Extended stay motels.
- (7) New and used cars sales.
- (8) Title and pawn shops.
- (9) Liquor stores.
- (10) Night clubs.
- (11) Salvage yards/junk yards.
- (12) Self-service car wash and detailing.
- (13) Self-storage.
- (14) Fuel stations.
- (15) Heavy repair and trade shops.

(16) Small box discount retail stores

- (g) *Development standards.* The following requirements shall apply to all structures in the Fairburn overlay district:

- (1) *General site design requirements.*
 - a. For nonresidential uses, the primary ground floor entrance to all buildings shall be clearly visible from the street, shall face the street, and shall be unlocked during operating business hours.
 - b. Decorative fencing, where applicable, shall only be made of brick, stone, wood, wrought iron or similar material. Fencing in the front yard of any property shall not be higher than four feet. Fencing to the rear or side of a building shall not be higher than six feet.
 - c. No barbed wire, razor wire, chain-link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.
 - d. Gates and security arms shall be prohibited from crossing any public street or sidewalk.
 - e. All structures shall provide for underground utility access and connections, including pad-mounted transformers, at the rear of the building.
- (2) *Building setbacks and height.*

- a. The following requirements apply to all developments:

	Building Setbacks	Building Height
Educational Node	0—20 feet	1—4 stories
Downtown Node	0—10 feet	1—4 stories
Civic Node	0—10 feet	1—4 stories

- b. Single story buildings must include building features such as parapet walls or other appropriate architectural elements in order to achieve a minimum height of 16 feet.
- c. Single story buildings must be designed and constructed so as to allow additional stories.
- d. Side setbacks for parcels shall be determined by the underlying zoning.
- e. Parking structures that do not exceed 35 feet in height are allowed by right in this district.

Those exceeding 48 feet in height are subject to a conditional use permit per city zoning ordinance. All parking structures must be designed with materials and architectural features consistent with surrounding buildings.

(3) *Lot coverage and lot size.*

- a. Building setbacks and side setbacks standards of this article shall determine lot coverage. No minimum lot coverage or lot size standards from any other article or section shall apply to parcels within the Fairburn overlay district.

(4) *Development standards for live-work units.*

- a. All off-street parking shall be hidden behind or within individual units. Garages may not face the public street. Properties that were formerly single-family homes are exempt from this requirement.
- b. The front entrance to each unit shall be at grade opening directly onto the public sidewalk or a public space adjacent to the public sidewalk.

(5) *Development standards for commercial and mixed-use buildings.*

- a. Ground-floor commercial and retail uses shall have entrances at grade opening directly onto the public sidewalk or a public space adjacent to the public sidewalk.
- b. Canopies over retail and commercial entrances and/or windows shall be mounted a minimum of eight feet above the sidewalk.
- c. The size of leased commercial space shall vary within each development to allow for diversity of tenants. Individual commercial units shall not exceed the limits established in section 80-92.06.
- d. A minimum of 75 percent of the ground-floor façade of mixed-use and commercial buildings shall be clear and un-tinted, transparent glass. Single use developments and those uses where such window area is impractical or unfeasible are excluded from this minimum requirement.
- e. Pedestrian access shall be provided from all parking areas to the building entrance.

(6) *Development standards for multi-family and townhome buildings.*

- a. Ground-floor residential units that face the street shall have entrances with a stoop or porch between the sidewalk and the building façade no less than two feet above grade. A sidewalk shall connect all ground floor entrances to the public sidewalk.
- b. Setbacks for multifamily and townhome buildings shall contain only steps, front porches or stoops, balconies, or landscaping. Mechanical equipment and other building service items may not be located within the setback area between the public sidewalk and building.

(7) *Parking.*

- a. Required parking may be provided through a combination of off-street, on-street, or shared parking, provided that all required parking is located within 1,200 feet by travel route of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in section 80-336. These requirements do not apply to district parking areas provided by the city.
- b. All off-street parking, including surface lots and parking decks, shall be located behind or beside buildings. No parking shall be located between the sidewalk and the building face.
- c. Each development which provides automobile parking facilities shall provide bicycle parking facilities in adjacent parking structures, parking lots, the adjoining sidewalk or setback area. Nonresidential developments shall provide bicycle parking at a ratio of one bicycle parking space for every 20 vehicular spaces. Multifamily residential developments shall provide bicycle parking facilities at a minimum ratio of one bicycle parking space for every five multifamily units. No development shall have fewer than three bicycle parking spaces nor be required to exceed a maximum of 50 bicycle parking spaces.
- d. Off-street parking shall be screened from view from any public street by buildings and/or landscaping. Off-street parking may not be located between the sidewalk and the building face.
- e. Any portion of a parking deck that is adjacent to a public street shall be screened with retail on the ground floor. Any upper stories of a parking deck that are visible from a public street shall be clad with materials to reflect the design of the primary structure which it serves.
- f. No parking area may be used for the sale, repair, dismantling, service, or long-term storage of any vehicles or equipment.
- g. Curb cuts:
 1. The consolidation of curb cuts shall be encouraged where possible and new curb cuts shall be discouraged whenever appropriate, considering safe traffic flow, the objectives of this district, and access points needed for the proper functioning of the use.
 2. Location and spacing of curb cuts shall, at a minimum, meet the requirements of the state department of transportation driveway and encroachment control manual.
- h. Shared parking is encouraged in accordance with article VI, Administrative permits and use permits, section 80-181, Parking, off-site and shared.

- (h) *Architectural regulations.* In order to maintain a consistent character and accent the historic nature of the city's commercial core, the following architectural regulations shall apply to all uses and structures within the Fairburn overlay district:

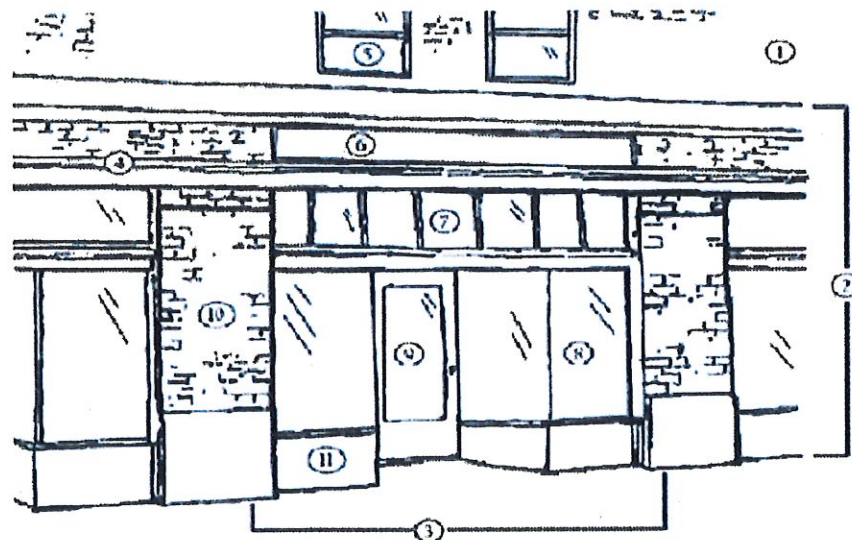
New construction and renovations shall:

- (1) Maintain the original character of the façade of historic building.
- (2) Conform to the architectural character of the national register structures of the downtown area.
- (3) Reinforce the established horizontal lines of façades on the block. Restore or recreate the historic horizontal alignment of architectural features such as cornices, windowsills and parapets.



Reinforcing established horizontal lines through windows and cornices helps maintain continuity of storefronts

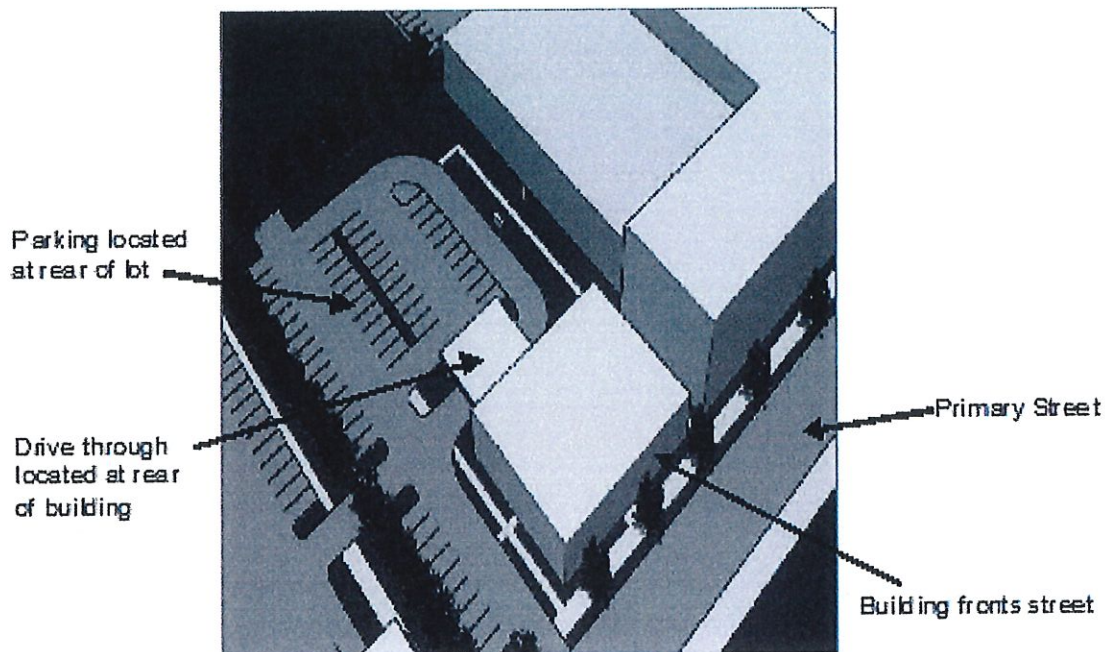
- (4) Construct 75 percent of the width of the front façade of the building at the ground level as fenestration (windows, doors, etc.).
- (5) Maintain the original size, shape, and design of the storefront opening. Large ground floor windows shall be maintained. Doors shall use painted frames; unfinished aluminum or stainless-steel frames are not permitted. Window and door frames may be metal with anodized or painted finish or varnished or painted wood. Residential type of opaque and paneled doors shall not be permitted.
- (6) Maintain traditional recessed storefront entrances where they exist.
- (7) Provide uninterrupted wall widths of not more than 60 feet.
- (8) Incorporate storefront design widths that change at least every 40 feet.



1. Upper Façade	6. Signboard
2. Lower Façade	7. Transom
3. Storefront	8. Display Window

Sample paint color palette for overlay district area

- (12) Preserve the size and shape of upper story windows along street facing façades. Reopen any blocked upper story windows. Maintain the original spacing of windows. Window arrangements not in keeping with the city's historic character, such as gang windows, are not permitted.
- (13) Not make use of aluminum tube-type windows along any street facing façades. Solid vinyl windows are only permitted as long as the window has a minimum frame depth of 4½ inches, is a color other than pure white, and is fabricated to fit the original window opening size. Vinyl clad wood windows may be permitted as long as they are not pure white in color.
- (14) Preserve the original transom, if it exists. The transom shall be clear glass or shall be used for a sign or decorative panel.
- (15) Maintain and repair the original door or replace with a door of similar design and materials. Standard aluminum and glass commercial doors are permitted but the frames shall be painted in dark colors. Replacement doors shall be commercial type doors and shall not be of residential proportions or design.
- (16) Incorporate a building color scheme which visually links the building with others in the area. The colors chosen should relate to the established masonry tones within the downtown area. If brick or masonry is exposed, it shall not be painted. Existing buildings of painted brick shall be repainted and paint removal is not permitted unless approved under the Secretary of the Interior standards for rehabilitation of historic buildings.
- (17) Shall include exterior surfaces, when painted and visible from the public street, are done so in earth tones or colors consistent with the historic character of the city.
 - a. The following shall only be recommendations to follow to develop appropriate building color palettes. Three colors are sufficient to highlight any façade:
 1. *Base color:* Is that on the upper walls and piers flanking the storefront. This shall be natural masonry or painted to look as natural as possible.
 2. *Major trim:* Is the color that defines the decorative elements of the building, tying together the upper façade trim and the storefront. The trim color should complement the base color. Major trim elements include the building cornice, storefront cornice, window frames, sills and hoods, and storefront frame, columns, and bulkheads (kickplate).
 3. *Minor trim:* Should enhance the color scheme established by the base and major trim. Often a darker shade of the major trim is used to highlight the window sashes, doors, and selective cornice and bulkhead details.
- (18) Not include roof materials made of reflective surfaces, when visible from the public right-of-way.
- (19) Not make use of security bars and steel roll down doors or curtains which are visible from the public street.
- (20) Incorporate, when necessary, service bays for lanes of drive through restaurants designed so that the openings are not visible from a public street.



Sample design of drive-through restaurant. Building fronts the street and drive-through is located at the rear. Graphic is included for illustrative purposes only.

- (21) Not include temporary awnings.
- (22) Include, where appropriate, fabric, canvas, or metal standing-seam awnings. All other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.
 - a. *Landscaping requirements.* The following landscaping regulations shall apply to all uses within the Fairburn overlay district. Any development incorporating a mix of uses shall require the submittal of a landscape plan for approval, which shall include the following elements:
 1. A continuous landscape strip of not less than five feet in width shall be constructed along all public streets. The landscape strip in the front yard shall be planted with a row of street trees of at least three and one-half inches in caliper measured from three feet above finished ground level and planted not less than 30 feet on center.
 2. Ground cover shall also be provided in accordance with this section in order to protect tree roots and to prevent erosion. Ground cover shall consist of evergreen shrubs and groundcover plant material mulched with pine bark mulch, or other similar landscaping material to include mulch made from recycled materials.
 3. No tree shall be planted closer than two feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure. The property owner shall investigate all conflicts with utilities prior to planting. The landscape plan submitted to city staff must identify all existing and/or proposed underground and overhead utilities.
 4. All parking lots within the Fairburn overlay district shall be bounded by a ten-foot landscape strip along all outside edges. Of the remaining parking lot area, a minimum of ten percent shall be devoted to landscape islands.
 5. The following is a partial list of acceptable trees that can be planted along streets in the city. Trees and all other plantings shall be maintained in accordance with section 80-369.

- (i) October glory red maple.
- (ii) Sunset maple.
- (iii) Nuttall oak (*Quercus nuttalli*).
- (iv) Shumard oak (*Quercus shumardii*).
- (v) Willow oak.
- (vi) Zelkova serrata.
- (vii) Ginkgo (*Ginkgo biloba*).
- (viii) Trident maple (*Acer buergerianum*).
- (ix) Allee lacebark elm (*Ulmus parvifolia* emmer II).
- (x) Chalkbark Maple (*Acer leucoderme*).
- (xi) Georgia Oak (*Quercus falcata*).

- 6. Street trees shall be installed in a minimum planting area of four feet by eight feet. Tree-planting areas shall provide porous drainage systems that allow for drainage of the planting area.
- 7. All street trees and other trees and all ground cover required by this article shall be maintained in a healthy condition, and any trees or ground cover which die shall be replaced within the earliest possible planting season. Maintenance of all trees in this district shall comply with state department of transportation landscape standards (available at <http://mydocs.dot.ga.gov/info/gdotpubs/Publications/6755-9.pdf>).

(j) *Sidewalks.*

- (1) A public sidewalk shall be constructed along all public street frontages contiguous to all properties within the Fairburn overlay district. This sidewalk shall measure a minimum width of ten feet in the downtown node, and six feet in all other areas of the Fairburn overlay district.
- (2) Safe and convenient pedestrian pathways shall be provided from public sidewalks to each structure entrance, including pedestrian access routes to parking decks, through parking lots and between adjacent buildings within the same development. All such pathways shall be concrete and a minimum width of six feet.
- (3) When installed, benches, trash receptacles, and bike racks shall be placed adjacent to the sidewalk zone on all streets.

(k) *Common space requirements.*

- (1) A minimum of ten percent of the total lot area shall be designated as common space for each new mixed-use development. Common space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners; but, must demonstrate interconnectedness of public areas.
- (2) Common spaces shall be at grade and surrounded by a mix of uses directly accessible from a public sidewalk and building entrances.
- (3) Common space that is provided as part of a new development shall include connectivity to any existing or planned nearby public amenity, including, but not limited to, trail networks, greenspace or park facility.
- (4) Common spaces may include any combination of the following: planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are

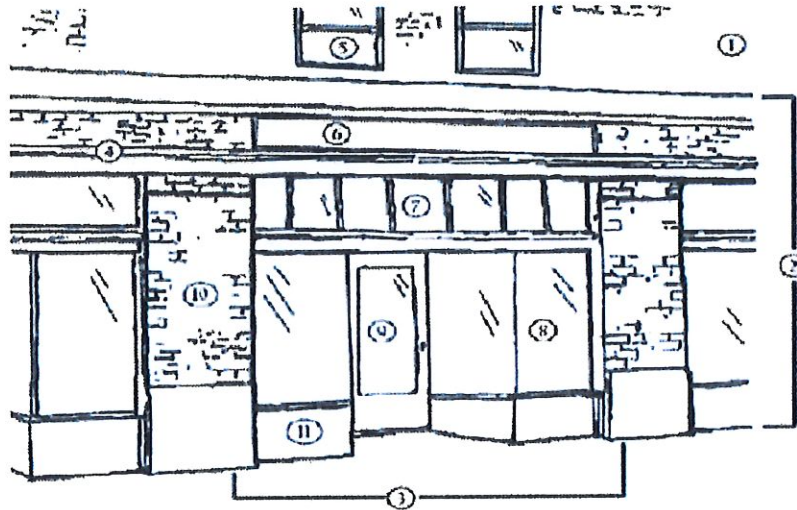
located on private property and accessible to the general public. On-street parking shall be permitted to count toward the ten percent common space requirement.

- (5) Private courtyards and other private outdoor amenities may be located at the interior of the block, behind buildings or on rooftops. Private courtyards and outdoor amenities shall not be counted toward the ten percent common space requirement.
- (6) All common space shall be fully implemented prior to issuance of a certificate of occupancy for the primary development.
- (7) Each applicant shall present as a part of the application for a building permit within the Fairburn overlay district a legal mechanism under which all land to be used for public space purposes shall be maintained and protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as assuring each of the following mandatory requirements:
 - a. That all subsequent property owners within said Fairburn overlay district be placed on notice of this development restriction through the deed records of the city;
 - b. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
 - c. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third-party or the city;
 - d. When an applicant for a Fairburn overlay district chooses to utilize a property owners association in order to comply with the requirements of the subsection above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
 1. Mandatory and automatic membership in the property owner's association as a requirement of property ownership;
 2. A fair and uniform method of assessment for dues, maintenance and related costs;
 3. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
 4. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

(I) *Screening.*

- (1) All dumpsters shall be enclosed with a wall of equal or greater height on three sides, the material of which shall be similar to the material on the outside of the main building.
- (2) Dumpsters shall not be visible from the public street and shall be fenced or screened so as not to be visible from any adjoining residential district.
- (3) Loading docks shall not be located on the front of any building.
- (4) Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
- (5) Loading and dumping activities located within 150 feet of a single-family residential property shall only be permitted to undertake said activities during normal business hours (7:00 a.m.—9:00 p.m.).
- (6) All service areas shall be screened from view from the street with buildings, landscaping, or decorative fencing.

- (7) Accessory mechanical systems and features including air and heating systems, solar collectors, satellite dishes, and telecommunications equipment shall not be visible from the public right-of-way.
 - (8) Chain-link fences shall not be visible from the public right-of-way, except those temporary uses specifically permitted by city code.
- (m) *Signage.* Unless otherwise noted in this subsection, the standards and procedures in article XII shall apply for all signs located within the Fairburn overlay district.



Permitted sign types: Proper placement and relationship to façade elements

Subject to review, approval and permitting, the following sign types shall be permitted in the Fairburn overlay district:

- (1) A-frame sandwich board sign.
- (2) Awning sign.
- (3) Monument sign.
- (4) Projecting sign.
- (5) Wall sign or signboard sign.
- (6) Storefront display window sign.

The following sign types shall be prohibited in the Fairburn overlay district:

- (1) Animated, flashing, rotating or blinking sign—with the exception of traditional barber pole.
- (2) Changeable copy sign (electronic or otherwise), with the exception of signs communicating only the time and/or temperature (see chapter 80, article 12).
- (3) Feather flag sign.
- (4) Pole/pylon sign.

The following materials shall be permitted to be used for signs in the Fairburn overlay district:

- (1) Brick or stone, as foundation for monument sign.
- (2) Canvas, for awning sign.

- (3) Metal, powder coated or painted.
- (4) Wood.
- (n) *Outdoor dining.*
 - (1) Decks or patios located on private property are not regulated or prohibited by this section.
 - (2) Restaurants may place tables outside their place of business. These tables must be placed adjacent to the front wall (and side wall, if applicable) of the building.
 - (3) Tables must not extend beyond the side property line of the restaurant or encroach upon the side building line of adjacent businesses.
 - (4) Dining tables must not be wider than three feet in diameter.
 - (5) A minimum of five feet of clear pedestrian access must be maintained on all sidewalks.
 - (6) Access to public stairways shall not be blocked. Tables and chairs must not interfere with any utilities or other facilities such as telephone poles, fire hydrants, signs, mailboxes, and benches located on the sidewalk or in the public right-of-way.
 - (7) Tables and chairs must not impinge on any required clear distances for maneuvering around entrances or exits. The outdoor dining area shall be accessible to disabled patrons and employees.
 - (8) Umbrellas must be of quality construction and must be designed to be secure during windy conditions. No portion of the umbrella may be lower than seven feet above the sidewalk.
- (o) *Lighting.*
 - (1) Street and pedestrian lights shall alternate along all sidewalks every 30 feet.
 - (2) All parking areas, walkways, vehicle entrances and service/loading areas shall provide area lighting sufficient to achieve a minimum of 1.5 footcandles of light as measured at grade or ground level and shall have a minimum ratio of the average to the minimum of 4:1 or less, and shall have a minimum vertical illuminance of 0.5 footcandles.
 - (3) Lighting fixtures in parking areas shall be located to assure adequate light levels without displacing planned trees. Light fixture placement shall be shown on landscape plans.
 - (4) Lighting fixture height, style, design and illumination levels shall be compatible with the building design and height and shall consider safety, function and aesthetics. Lighting fixtures installed along sidewalks shall be of pedestrian scale and shall not exceed 20 feet in height.



**Lighting fixtures help make an area safer
and easier to navigate for pedestrians and driver alike.**

- (5) Lighting may be used to illuminate buildings, landscaped medians/islands and grounds for safety purposes and to enhance appearance. The visual effects of such lighting shall be subtle.
- (6) Lighting attached to building exteriors to reflect upon building exteriors shall be consistent with the architectural style of the building.
- (7) Security lighting shall be shielded and shall focus on the side or rear entry door.
- (8) Specialty lighting on outdoor patios, terraces, walkways, and trees may be used to encourage nighttime use by pedestrians.
- (9) All outdoor lighting shall use full cut-off fixtures or IDA-approved fixture and be subject to review and approval during the site planning phase of the project.

(p) Outdoor display.

- (1) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Access zone means that portion of the public sidewalk reserved for continuous unobstructed pedestrian traffic and ingress/egress to businesses and structures lining the public rights-of-way.

Amenity zone means that portion of public sidewalk for siting of municipal streetscape elements; such as street trees, street lights, benches, trash cans, sign posts, ashtrays, etc.; approved outside dining areas (as permitted by section 80-89, Highway 29 Overlay Zoning District); and designated special events or vending locations (as permitted by article IV, Administrative permits and use permits).

Appearance zone means that portion of the sidewalk as approved for downtown beautification or business enhancement, including planters and benches, product display, ashtrays, signs (as permitted by article XII, Sign regulations), and tables and chairs.

City means the City of Fairburn.

Director of planning means the city zoning administrator.

Obstacle means any object or item whether situated upon or hanging over the right-of-way, including but not limited to noticeable changes in grade or paving materials.

Outdoor display means the outdoor display of products actively available for rent or sale within the principle business facility. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, or any construction equipment which shall be considered outdoor storage.

Public property means property owned, leased, or maintained by the city including but not limited to streets, byways or rights-of-way, sidewalks, parking lots, lots of record with or without structures, parks, and easements.

Sidewalk means that portion of the right-of-way improved for use by pedestrians located between the curb line or the edge of an improved roadway and the adjacent property line.

2. Use of public property.

- a. *Purpose of the public sidewalk.* Use of the public sidewalk for any purpose other than as a pedestrian right-of-way is a privilege, which the city may grant or deny to insure the primary purpose of the public rights-of-way for travel and to maintain the efficiency of the pedestrian path for both safety and convenience.
 - 1. To provide for pedestrian clearance, an access zone shall be reserved at all times for continuous, unobstructed pedestrian traffic along the public sidewalk. This reserved zone

shall be a minimum of five feet in width as measured from the edge of the sidewalk closest to the street, running parallel to the roadway and as straight as possible, and not encroached upon even if this precludes other uses of the public sidewalk. Where less than five feet exists, all of the right-of-way shall be reserved for pedestrian clearance. A minimum of seven feet height clearance above grade for the access zone shall also remain unobstructed.

2. To provide for ingress/egress to businesses and structures lining the public rights-of-way, there shall also be reserved clear passages between the access zone and the curb. These passages shall be a minimum of five feet in width and perpendicular to the roadway and as direct as possible. In addition to corner passages at street intersections, each side of a city block shall have a minimum of two said passages spaced at least 50 feet apart as well as passages located at each property line.
- b. *Use of the appearance zone.* Wherever wide sidewalks exist within the Highway 29 Overlay Zoning District as provided by the current zoning ordinance, the city may designate an appearance zone and grant or deny the privilege of limited use of the zone to abutting businesses for downtown beautification or business enhancement, in accordance with the provisions of this article.
1. The appearance zone shall only be used for incidental or accessory purposes by an abutting business with a current business license; any use of the area by others shall constitute a type of vending or special event that must obtain proper permits through article IV, Administrative permits and use permits.
 2. The appearance zone for a business shall not exceed the width of the front wall of the abutting business nor extend onto the public sidewalk beyond a depth of 24 inches from the front wall of the business or the maximum depth remaining after observance of the access zone. For corner properties, the sidewalk area adjacent to the side wall of the business may also be considered for the establishment of an appearance zone.
 3. Placement of beautification or enhancement items. Planters, benches, and ashtrays deemed compatible in design and materials may be allowed in the appearance zone provided that these items are kept clean, attractive, sanitary, and in a structurally sound condition at all times. Vegetation must be maintained in a healthy and attractive condition at all times. No hanging baskets or artificial vegetation displays are permitted. All litter must be removed promptly, including cigarette butts.
 4. If the director of planning determines any object to be non-compliant with this section, said object is subject to immediate removal by the business.
- c. *Placement of merchandise for display, sale, and advertisement limited.* It shall be unlawful to place, for purposes of display, for the sale or advertisement of any property or merchandise whatsoever, upon the public sidewalks or parking spaces/lots of the city except as provided herein.
1. In accordance with subsections 80-89(p)(2)a. and b. above, wherever wide sidewalks exist within the Highway 29 Overlay Zoning District as provided by the current zoning ordinance, the appearance zone may also be utilized for product display provided:
 - (i) Placement of merchandise occurs only during business hours and all merchandise is removed at the close of business each day.
 - (ii) To reduce the added risk of product tipping into the access zone, no merchandise shall exceed or be stacked to exceed six feet in height and no shelving units that exceed four feet in height may be used. Tables may be used as long as they fit within the appearance zone.

- (iii) To reduce the added risk of product rolling into the access zone, all wheels shall be locked or chocked.
 - (iv) To reduce the added risk of product falling into the access zone, no merchandise shall be hung on the building or suspended from the building's awnings or canopies.
 - (v) No signs other than those signs as permitted within the official zoning ordinance, article XII, shall be used on public property; labels less than one-inch square shall not constitute signage.
 - (vi) All merchandise must be the merchandise of the business. The appearance zone for a specific business shall be used solely by that business for the display of its merchandise and shall not be leased, sold, or gifted to a third party for their use.
 - (vii) The business owner is responsible for ensuring that the merchandise and displays in the appearance zone are clean, well-kept and secure. The business owner is responsible for ensuring that the merchandise and displays will not cause harm to any pedestrians walking in the access zone.
2. If the director of planning determines any display, or portion thereof, to be non-compliant with this section, said display is subject to immediate removal. After the director of planning has determined that such display is non-compliant, he shall initiate proceedings to cause the removal. The director of planning shall prepare and issue a letter of determination to the owner of record and parties of interest of the building. The letter of determination shall contain, but not be limited to, the following information:
- (i) The street address of the building, structure or premises.
 - (ii) A statement indicating the display of merchandise is non-compliant with this section and must be removed or brought into compliance within 24 hours or, that the city has determined, for any reason, that the display must be completely removed within 24 hours, that the owner or occupant may file an appeal to the planning and zoning commission pursuant to section 80-255. Secondary variance/interpretation, and failure to appeal in the time specified will constitute a waiver of all rights to such appeal.
 - (iii) A statement advising that if the display is not removed or brought into compliance within the time specified, and an appeal is not filed, the director of planning may cause code enforcement to remove the display and all costs incurred will be charged against the business owner or the owner of record and the total cost to the city for removing the display shall be a special lien against the property and shall be placed upon the tax records of the city.
3. The letter of determination and all attachments thereto shall be served upon the business owner, owner of record, and any parties of interest designated in the initial application either personally or by certified mail, postage prepaid, return receipt requested. If addresses are not available on any person required to be served the letter of determination, the letter of determination addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. Failure of the director of planning to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him. Service by certified mail as herein described shall be effective on the date the letter of determination was received as indicated on the return receipt. Proof of service of the letter of determination shall be by written declaration

indicating the date, time and manner in which service was made and signed by the person served on by the return receipt.

4. In addition, should the owner of record or interested parties give cause to receive a letter of determination for more than two offenses for the same violation during a period of 12 consecutive months, code enforcement may issue a citation to the owner of record or interested parties to appear before the municipal court of the city and there shall be no appeal for the third or subsequent offense occurring during a period of 12 consecutive months. The fines and penalties are as provided in subsection 5. below, however, the minimum fine for such additional citation shall not be less than \$150.00 and each subsequent citation within a twelve-month period shall be subject to an amount double the previously assessed fine up to \$1,000.00.
5. It shall be unlawful and a violation of this section to place merchandise or property, for purposes of display, sale or advertisement, upon any designated off-street parking associated with each business or upon any public parking space of the city.

d. *Permit approval procedure and requirements.*

1. An application for a permit to have outdoor display with the application fee as established by the city council shall be filed with the director of planning prior to any use or placement of any item upon public property.
2. The permit will be valid for one year.
3. Use of the appearance zone shall be in accordance with this section.
4. The director of planning at his reasonable discretion may require removal for any reason. Failure to remove items and cease use of public property shall result in the removal of such item(s) by the director of planning. The business shall be responsible for all expenses incurred by the city for the removal and storage of such items.
5. Except for actions arising out of the city's sole negligence, the business agrees to indemnify, defend, and hold harmless the city and all its officers, officials, representatives, agents, and employees, from any and all claims, liability, damages, or causes of action which may arise out of the businesses' or licensee's use of the appearance zone. The business is responsible for repair of any damage to public property or pedestrians caused by their use of the appearance zone.

e. *Compliance with subsection (p), outside display.* All businesses will be required to come into compliance with this subsection within 30 days after its adoption by mayor and city council.

- (3) *Exceptions.* The provisions of this subsection (p), outside display, shall not be applicable to any licensed utility company doing business in the city; nor to the state highway department; nor to the water, sewage, gas and fire departments of the city; nor to any governmental agency.

(4) *Placement of printed advertising matter limited.*

- a. It shall be unlawful for any person distributing or causing to be distributed, circulars, handbills, papers or other printed advertising matter through the city, to throw into or place in any yard or mailbox, such items; said items may only be handed to an employee of a place of business. Only one of the items which such person may be distributing shall be placed in each business. It shall be unlawful for any person distributing or causing to be distributed circulars, or receiving such handbills, papers or other printed advertising through the city, to throw or scatter such materials upon any public property in the city.
- b. It shall be unlawful for any person to paste, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster, advertisement or notice of any kind, or cause such an action to be done, on

or upon any public property within the city, or upon any utility facility in a public right-of-way, or upon any private property without the written consent of the owner of such property.

- c. No person other than the owner or driver shall deposit any advertising matter in any motor vehicle or stick or otherwise fasten any advertising matter on any part of any motor vehicle.

- 5. *Penalty for violation of this subsection (p), outdoor display.* Except as otherwise provided, any person violating the provisions of this section (p), outdoor display, shall, upon conviction, be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months, or by a combination of such punishments. Each day any violation of any provision of this Code or of any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense. Code enforcement, or its designee, will issue citations for violations of this article to appear before the municipal court in the city. This article does not apply to special events or any type of vendor who obtains proper permits through article IV, Administrative permits and use permits.

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-28, § 1, 10-28-2013; Ord. No. 2014-03, § 1, 2-24-2014; Ord. No. 2014-04, § 1, 2-29-2014; Ord. No. 2015-15, § 1(Exh. A), 7-27-2015; Ord. No. 2015-28, § 1(Exh. A), 12-14-2015; Ord. of 10-28-2019(1))

Re: AMENDMENT TO CITY OF FAIRBURN ZONING
ORDINANCE 2022-002TA

AN ORDINANCE TO AMEND CHAPTER 80. ZONING, ARTICLE II. ZONING DISTRICTS, DIVISION 2. – DISTRICT REGULATIONS, SECTION 80-89.- HIGHWAY 29 OVERLAY ZONING DISTRICT IN ORDER TO ADD SMALL BOX DISCOUNT RETAIL STORES AS A PROHIBITED USE WITHIN THE BOUNDARIES OF THE HIGHWAY 29 OVERLAY ZONING DISTRICT AND TO ADD A DEFINITION FOR SMALL BOX DISCOUNT RETAIL STORES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Whereas, zoning ordinance amendments are important in order to continue the realization of the vision, goal and policies set forth by Staff and the community in the most recent Comprehensive Land Use Plan update;

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 28th day of March, 2022; and

Whereas, in accordance with the requirements of the Zoning Ordinance, the Planning and Zoning Commission of the City of Fairburn has forwarded its recommendation to the Mayor and City Council that the amendment to Chapter 80. Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-89 –Highway 29 Overlay Zoning District be approved in order to add small box discount retail stores as a prohibited use within the boundaries of the Georgia Highway 29 Overlay Zoning District and to add a definition for small box discount retail stores; and

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, the Mayor and Council of the City of Fairburn have conducted a properly advertised hearing on the proposed amendments to the Zoning Ordinance of the City of Fairburn, Georgia; and

Whereas, after the aforementioned public hearing, the Mayor and Council have determined that adoption of the amendment to Chapter 80. Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-89 –Highway 29 Overlay Zoning District in order to add small box discount retail stores as a prohibited use within the boundaries of the Highway 29 Overlay Zoning District and to add a definition for small box discount retail stores would be in the best interest of residents, property owners, businesses and citizens of the City of Fairburn; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Fairburn, Georgia, and it is hereby ordained by the authority of same that Chapter 80.

1 **Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-89 –**
2 **Highway 29 Overlay Zoning District be amended in the Fairburn Zoning Ordinance as**
3 **follows:**

4
5 **Section 1. (d) Definitions.**

6
7 *Small box discount retail stores. A retail store with a floor area less than fifteen*
8 *thousand square feet that primarily offers for sale an assortment of physical goods, products, or*
9 *merchandise directly to the consumer, including food or beverages for off-premises consumption,*
10 *household products, personal grooming and health products, and other consumer goods, with the*
11 *majority of items being offered for sale at lower than the typical market price. Small box discount*
12 *retail stores shall not include the following: pharmacy drug store or a convenience store attached*
13 *to or collocated with a gas station.*

14
15 *The following principal uses of land and structures shall be prohibited within the Fairburn overlay*
16 *district:*

17
18 *(16) Small box discount retail stores*
19

20 **Section 2.** In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall
21 be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect
22 the previously existing provisions of the other sections, subsections, sentences, clauses or phrases
23 of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence,
24 clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part
25 thereof. The City Council declares that it would have passed the remaining parts of this Ordinance
26 or retained the previously existing Ordinance if it had known that such part of parts hereof would
27 be declared or adjudicated invalid or unconstitutional.

28
29 **Section 3.** This Ordinance shall become effective on the 28th day of March, 2022.

30
31 **Section 4.** All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to
32 the extent of the conflict.

33
34 APPROVED this 28th day of March, 2022, by the Mayor and Council of the City of Fairburn,
35 Georgia.

36
37
38 _____
39 Mario Avery, Mayor

ATTEST:

40
41
42
43 _____
44 Brenda James, City Clerk

45
46 APPROVED AS TO FORM:

47
48 _____
49 Rory K. Starkey, City Attorney



**CITY OF FAIRBURN
CITY COUNCIL AGENDA ITEM**

**SUBJECT: TEXT AMENDMENT 2022-003TA SMALL BOX DISCOUNT RETAIL STORES AND
SELF-STORAGE FACILITIES IN THE GEORGIA HIGHWAY 74 OVERLAY
DISTRICT**

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Submitted: 03/14/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: (X) Yes () No

PURPOSE: For the Mayor and Council to approve amendments to Chapter 80 Zoning, Article II, Section 80-90 Georgia Highway 74 Overlay District, to add self-storage facilities and small box discount retail stores as prohibited uses within the boundaries of the overlay district.

DISCUSSION: The Georgia Highway 74 Overlay District corridor is the southern gateway to the city and is expected to continue experiencing rapid commercial and residential growth. The regulations outlined in the Georgia Highway 74 Overlay District are intended to ensure attractive development that will complement the area and promote a mixture of desirable uses rather than unwanted commercial sprawl. The ultimate goal is to regulate the use of land to attract and maintain development that will have a positive effect on the health, safety, and welfare of Fairburn citizens. The Georgia Highway 74 Overlay District includes design guidelines for appropriate building materials and architectural character and requirements for landscaping buffers, parking, underground utilities, open space reservation, and secondary road networks.

Currently, there is one small box discount retail store, and two self-storage facilities (one is currently under construction) within the Georgia Highway 74 Overlay District. To eliminate the proliferation of such uses, staff is recommending the prohibition of self-storage facilities and small box discount retail stores within the overlay district boundaries.

RECOMMENDED ACTION: For the Mayor and Council to **APPROVE** an amendment to Chapter 80 Zoning, Article II, Section 80-90 Georgia Highway 74 Overlay District, to add self-storage facilities and small box discount retail stores as prohibited uses within the boundaries of the overlay district.

Attachments: Chapter 80 Zoning, Article II, 80-90 Georgia Highway 74 Overlay District - Mark-up

Transmittal of Recommendation to Mayor and City Council Memo

Mario Avery, Mayor

Tony Phillips, City Administrator



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
TRANSMITTAL OF RECOMMENDATION TO MAYOR AND CITY COUNCIL**

Date: March 28, 2022
To: Mayor and City Council
From: Elizabeth Echols, Chair of the Planning and Zoning Commission
Agenda Item: Text Amendment 2022-003TA Small Box Discount Retail Stores and Self-Storage Facilities in the Georgia Highway 74 Overlay District

Pursuant to Section 80-287 of the City of Fairburn Zoning Ordinance, the Planning and Zoning Commission recommendation to Mayor and City Council is **APPROVAL** of Text Amendment 2022-003TA Small Box Discount Retail Stores and Self-Storage Facilities in the Georgia Highway 74 Overlay District.

Sec. 80-90. Georgia Highway 74 Overlay Zoning District.

- (a) *Scope.* The regulations set forth in this section or set forth elsewhere in this chapter when referring to this section are the regulations of the Georgia Highway 74 Overlay Zoning District.
- (b) *Findings and intent.*
 - (1) Georgia Highway 74, which serves as the southern gateway to the city is expected to continue experiencing rapid growth in residential, commercial, and industrial construction. Development of well over 1,000 acres of raw land is being driven by proximity to Atlanta and Hartsfield International Airport, as well as access to the interstate system.
 - (2) The regulations set forth in this section are intended to ensure attractive developments which are complimentary and will promote a mix of uses rather than the undesirable commercial sprawl which has plagued many communities and threatened the very character that attracted such development interests. These standards will reinforce and implement a land use plan that features residential, office, personal services, hospitality uses, and retail commercial uses along Georgia Highway 74.
 - (3) To this end, it is the city's goal to protect the aesthetics of the community, provide for safe travel through, and access to the area and safeguard the welfare of its residents, while encouraging development along the Georgia Highway 74 corridor.
- (c) *Boundary.* This district is intended as an overlay district regulating and allowing the establishment of uses within the configuration of the allowable Georgia Highway 74 Overlay Zoning District boundaries. Said boundary shall include any properties or portions thereof, located within 1,000 feet of the Georgia Highway 74 right-of-way, as it presently exists or may exist in the future. The underlying district shall continue as permitted uses. Standards set out in this section for site development and architectural design shall control over any underlying district regulations.
- (d) *Prohibited uses.* The following principal uses of land and structures shall be prohibited within the Georgia Highway 74 Overlay Zoning District:
 - (1) Storage yard for damaged or confiscated automobiles.
 - (2) Tire re-treading and recapping.
 - (3) Sexually oriented businesses. (See chapter 5, section 5 of part I, [of this Code.])
 - (4) Heavy repair shop and trade shop.
 - (5) Extended stay residential facilities, or other similar accommodations.
 - (6) Title and pawn shops.
 - (7) Night clubs.
 - (8) Salvage/storage/junk facility.
 - (9) Self storage facilities.
 - (10) Small box discount retail stores.
- (e) *Site development standards.* In order to establish and maintain the Georgia Highway 74 Overlay Zoning District as a quality area which will preserve the investments of all land owners and developers, as well as encourage both commercial and residential development within the city, all development within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:
 - (1) The following schedule shall control land development as specified:
 - a. Retail and commercial services developments shall provide a landscaped buffer with a minimum horizontal dimension of 35 feet adjacent to the Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 75 feet shall be provided where such developments are

proposed adjacent to property developed as, or planned as, office use. A 100-foot buffer shall be provided on retail and commercial services developments which adjoin property developed as, or planned as, residential use.

- b. Office development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 40 feet shall be provided on office developments which adjoin property developed as, or planned as, residential use.
 - c. Residential development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. Such buffers shall conform to the standards of section 80-335 and shall provide berms designed to achieve topographic variation.
- (2) The following schedule shall control building setbacks for all commercial construction:
 - a. Front yard setback: 50 feet, 50 feet from each street right-of-way for corner lots.
 - b. Side yard setback: 20 feet.
 - c. Rear yard setback: 30 feet.
- (3) Off-street parking and loading shall be subject to the following:
 - a. All retail and commercial uses shall provide a parking ratio of one space for every 200 square feet of enclosed retail floor area available to the public. One parking space shall be provided for every 1,000 square feet of floor area used for storage, assembly, warehousing or other purpose, provided that such areas are not available to the public. Such uses shall provide $4\frac{1}{2}$ parking spaces per 1,000 square feet to enclosed retail floor area available to the public, provided the establishments served by the parking spaces comprise a unified shopping center. All such off-street parking areas shall conform to the landscape standards provided in article IX of this chapter unless exceeded herein.
 - b. No loading areas shall be permitted between buildings and the Georgia Highway 74.
- (4) Site utilities serving the site shall be placed underground.
- (5) All development shall conform to section 80-372, Open space reservation.
- (6) Developers are encouraged to create secondary road networks through a system of density (lot coverage or building height) bonuses. Lot coverage ratios, inclusive of the building footprint and pavement for parking and driveways, shall not exceed 75 percent. Pavement comprising internal street networks shall be exempted provided such street networks channel traffic between developments along Georgia Highway 74 and are not directly linked to Georgia Highway 74.
- (7) Secondary road networks which provide a landscaped boulevard and are linked to adjoining properties shall entitle the property owner to a lot coverage bonus of ten percent.
- (8) Access to Georgia Highway 74 shall be limited to one driveway per existing parcel. A lot coverage bonus of ten percent shall be granted for consolidation of driveways currently permitted by state department of transportation.
- (9) Preservation of natural features shall encompass pedestrian amenities linked to adjoining properties. All development shall provide sidewalks linked to such amenities as well as adjoining properties.
- (10) On Georgia Highway 74, no new gasoline service stations shall be permitted within 1,000 feet of any other gasoline service station. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a gasoline service station. New gasoline service stations shall be located at a signalized intersection. This subsection (10) shall not apply to the rebuilding and/or enlargement of an existing gasoline service station. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the

demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new gasoline service station.

- (11) On Georgia Highway 74, no new drive-through fast food restaurants shall be permitted within 1,500 feet of any other drive-through fast food restaurant, except where the gross floor area of a restaurant exceeds 4,000 square feet and at least 50 percent of the gross floor area is designated for a dining area. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a drive-through fast food restaurant. This subsection (11) shall not apply to the rebuilding and/or enlargement of an existing stand-alone drive-through fast food restaurant. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new drive-through fast food restaurant.

- (f) *Architectural design standards.* In addition to the site development standards set forth in subsection (d) of this section, all construction within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:

- (1) The following specifications shall control the use of building materials:

- a. Exterior wall materials shall consist of one or a combination of the following materials:

1. Brick or autoclaved concrete substructure.
2. Stone with either a weathered face or polished, fluted or broken face. No quarry faced stone shall be used.
3. Masonry stucco on concrete.
4. Concrete masonry. Units shall be those generally described by the national concrete masonry association as "customized architectural concrete masonry units" or shall be "split-faced" block with marble aggregate. No exposed concrete block shall be permitted on the exterior of any building within the sight line of a public street. Other exterior walls may be painted concrete block.
5. Wood.
6. Glass in combination with metal or similar, durable architectural materials.
7. Limited use of standing seam metal is permitted in combination with the above materials.

- b. Inappropriate exterior materials and architectural elements. The following materials and elements are considered incompatible and inappropriate for primary and accessory structures and are prohibited:

1. Plywood, cinderblock, unfinished poured concrete, unfaced concrete block and plastic or metal not closely resembling painted wood clapboard.
2. Partial (less than three sides) mansard roofs, flat roofs (including a minimum pitch less than four in 12) without a pediment, long unarticulated roofs.
3. Long, unarticulated or blank façades.
4. Incongruity of architectural details or color contrasts resulting in a clearly disturbing appearance.
5. Unscreened chain link or woven metal fences.
6. Use of reflective materials as the main building material or texture.

7. Use of highly reflective glass.
 8. The use of exterior insulating finish system (EIFS), also identified by such manufacturer names as "Drivit," synthetic stucco and building materials.
- (2) The following guidelines shall control the architectural character:
- a. All front façades of the principal structure shall face and be parallel to the public right-of-way and consist of all brick construction. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - b. Side and rear elevations of all office buildings and restaurants shall be majority brick or stone construction and substantially consistent with the front building elevation. Exterior building façades shall provide visual relief every 80 to 120 feet via setbacks, parapet breaks or other architectural element. Canopies installed on the façade shall provide visual relief through a canopy break every 40 feet. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - c. All new construction on each lot shall be representative of a single architectural style. Combining different elements or styles on a single lot shall not be permitted in the Georgia Highway 74 Overlay Zoning District.
 - d. The form and pitch of the roof of new construction shall be substantially proportional to the chosen architectural style.
 - e. The height, scale, massing and fenestration of new construction shall be substantially proportional to the chosen architectural style.
- (3) Roof-mounted equipment. Roof-mounted equipment shall be located and/or screened to minimize visibility from public streets and surrounding properties.
- (4) Development shall be subject to architectural and site plan review. Applications for new construction, exterior alterations and expansion of existing structures shall be accompanied by scaled plans prepared by an architect, engineer or other appropriate professional. Such plans shall clearly depict the following:
- a. Building elevations through color rendering.
 - b. Proposed colors, materials and textures.
 - c. Location of all utility installations, including rooftop units.
 - d. Property signs, including location, size, height, color and material.

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-01, § 1, 2-11-2013; Ord. No. 2016-08, § 1(Exh. A), 7-25-2016; Ord. No. 18-TA-001(Amend.) , § 1, 5-14-2018; Ord. of 10-28-2019(1))

Re: AMENDMENT TO CITY OF FAIRBURN ZONING
ORDINANCE 2022-003TA

AN ORDINANCE TO AMEND CHAPTER 80. ZONING, ARTICLE II. ZONING DISTRICTS, DIVISION 2. – DISTRICT REGULATIONS, SECTION 80-90.- GEORGIA HIGHWAY 74 OVERLAY ZONING DISTRICT IN ORDER TO ADD SELF-STORAGE FACILITIES AND SMALL BOX DISCOUNT RETAIL STORES AS PROHIBITED USES WITHIN THE BOUNDARIES OF THE GEORGIA HIGHWAY 74 OVERLAY ZONING DISTRICT; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Whereas, zoning ordinance amendments are important in order to continue the realization of the vision, goal and policies set forth by Staff and the community in the most recent Comprehensive Land Use Plan update;

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 28th day of March, 2022; and

Whereas, in accordance with the requirements of the Zoning Ordinance, the Planning and Zoning Commission of the City of Fairburn has forwarded its recommendation to the Mayor and City Council that the amendment to Chapter 80. Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-90 – Georgia Highway 74 Overlay Zoning District be approved in order to add self-storage facilities and small box discount retail stores as prohibited uses within the boundaries of the Georgia Highway 74 Overlay Zoning District; and

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, the Mayor and Council of the City of Fairburn have conducted a properly advertised hearing on the proposed amendments to the Zoning Ordinance of the City of Fairburn, Georgia; and

Whereas, after the aforementioned public hearing, the Mayor and Council have determined that adoption of the amendment to Chapter 80. Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-90 – Georgia Highway 74 Overlay Zoning District in order to add self-storage facilities and small box discount retail stores as prohibited uses within the boundaries of the Georgia Highway 74 Overlay Zoning District would be in the best interest of residents, property owners, businesses and citizens of the City of Fairburn; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Fairburn, Georgia, and it is hereby ordained by the authority of same that Chapter 80. Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-90 – Georgia

1 Highway 74 Overlay Zoning District be amended in the Fairburn Zoning Ordinance as
2 follows:

3
4 **Section 1.** *(d) Prohibited uses. The following principal uses of land and structures shall be*
5 *prohibited within the Georgia Highway 74 Overlay Zoning District:*

6
7 *(9) Self storage facilities*

8 *(10) Small box discount retail stores*
9

10 **Section 2.** In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall
11 be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect
12 the previously existing provisions of the other sections, subsections, sentences, clauses or phrases
13 of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence,
14 clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part
15 thereof. The City Council declares that it would have passed the remaining parts of this Ordinance
16 or retained the previously existing Ordinance if it had known that such part of parts hereof would
17 be declared or adjudicated invalid or unconstitutional.

18
19 **Section 3.** This Ordinance shall become effective on the 28th day of March, 2022.

20
21 **Section 4.** All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to
22 the extent of the conflict.

23
24 APPROVED this 28th day of March, 2022, by the Mayor and Council of the City of Fairburn,
25 Georgia.

26
27 _____
28 Mario Avery, Mayor

ATTEST:

29
30 _____
31 Brenda James, City Clerk

32 APPROVED AS TO FORM:

33
34 _____
35 Rory K. Starkey, City Attorney
36
37
38



**CITY OF FAIRBURN
CITY COUNCIL AGENDA ITEM**

**SUBJECT: TEXT AMENDMENT 2022-004TA RESTAURANTS, DRIVE-THROUGHS IN THE
GEORGIA HIGHWAY 74 OVERLAY DISTRICT**

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Submitted: 03/14/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: (X) Yes () No

PURPOSE: For the Mayor and Council to approve amendments to Chapter 80 Zoning, Article II, Section 80-90 Georgia Highway 74 Overlay District, to add an exception to allow restaurants with drive-throughs that have a minimum of 4,000 square feet of gross floor area and 50% of the gross floor area designated for a dining room.


DISCUSSION: The Georgia Highway 74 Overlay District was amended in October 2019 to add regulations to restrict the development of fast-food restaurants with drive-throughs within the district boundary. The ordinance requires new fast-food restaurants with drive-throughs to be separated by 1,500 feet. The distance is measured along a straight route from the nearest point on any property line to the nearest point on any property line used as a drive-through fast-food restaurant. The regulations do not apply to the rebuilding and/or enlargement of an existing stand-alone fast-food restaurant with a drive-through.

Due to the coronavirus pandemic, indoor dining declined due to consumers being wary of entering restaurants. Fast food and fast-casual restaurants have had to rethink the ways to serve their products to the consumer. Industry experts believe that drive-through dining will stay above pre-pandemic levels even after the decrease in the spread of COVID-19. Fast-food chains are making their drive-through lanes more efficient, while fast-casual restaurants are now adding drive-through lanes to their new developments. Therefore, staff is recommending an amendment to the ordinance to allow an exception for fast food restaurants with drive-through lanes as long as the gross floor area of the restaurant is at least 4,000 square feet and 50% of the gross floor area is designated for a dining area.

RECOMMENDED ACTION: For the Mayor and Council to **APPROVE** amendments to Chapter 80 Zoning, Article II, Section 80-90 Georgia Highway 74 Overlay District, to add an exception to allow restaurants with drive-throughs that have a minimum of 4,000 square feet of gross floor area and 50% of the gross floor area designated for a dining room.

Attachments: Chapter 80 Zoning, Article II, Section 80-90 Georgia Highway 74 Overlay District - Mark-up

Transmittal of Recommendation to Mayor and City Council Memo


Mario Avery, Mayor


Tony Phillips, City Administrator



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
TRANSMITTAL OF RECOMMENDATION TO MAYOR AND CITY COUNCIL**

Date: March 28, 2022
To: Mayor and City Council
From: Elizabeth Echols, Chair of the Planning and Zoning Commission
Agenda Item: Text Amendment 2022-004TA Restaurants, Drive-throughs in the Georgia Highway 74 Overlay District

Pursuant to Section 80-287 of the City of Fairburn Zoning Ordinance, the Planning and Zoning Commission recommendation to Mayor and City Council is **APPROVAL** of Text Amendment 2022-004TA Restaurants, Drive-throughs in the Georgia Highway 74 Overlay District.

Sec. 80-90. Georgia Highway 74 Overlay Zoning District.

- (a) *Scope.* The regulations set forth in this section or set forth elsewhere in this chapter when referring to this section are the regulations of the Georgia Highway 74 Overlay Zoning District.
- (b) *Findings and intent.*
 - (1) Georgia Highway 74, which serves as the southern gateway to the city is expected to continue experiencing rapid growth in residential, commercial, and industrial construction. Development of well over 1,000 acres of raw land is being driven by proximity to Atlanta and Hartsfield International Airport, as well as access to the interstate system.
 - (2) The regulations set forth in this section are intended to ensure attractive developments which are complimentary and will promote a mix of uses rather than the undesirable commercial sprawl which has plagued many communities and threatened the very character that attracted such development interests. These standards will reinforce and implement a land use plan that features residential, office, personal services, hospitality uses, and retail commercial uses along Georgia Highway 74.
 - (3) To this end, it is the city's goal to protect the aesthetics of the community, provide for safe travel through, and access to the area and safeguard the welfare of its residents, while encouraging development along the Georgia Highway 74 corridor.
- (c) *Boundary.* This district is intended as an overlay district regulating and allowing the establishment of uses within the configuration of the allowable Georgia Highway 74 Overlay Zoning District boundaries. Said boundary shall include any properties or portions thereof, located within 1,000 feet of the Georgia Highway 74 right-of-way, as it presently exists or may exist in the future. The underlying district shall continue as permitted uses. Standards set out in this section for site development and architectural design shall control over any underlying district regulations.
- (d) *Prohibited uses.* The following principal uses of land and structures shall be prohibited within the Georgia Highway 74 Overlay Zoning District:
 - (1) Storage yard for damaged or confiscated automobiles.
 - (2) Tire re-treading and recapping.
 - (3) Sexually oriented businesses. (See chapter 5, section 5 of part I, [of this Code.])
 - (4) Heavy repair shop and trade shop.
 - (5) Extended stay residential facilities, or other similar accommodations.
 - (6) Title and pawn shops.
 - (7) Night clubs.
 - (8) Salvage/storage/junk facility.
 - (9) Self storage facilities.
 - (10) Small box discount retail stores.
- (e) *Site development standards.* In order to establish and maintain the Georgia Highway 74 Overlay Zoning District as a quality area which will preserve the investments of all land owners and developers, as well as encourage both commercial and residential development within the city, all development within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:
 - (1) The following schedule shall control land development as specified:
 - a. Retail and commercial services developments shall provide a landscaped buffer with a minimum horizontal dimension of 35 feet adjacent to the Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 75 feet shall be provided where such developments are

proposed adjacent to property developed as, or planned as, office use. A 100-foot buffer shall be provided on retail and commercial services developments which adjoin property developed as, or planned as, residential use.

- b. Office development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 40 feet shall be provided on office developments which adjoin property developed as, or planned as, residential use.
 - c. Residential development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. Such buffers shall conform to the standards of section 80-335 and shall provide berms designed to achieve topographic variation.
- (2) The following schedule shall control building setbacks for all commercial construction:
- a. Front yard setback: 50 feet, 50 feet from each street right-of-way for corner lots.
 - b. Side yard setback: 20 feet.
 - c. Rear yard setback: 30 feet.
- (3) Off-street parking and loading shall be subject to the following:
- a. All retail and commercial uses shall provide a parking ratio of one space for every 200 square feet of enclosed retail floor area available to the public. One parking space shall be provided for every 1,000 square feet of floor area used for storage, assembly, warehousing or other purpose, provided that such areas are not available to the public. Such uses shall provide $4\frac{1}{2}$ parking spaces per 1,000 square feet to enclosed retail floor area available to the public, provided the establishments served by the parking spaces comprise a unified shopping center. All such off-street parking areas shall conform to the landscape standards provided in article IX of this chapter unless exceeded herein.
 - b. No loading areas shall be permitted between buildings and the Georgia Highway 74.
- (4) Site utilities serving the site shall be placed underground.
- (5) All development shall conform to section 80-372, Open space reservation.
- (6) Developers are encouraged to create secondary road networks through a system of density (lot coverage or building height) bonuses. Lot coverage ratios, inclusive of the building footprint and pavement for parking and driveways, shall not exceed 75 percent. Pavement comprising internal street networks shall be exempted provided such street networks channel traffic between developments along Georgia Highway 74 and are not directly linked to Georgia Highway 74.
- (7) Secondary road networks which provide a landscaped boulevard and are linked to adjoining properties shall entitle the property owner to a lot coverage bonus of ten percent.
- (8) Access to Georgia Highway 74 shall be limited to one driveway per existing parcel. A lot coverage bonus of ten percent shall be granted for consolidation of driveways currently permitted by state department of transportation.
- (9) Preservation of natural features shall encompass pedestrian amenities linked to adjoining properties. All development shall provide sidewalks linked to such amenities as well as adjoining properties.
- (10) On Georgia Highway 74, no new gasoline service stations shall be permitted within 1,000 feet of any other gasoline service station. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a gasoline service station. New gasoline service stations shall be located at a signalized intersection. This subsection (10) shall not apply to the rebuilding and/or enlargement of an existing gasoline service station. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the

demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new gasoline service station.

- (11) On Georgia Highway 74, no new drive-through fast food restaurants shall be permitted within 1,500 feet of any other drive-through fast food restaurant, **except where the gross floor area of a restaurant exceeds 4,000 square feet and at least 50 percent of the gross floor area is designated for a dining area.** All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a drive-through fast food restaurant. This subsection (11) shall not apply to the rebuilding and/or enlargement of an existing stand-alone drive-through fast food restaurant. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new drive-through fast food restaurant.

- (f) *Architectural design standards.* In addition to the site development standards set forth in subsection (d) of this section, all construction within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:

- (1) The following specifications shall control the use of building materials:

- a. Exterior wall materials shall consist of one or a combination of the following materials:

1. Brick or autoclaved concrete substructure.
2. Stone with either a weathered face or polished, fluted or broken face. No quarry faced stone shall be used.
3. Masonry stucco on concrete.
4. Concrete masonry. Units shall be those generally described by the national concrete masonry association as "customized architectural concrete masonry units" or shall be "split-faced" block with marble aggregate. No exposed concrete block shall be permitted on the exterior of any building within the sight line of a public street. Other exterior walls may be painted concrete block.
5. Wood.
6. Glass in combination with metal or similar, durable architectural materials.
7. Limited use of standing seam metal is permitted in combination with the above materials.

- b. Inappropriate exterior materials and architectural elements. The following materials and elements are considered incompatible and inappropriate for primary and accessory structures and are prohibited:

1. Plywood, cinderblock, unfinished poured concrete, unfaced concrete block and plastic or metal not closely resembling painted wood clapboard.
2. Partial (less than three sides) mansard roofs, flat roofs (including a minimum pitch less than four in 12) without a pediment, long unarticulated roofs.
3. Long, unarticulated or blank façades.
4. Incongruity of architectural details or color contrasts resulting in a clearly disturbing appearance.
5. Unscreened chain link or woven metal fences.
6. Use of reflective materials as the main building material or texture.

7. Use of highly reflective glass.
 8. The use of exterior insulating finish system (EIFS), also identified by such manufacturer names as "Drivit," synthetic stucco and building materials.
- (2) The following guidelines shall control the architectural character:
- a. All front façades of the principal structure shall face and be parallel to the public right-of-way and consist of all brick construction. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - b. Side and rear elevations of all office buildings and restaurants shall be majority brick or stone construction and substantially consistent with the front building elevation. Exterior building façades shall provide visual relief every 80 to 120 feet via setbacks, parapet breaks or other architectural element. Canopies installed on the façade shall provide visual relief through a canopy break every 40 feet. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - c. All new construction on each lot shall be representative of a single architectural style. Combining different elements or styles on a single lot shall not be permitted in the Georgia Highway 74 Overlay Zoning District.
 - d. The form and pitch of the roof of new construction shall be substantially proportional to the chosen architectural style.
 - e. The height, scale, massing and fenestration of new construction shall be substantially proportional to the chosen architectural style.
- (3) Roof-mounted equipment. Roof-mounted equipment shall be located and/or screened to minimize visibility from public streets and surrounding properties.
- (4) Development shall be subject to architectural and site plan review. Applications for new construction, exterior alterations and expansion of existing structures shall be accompanied by scaled plans prepared by an architect, engineer or other appropriate professional. Such plans shall clearly depict the following:
- a. Building elevations through color rendering.
 - b. Proposed colors, materials and textures.
 - c. Location of all utility installations, including rooftop units.
 - d. Property signs, including location, size, height, color and material.

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-01, § 1, 2-11-2013; Ord. No. 2016-08, § 1(Exh. A), 7-25-2016; Ord. No. 18-TA-001(Amend.), § 1, 5-14-2018; Ord. of 10-28-2019(1))

Re: AMENDMENT TO CITY OF FAIRBURN ZONING
ORDINANCE 2022-004TA

AN ORDINANCE TO AMEND CHAPTER 80. ZONING, ARTICLE II. ZONING DISTRICTS, DIVISION 2. – DISTRICT REGULATIONS, SECTION 80-90.- GEORGIA HIGHWAY 74 OVERLAY ZONING DISTRICT IN ORDER TO ADD AN EXCEPTION TO ALLOW RESTAURANTS WITH DRIVE-THROUGHS THAT HAVE A MINIMUM OF FOUR THOUSAND SQUARE FEET OF GROSS FLOOR AREA AND FIFTY PERCENT OF THE GROSS FLOOR AREA DESIGNATED FOR A DINING ROOM; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Whereas, zoning ordinance amendments are important in order to continue the realization of the vision, goal and policies set forth by Staff and the community in the most recent Comprehensive Land Use Plan update;

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 28th day of March, 2022; and

Whereas, in accordance with the requirements of the Zoning Ordinance, the Planning and Zoning Commission of the City of Fairburn has forwarded its recommendation to the Mayor and City Council that the amendment to Chapter 80. Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-90 – Georgia Highway 74 Overlay Zoning District be approved in order to add an exception to allow restaurants with drive-throughs that have a minimum of four thousand (4,000) square feet of gross floor area and fifty percent (50%) of the gross floor area designated for a dining room; and

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, the Mayor and Council of the City of Fairburn have conducted a properly advertised hearing on the proposed amendments to the Zoning Ordinance of the City of Fairburn, Georgia; and

Whereas, after the aforementioned public hearing, the Mayor and Council have determined that adoption of the amendment to Chapter 80. Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-90 – Georgia Highway 74 Overlay Zoning District in order to add an exception to allow restaurants with drive-throughs that have a minimum of four thousand (4,000) square feet of gross floor area and fifty percent (50%) of the gross floor area designated for a dining room would be in the best interest of residents, property owners, businesses and citizens of the City of Fairburn; and

1 **NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of**
2 **Fairburn, Georgia, and it is hereby ordained by the authority of same that Chapter 80.**
3 **Zoning. Article II, Zoning Districts, Division 2.- District Regulations, Section 80-90 – Georgia**
4 **Highway 74 Overlay Zoning District be amended in the Fairburn Zoning Ordinance as**
5 **follows:**

6
7 **Section 1.** *(11) On Georgia Highway 74, no new drive-through fast food restaurants shall be*
8 *permitted within 1,500 feet of any other drive-through fast food restaurant, except where the gross*
9 *floor area of a restaurant exceeds 4,000 square feet and at least 50 percent of the gross floor area*
10 *is designated for a dining area. All measurement of distances shall be along a straight route from*
11 *the nearest point on any property line to the nearest point on any property line used as a drive-*
12 *through fast food restaurant. This subsection (11) shall not apply to the rebuilding and/or*
13 *enlargement of an existing stand-alone drive-through fast food restaurant. For the purposes of*
14 *this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an*
15 *existing structure and submittal of a building permit application within six months from the*
16 *demolition of the existing structure. Failure to obtain a building permit shall require a developer*
17 *and/or landowner to follow the development requirements for a new drive-through fast food*
18 *restaurant.*

19
20 **Section 2.** In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall
21 be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect
22 the previously existing provisions of the other sections, subsections, sentences, clauses or phrases
23 of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence,
24 clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part
25 thereof. The City Council declares that it would have passed the remaining parts of this Ordinance
26 or retained the previously existing Ordinance if it had known that such part of parts hereof would
27 be declared or adjudicated invalid or unconstitutional.

28
29 **Section 3.** This Ordinance shall become effective on the 28th day of March, 2022.

30
31 **Section 4.** All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to
32 the extent of the conflict.

33
34 APPROVED this 28th day of March, 2022, by the Mayor and Council of the City of Fairburn,
35 Georgia.

36
37
38 _____
39 Mario Avery, Mayor

ATTEST:

40
41 _____
42 Brenda James, City Clerk

43
44 APPROVED AS TO FORM:

Rory K. Starkey, City Attorney



**CITY OF FAIRBURN
CITY COUNCIL AGENDA ITEM**

SUBJECT: TEXT AMENDMENT 2022-006TA R-4 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Submitted: 03/14/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: (X) Yes () No

PURPOSE: For the Mayor and Council to approve amendments to Chapter 80 Zoning, Article II, Section 80-75 R-4 (Single-family Residential) zoning district, to modify the minimum front yard setback, minimum rear yard setback, minimum lot area, and minimum lot width.

DISCUSSION: Staff is recommending a modification to the development standards for the R-4 (Single-family Residential) zoning district. The modification includes increasing the minimum front yard setback from 15 feet to 25 feet, the front yard setback along a collector road from 25 feet to 35 feet, reducing the minimum rear yard setback from 25 feet to 20 feet, increasing the minimum lot area from 0.11 acre (5,000 square feet) to 1/4 acre (10,890 square feet), and minimum lot width from 50 feet to 75 feet. The above-mentioned modifications to the R-4 development regulations will encourage reasonable residential developments that will promote stable neighborhoods, desirable living environments, and appealing housing products.

RECOMMENDED ACTION: For the Mayor and Council to **APPROVE** amendments to Chapter 80 Zoning, Article II, Section 80-75 R-4 (Single-family Residential) zoning district, to amend the minimum front yard setback, minimum rear yard setback, minimum lot area, and minimum lot width.

Attachments: Chapter 80 Zoning, Article II, Section 80-75 R-4 (Single-family Residential) - Mark-up

Transmittal of Recommendation to Mayor and City Council Memo


Mario Avery, Mayor


Tony Phillips, City Administrator



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
TRANSMITTAL OF RECOMMENDATION TO MAYOR AND CITY COUNCIL**

Date: March 28, 2022

To: Mayor and City Council

From: Elizabeth Echols, Chair of the Planning and Zoning Commission

Agenda Item: Text Amendment 2022-006TA R-4 (Single-Family Residential) Zoning District

Pursuant to Section 80-287 of the City of Fairburn Zoning Ordinance, the Planning and Zoning Commission recommendation to Mayor and City Council is **APPROVAL** of Text Amendment 2022-006TA R-4 (Single-Family Residential) Zoning District.

Sec. 80-75. R-4—Single-family Residential Zoning District.

- (a) *R-4—Intent.* Regulations set forth in this section are the R-4 Single-family Residential Zoning District regulations. Article IV should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The R-4 district is intended to provide land areas devoted to high density residential uses on small lots. The district also provides for closely related uses. Land areas zoned R-4 are further intended to provide a transition between low- and high-density dwelling areas or between low density dwelling areas and non-residential areas.
- (b) *R-4—Use regulations.* Within the R-4 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.
- (c) *R-4—Permitted uses.* Structures and land may be used for only the following purposes:
- (1) Accessory dwelling unit.
 - (2) Communications/utilities.
 - (3) Institutional uses: Public, private and parochial schools, religious facilities.
 - (4) Non-profit recreational uses: Public or private playgrounds, parks, golf courses and lakes.
 - (5) Single-family dwelling.
- (d) *R-4—Accessory uses and structures.*
- (1) Accessory uses and structures incidental to any permitted use.
 - (2) Carports/garages.
 - (3) For sale, for rent, or for lease signs in accordance with the sign regulations of this section.
 - (4) Temporary storage pods are intended for a limited period of time and not for permanent storage.
- (e) *R-4—Conditional uses.*

<i>Uses Subject to an Administrative Permit:</i>	<i>Subject to the requirements of Article IV—Administrative Permit Requirements:</i>
Administrative Permit Uses:	See sections 80-174 through 80-195
(1) Event, special indoor/outdoor.	Allowable districts: All (less than 75 persons).
(2) Golf course.	See section 80-180. Allowable districts: All.
(3) Home occupations.	See section 80-138. Allowable districts: All residential districts.
(4) Recreational court, private.	See section 80-182. Allowable districts: All except C-1, C-2.
(5) Relocated residential structure.	See section 80-183. Allowable districts: R-1, R-2, R-3, R-4, R-CT, RM 12, RM-36.
(6) Swimming pool, private.	See section 80-190. Allowable districts: All except C-1, C-2.
(7) Temporary classroom.	See section 80-192. Allowable districts: All.
(8) Temporary structures.	See section 80-193. Allowable districts: All except emission inspection stations shall be permitted only in non-residential districts except AG.

(9) Utility substations (telephone, electric, or gas, etc.)	See section 80-194. Allowable districts: All.
<i>Uses Subject to a Use Permit:</i>	<i>Subject to the requirements of Article IV—Use Permit Requirements:</i>
Use Permit Uses	See Sections 80-196 through 80-239
(1) Agricultural-related activities.	See section 80-197. Allowable districts: All.
(2) Amateur radio antenna to exceed the administrative height.	See section 80-198. Allowable districts: All.
(3) Antenna tower, and associated structure (radio, t.v., microwave broadcasting, etc.), to exceed the district height.	See section 80-200. Allowable districts: Residential districts, AG (see same heading in section 80-174, for other non-residential districts).
(5) Cemetery and/or mausoleum (human or pet).	See section 80-202. Allowable districts: All except AG.
(6) Convalescent center/nursing home/hospice.	See section 80-206. Allowable districts: R-2, AG, R-3, R-4, C-1, C-2, O&I, M-1.
(8) Event, special indoor/outdoor.	See sections 80-179. Allowable districts: All (more than 75 persons).
(9) Group homes/shelters.	See sections 80-211 through 80-218; group homes located within subdivision area are required to provide written approval from authorized homeowner association(s).
(10) Massage therapy establishments.	See section 80-238. Allowable districts: All.
(11) Places of worship.	See section 80-203. Allowable districts: All.
(12) Portable sawmills.	See section 80-225. Allowable districts: All.
(13) Recreational fields.	See section 80-225. Allowable districts: All.
(14) School, private or special.	See section 80-230. Allowable districts: All.
(15) Senior housing.	See section 80-233. Allowable districts: All except M-1, M-2.
(16) Stadium (off-site) associated with a private school.	See section 80-235. Allowable districts: All.

- (f) *R-4—Development standards.* Unless otherwise provided in this chapter, uses permitted in the R-4 zoning district shall conform to the following standards:

Minimum front yard setback	15 feet 25 feet
Minimum front yard setback a. Along any street larger than a collector street	25 feet 35 feet
Minimum side yard setback a. Adjacent to interior line	10 feet
Minimum rear yard setback	25 feet 20 feet
Minimum lot area	0.11 acre 1/4 acre (5,000 square feet) (10,890 square feet)
Minimum lot width	50 feet 75 feet

- (g) *R-4—Building height and form.*

Maximum height	48 feet
Maximum lot coverage	55 percent
Minimum heated floor (minimum living area)	1,400 feet

-
- (h) *R-4—Design standards.* Unless otherwise provided in this chapter, uses permitted in the R-4 district shall conform to the following design standards:
- (1) Accessory structures may be located in the rear or side yards only but not be located within a setback. Habitable accessory structures must be constructed with materials similar as those of the principal structure.
 - (2) Off-street parking shall be provided as specified in article IX.
 - (3) Buffers shall be provided as specified in article X.

Figure 80-75a. R-4: Typical Lot Pattern

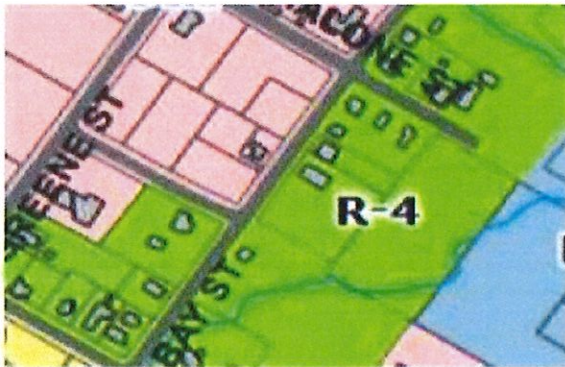
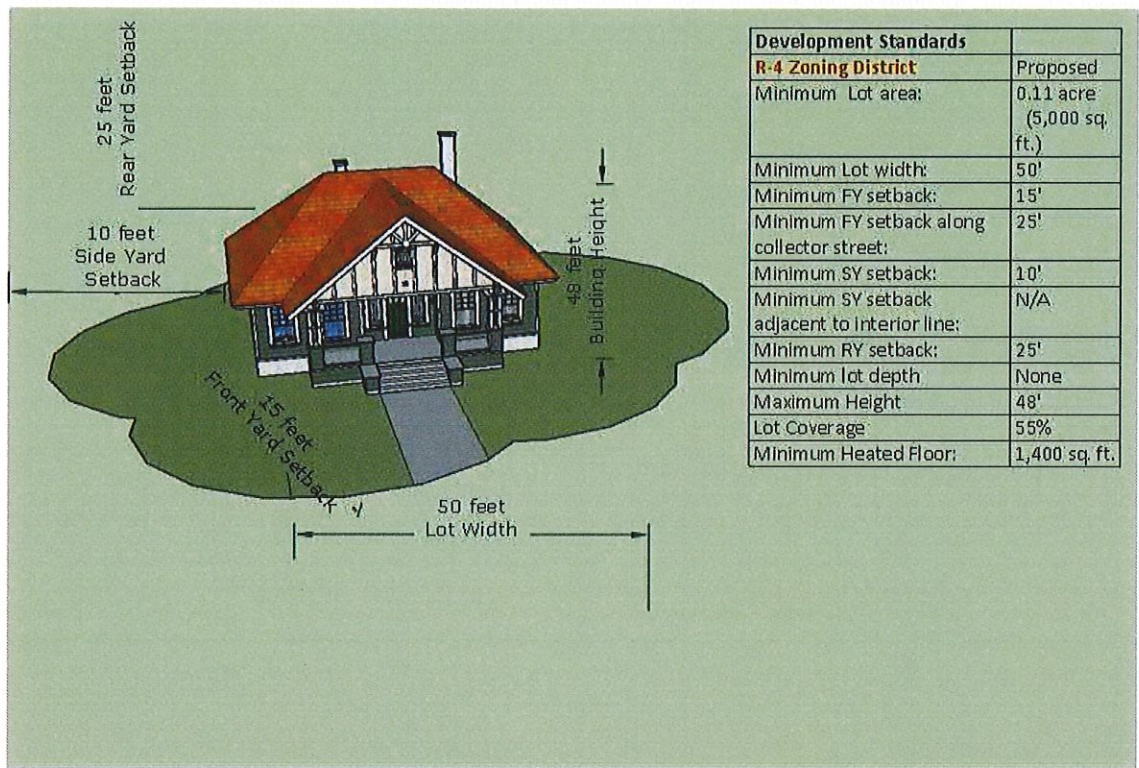


Figure 80-75b. R-4: Typical Building Form



Figure 80-75c. R-4: Typical Building/Lot Configuration



(i) *R-4—Other regulations.* The headings below contain provisions applicable to uses allowed in the R-4 Single-family Residential Zoning District:

*Chapter
Number*

- Fire CodesChapter 29
- Manufactured and Mobile HomesChapter 38
- Solid WasteChapter 47
- Traffic and VehiclesChapter 56
- Building RegulationsChapter 62
- EnvironmentChapter 65
- Soil Erosion and Sedimentation ControlChapter 65
- Stormwater ManagementChapter 65
- Stream Buffer ProtectionChapter 65
- Flood Damage PreventionChapter 68
- Land Development RegulationsChapter 71
- LandscapingChapter 74
- SubdivisionsChapter 77

ZoningChapter 80

Overlay DistrictsChapter 80

Home OccupationChapter 80

FencingChapter 80

Off-Street ParkingChapter 80

Use PermitsChapter 80

Non-ConformingChapter 80

AppealsChapter 80

SignsChapter 80

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-20, § 1(Exh. A), 9-9-2013; Ord. No. 2013-20, § 1(Exh. A), 9-9-2013; Ord. No. 2017-05 , § 1(Exh. A), 5-22-2017; Ord. of 10-28-2019(1))

Re: AMENDMENT TO CITY OF FAIRBURN ZONING
ORDINANCE 2022-006TA

AN ORDINANCE TO AMEND CHAPTER 80. ZONING, ARTICLE II. ZONING DISTRICTS, DIVISION 2. DISTRICT REGULATIONS, SECTION 80-75. R-4 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT, IN ORDER TO MODIFY THE MINIMUM FRONT YARD SETBACK, MINIMUM REAR YARD SETBACK, MINIMUM LOT AREA AND MINIMUM LOT WIDTH; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Whereas, zoning ordinance amendments are important in order to continue the realization of the vision, goal and policies set forth by Staff and the community in the most recent Comprehensive Land Use Plan update;

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 28th day of March, 2022; and

Whereas, in accordance with the requirements of the Zoning Ordinance, the Planning and Zoning Commission of the City of Fairburn has forwarded its recommendation to the Mayor and City Council that the amendment to Chapter 80. Zoning. Article II. Zoning Districts, Division 2. District Regulations, Section 80-75.- R-4 – (Single-family Residential) Zoning District, be approved in order to modify the minimum front yard setback, minimum rear yard setback, minimum lot area and minimum lot width; and

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, the Mayor and Council of the City of Fairburn have conducted a properly advertised hearing on the proposed amendments to the Zoning Ordinance of the City of Fairburn, Georgia; and

Whereas, after the aforementioned public hearing, the Mayor and Council have determined that adoption of the amendment to Chapter 80. Zoning. Article II. Zoning Districts, Division 2, District Regulations, Section 80-75.- R-4 (Single-family Residential) Zoning District, would be in the best interest of residents, property owners, businesses and citizens of the City of Fairburn; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Fairburn, Georgia, and it is hereby ordained by the authority of same that Chapter 80-Zoning, Article II. Zoning Districts, Division 2. District Regulations, Section 80-75.- R-4 (Single-family Residential) Zoning District, be amended in the Fairburn Zoning Ordinance as follows:

Section 1.	<i>Minimum front yard setback</i>	<i>25 feet</i>
	<i>Minimum front yard setback</i>	
	<i>a. Along any street larger than a collector street</i>	<i>35 feet</i>
	<i>Minimum rear yard setback</i>	<i>20 feet</i>
	<i>Minimum lot area</i>	<i>¼ acre (10,890)</i>
	<i>Minimum lot width</i>	<i>75 feet</i>

Section 2. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 3. This Ordinance shall become effective on the 28th day of March, 2022.

Section 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

APPROVED this 28th day of March, 2022, by the Mayor and Council of the City of Fairburn, Georgia.

ATTEST:

Mario Avery, Mayor

Brenda James, City Clerk

APPROVED AS TO FORM:

Rory K. Starkey, City Attorney



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: APPROVAL TO TRANSFER POSITION TO PROPERTY DEPARTMENT

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Submitted: 03/03/2022 Work Session: 03/28/2022 Council Meeting: 03/28/2022

DEPARTMENT: Property Management

BUDGET IMPACT: The net budget impact will be \$0. The budget of \$32,587 will be transferred from Streets Department to Property Management Department.

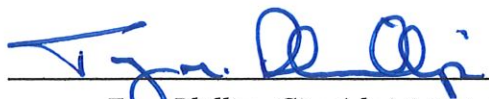
PUBLIC HEARING? () Yes (X) No

PURPOSE: For Mayor and Council to approve budget amendment to move funds and position from Streets Department to Property Management Department.

HISTORY: In 2021 the Building Tech position was moved from the Property Management Department to the Streets Department. This left the Property Management Department with one position to handle all property maintenance and facility upkeep for the entire city.

FACTS AND ISSUES: At the present time the City of Fairburn has one full time staff dedicated to property maintenance and improvement. Moving the position from Streets Department to Property Management Department will fill a dire need.

RECOMMENDED ACTION: Staff recommends that the City Council approve moving position back under Property Management Department.



Tony Phillips, City Administrator



Mario B. Avery, Mayor

GOVERNMENT OF THE CITY OF FAIRBURN

Office of the City Administrator

MARIO B. AVERY
MAYOR



TONY M. PHILLIPS
CITY ADMINISTRATOR

DECISION MEMO

TO: Tony M. Phillips, City Administrator
FROM: Harvey Stokes, Director of Property Management
DATE: March 3, 2022
SUBJECT: Moving Building Tech 1 position from Streets Department to Property Department

Background:

In 2021 position was moved from Property Department to Streets Department. This left the property department with only one position to handle all property maintenance and facility upkeep.

Decision Needed:

Requesting position be moved back to the Property Department.

Decision: Approved ☒ Disapproved ☐

Comments:


Signature

Date

**CITY OF FAIRBURN
POSITION REQUEST**

DATE: March 3, 2022

TO: City Council

FROM: Harvey Stokes

SUBJECT: POSITION REQUEST –

I do hereby request and submit the following Position Request to be approved.

INCREASE TO DEPARTMENT:

<u>Department Name</u>	<u>Current Position Count</u>	<u># of Positions Request</u>	<u>Cost of Position</u>
Property Management	3	1	\$32,587

DECREASE TO DEPARTMENT:

<u>Department Name</u>	<u>Current Position Count</u>	<u># of Positions Removed</u>	<u>Cost of Position</u>
Streets	19	1	\$32,587


REASON: The purpose of this budget amendment is to reclassify funds from the Streets Department
to the Property Department, Building Tech 1 position that was originally under Property was moved to
Streets, this amendment will correct the position location along with the funding.

According to the Statement of Policy, the above-listed transfer has been approved.

03.03.22
Date


Peterson David, Finance Director

3/11/22
Date


Tony Phillips, City Administrator

Vote: Approved # _____ Denied # _____

Budget Amendment – 01/20/2022

**CITY OF FAIRBURN
Budget Amendment**

DATE: March 3, 2022

TO: City Council

FROM: Harvey Stokes

SUBJECT: REQUEST FOR BUDGET AMENDMENT –

I do hereby request and submit the following budget amendment to be approved.

INCREASE EXPENSE:

<u>Account Name</u>	<u>Account Number</u>	<u>Amount</u>
Salaries & Wages	100-1565-51-1100	27,009
Group Insurance	100-1565-51-2100	3,511
FICA & Medicare	100-1565-51-2200	2,067

DECREASE EXPENSE:

<u>Account Name</u>	<u>Account Number</u>	<u>Amount</u>
Salaries & Wages	100-4200-51-1100	27,009
Group Insurance	100-4200-51-2100	3,511
FICA & Medicare	100-4200-51-2200	2,067

REASON: The purpose of this budget amendment is to reclassify funds from the Streets Department to the Property Department, Building Tech 1 position that was originally under Property was moved to Streets, this amendment will correct the position location along with the funding.

According to the Statement of Policy, the above-listed transfer has been approved.

03.03.22

Date



Peterson David, Finance Director

3/11/22

Date



Tony Phillips, City Administrator

Vote: Approved # _____ Denied # _____



POSITION TITLE: Building Maintenance Technician I

GRADE: 17

COMPENSATION: \$54,017.60

DEPARTMENT: Property Management

REPORTS TO: Facility Manager

POSITION SUMMARY:

This is a non-exempt position responsible for the maintenance, repairs and upkeep in buildings, facilities, and infrastructure systems utilizing a working knowledge of the trade skills and tools utilized in the Mechanical and structural maintenance of city owned buildings/ facilities.

DISTINGUISHING FEATURES OF THE CLASS:

An employee in this class performs a wide variety of general skilled maintenance and repair work required to maintain the mechanical and structural elements of city buildings. Duties include maintaining plumbing, heating, electrical, and ventilation systems and fixtures; preventive maintenance and repair of mechanical units and fixtures; and repair and renovations of structural features of a building. The work is performed in accordance with accepted building maintenance techniques and mechanical specifications, and under the direction of assigned building supervisory staff.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

Each position in this classification may not include all the duties listed below, nor do the examples cover all duties that may be performed.

Under general supervision:

1. Operate and manages building control systems, evaluate, and diagnose equipment and system failures, devise methods or techniques for repairs, and report needs and request major facility or equipment upgrading.
2. Assist in the installation and repairs of plumbing, heating, electrical and ventilation systems, and fixtures, including water, steam, and sewer pipes, radiators, lavatory fixtures, appliances, thermostats, switches, controls, ducts, pumps, motors, fans, valves, traps, regulators, etc. as licensure allows.

3. Perform and/or participate in structural repair or remodeling of building features including electrical wiring, lights, drywall partitions, woodwork, doors, windows, locks, ceiling and floor tile, furniture and cabinets, painting, cement work, etc.
4. Perform routine preventative maintenance tasks including testing, inspecting, and lubricating equipment; adjusting valves and thermostats; cleaning filters; checking connections; replacing mechanical and electrical components; etc.
5. Read and interpret blueprints, facility system O&M manuals, building control systems and software applications, and other technical resources to aid in the maintenance and repair of facility infrastructure systems.
6. Repair small engines, appliances, and office equipment, and assist in the maintenance of facility HVAC systems.
7. Ensure a safe work environment.
8. Prepare seasonal plumbing systems by winterizing as required.
9. Operate power hand tools and motorized equipment.
10. Attend related training sessions.
11. Assist other facility staff as needed.
12. Perform facilities maintenance related work as assigned.
13. Maintain, install, and replace/ repair locks, keys, and electronic access control systems including cutting, issuing, and maintaining keys, key logs, and electronic access.
14. Monitor and adjust facility energy controls and lighting systems to maintain occupant comfort, security, and energy efficiency.
15. Maintain safe and attractive access to and within City buildings and facilities by tasks such as pressure cleaning, and repainting.
16. Assist with the removal of snow and ice associated on alleyways, facility sidewalks.

MINIMUM JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skills, and abilities required.

1. Education & Experience Requirements

- A. High School Diploma or GED.
- B. Two (2) years of verifiable experience as a licensed Journeyman in a building maintenance or construction related trade; OR four (4) years of full-time experience in the maintenance and repair of multi-unit or institutional buildings which includes experience in operation, maintenance, and repair of facility systems and equipment, and building control technologies; OR a combination of education and experience that totals four (4) years and demonstrates the ability to provide skilled maintenance and repair to city facilities and systems.
- C. One (1) year of verifiable experience as a commercial construction laborer or helper in one or more of the above trades; or
- D. A combination of educational experience related to construction practices as determined by the Director of Property Management.

2. LICENSE REQUIREMENTS:

- A. Possession of a State of Georgia driver's license (Class C) and a valid satisfactory Motor Vehicle Record (MVR)

KNOWLEDGE REQUIREMENTS:

- A. Knowledge of building codes.
- B. Knowledge of all other laws and rules regulating to building maintenance, repairs, and operation practices.
- C. Knowledge of the tools, equipment, and materials used in the trades.
- D. Knowledge of wiring involved with heating and cooling controls.
- E. Knowledge of pneumatic and digital controls and associated software analytics, dashboards, and other building system management tools.
- F. Knowledge of various types of plumbing, HVAC, electrical, carpentry methodologies and practices.
- G. Knowledge of the methods used in the installation, operation, and maintenance of general building systems.
- H. Knowledge of applicable safe work practices and procedures.
- I. Knowledge of the proper construct of industrial facilities

SKILLS REQUIRED:

- A. Skilled in the operation and maintenance of building systems and controls.
- B. Skilled in the methods, practices, tools and materials used in general building maintenance and repair work.
- C. Skilled in the general construction trades.
- D. Skilled in managing multiple projects concurrently.
- E. Skill in operating hand and power tools and maintaining them in proper safe condition.

ABILITIES REQUIREMENTS:

- A. Ability to read and interpret blueprints, diagrams, and manuals.
- B. Ability to perform basic mechanical, electrical, carpentry, and other repair work.
- C. Ability to understand and follow oral and written instructions.
- D. Ability to erect ladders and scaffolding in a safe manner.
- E. Ability to use power hand tools.
- F. Ability to recognize safety hazards and to take appropriate precautions.
- G. Ability to demonstrate an understanding of customer needs and demonstrate respect for all customers, both internal City staff and the public.
- H. Ability to establish and maintain effective working relationships with co-workers and the public.
- I. Ability to work on multiple projects and prioritize workload.
- J. Ability to recognize safety hazards and use and communicate appropriate precautions.
- K. Ability to work on-call after completion of regular assigned work hours.

PHYSICAL ABILITY REQUIREMENTS:

- A. Ability to frequently walk, stand, kneel, stoop, crouch, climb, and reach above shoulder level.

- B. Ability to lift and transport (usually by carrying) supplies, tools, and equipment weighing up to 90 pounds.
- C. Ability to work in dusty, dirty, wet, and cold conditions.
- D. Ability to move oneself and various items of equipment and materials to locations inside and outside of City buildings.
- E. Ability to climb ladders.
- F. Ability to work in high places.

SUPERVISORY CONTROLS:

Work is performed under the supervision of the Facility Manager.

GUIDELINES:

Guidelines include City and departmental policies and procedures and applicable ordinances.

SUPERVISORY AND MANAGEMENT RESPONSIBILITY:

This is a non-supervisory position

This job description has been reviewed and approved on 3/11/22 by:



Tony M. Phillips, City Administrator

Harvey Stokes, Property Manager

I have read this job description and understand the duties assigned and the expectations of my performance.

Employee Signature _____ Date _____



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: Appointments to the Downtown Development & Development Authority of Fairburn

() AGREEMENT
() ORDINANCE

() POLICY / DISCUSSION
() RESOLUTION

() CONTRACT
(X) OTHER

Submitted: 03/23/2022

Work Session: 02/14/2022

Council Meeting: 03/28/2022


DEPARTMENT: Mayor

BUDGET IMPACT:

PUBLIC HEARING? () Yes (X) No

PURPOSE: Mayor Avery would like to appoint Patricia Chambers of Chambers Drum Company, INC. and Chris Wiley of Oz Pizza to the Downtown Development and Development Authority of Fairburn. These appointments will replace Rhonda Appleby and Danita Jones whose terms expired January 2022. The new terms will begin immediately and will expire January 31, 2026.

RECOMMENDED ACTION: Approval of the Appointments.


Tony M. Phillips, City Administrator


Mario B. Avery, Mayor



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: City Administrators Monthly Report – February 2022

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Submitted: March 23, 2022 **Work Session:** N/A **Council Meeting:** March 28, 2022

DEPARTMENT: City Administrator

BUDGET IMPACT: N/A

PUBLIC HEARING? () Yes (X) No

PURPOSE: A summary of the City's monthly administrative activities

HISTORY: The City Administrators Monthly Report is utilized to inform elected officials and residents on the day to day operations of the city.

RECOMMENDED ACTION: N/A



Tony M. Phillips, City Administrator



Mario A. Avery, Mayor



City Administrator's Monthly Report

February 2022

Fairburn, GA

Authored by: Tony M. Phillips, CPM®



Government of the City of Fairburn



Greetings Honorable Mayor & City Council Members,

I am honored to present a summary of the City's monthly administrative activities. Fairburn is a great city that is clearly "Situated to Succeed". A city that combines multiple assets into one of the state's best live, work, play communities. Our staff is committed to ensuring our residents receive best in class customer service, while being responsive to our neighborhoods, communities, and local businesses to support a safe, inclusive, innovative, and economically vibrant city.

This report summarizes activities through the end of February 2022. The City continues its positive path forward with the new administration under the leadership of the Honorable Mayor Mario Avery.

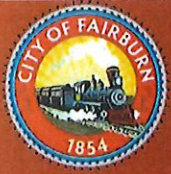
- Ms. Brenda James has been appointed by Mayor & Council as our City Clerk
- We are proactively recruiting for all open positions in the City to help elevate departmental service delivery. Those efforts have led to multiple new hires for funded positions including Billing Operations Manager and (3) Police Officers
- Ongoing bi-weekly department director's meetings have increased interdepartmental collaboration and continues to elevate service delivery and tangible outcomes.
- Progress on our Downtown Streetscape Project continues.
- The City welcomed a new business to our downtown district. Realty ONE Group Terminus located at 4 NW Broad Street. Their Fairburn offices will serve as the center of operations for REALTORS® specializing in: South Fulton - Fayette - Clayton - Douglas - Coweta - Henry.
- The renovation of Fire Station 21 is ongoing.
- Parks & Recreation hosted a successful "Golden Hearts" event for seniors for the Valentines holiday

I am excited, working with our dedicated staff, to continue to implement innovative ways to connect with our citizens and provide opportunities to make Fairburn our region's most accessible government. This report highlights our initial and ongoing efforts to improve delivery of services in line with your collective vision. Please review a summary of the City's successful outcomes from February 2022.

Tony M. Phillips, CPM®

City Administrator

City of Fairburn



GOVERNMENT OF THE CITY OF FAIRBURN

City Clerk

Director:

Date: February 2022

Department Highlights/Accomplishments:

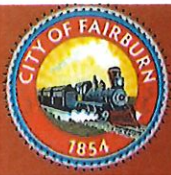
- Received 88 open records requests for February 2022 – researched and processed
- Processed incident reports to Travelers insurance – sewer, P.D. vehicles, update on gate repair
- Registered Council Members to attend training and processed per diem expense reports
- Prepared City Council Meeting packets for 02/14 & 2/28 and processed the agenda afterward
- I spoke to Bryan Price with JustFoia about a price increase on ORR software
- Reviewed travel per diems with staff – electric, finance
- Received the liability insurance annual review

Project Status:

- Continue to work with open records request several times a day
- Continue to organize City
- Training Ms. Juquita Walker for open records request

Upcoming Events/Actions/Meetings:

- Index four (4) filing cabinets with contracts and agreements- then go through 4 boxes of paperwork in my office
- Discuss open records request software with Attorney, Mayor and City Administrator
- Research alcohol licensing procedures – these have been revised by the Georgia Department of Revenue
- Research Occupational Tax Certificate/Business License procedures



Community Development Department

Director: Lester Thompson, MPA

Date: February 2022

Department Highlights/Accomplishments:

Mr. Elijah Thompson, as the City of Fairburn's appointment to the South Fulton CID Board, was approved at the February 14th City Council Meeting.

An Intergovernmental Agreement between the Georgia Department of Transportation (GDOT) and the City of Fairburn for Traffic Signal Operations Programs Coordination was approved at the February 14th City Council Meeting.

Task Order #11 with Atlas Technical Consultants for CEI Services on the Downtown LCI Streetscape Project was approved at the February 14th City Council Meeting.

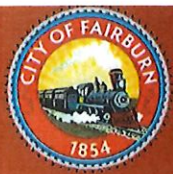
A Task Order with Pond & Company to Design the Lightning Community Pond and Greenspace Project for an amount not to exceed \$39,000 was approved at the February 28th City Council Meeting.

A Contract Award to Southeastern Engineering, Inc. (SEI) to Design the Duncan Park Roadway Extension Project for an amount not to exceed \$291,600 was approved at the February 28th City Council Meeting.

Department Updates:

Permit Type	Number Issued
Right-of-Way Encroachment Permits	4
Clearing & Grading Permits	0
Land Disturbance Permits (LDPs)	3

Two (2) of the LPDs issued in the month of February 2022 were for proposed industrial projects located on the recently completed Howell Avenue Extension. The Howell Avenue Extension was a T-SPLOST Roadway Project designed to provide connectivity between Bohannon Road and SR74/Senoia Road, an alternative route for motorists (trucks), and to open up parcels for future development. It has certainly lived up to the design intent and is currently spurring economic development in the area.



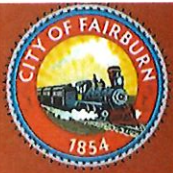
GOVERNMENT OF THE CITY OF FAIRBURN

Project Status:

Community Development Projects Under Construction		
Project Name	Permit Type	Permit Issuance Date
1162 Hwy 54 East, LLC	Land Disturbance Permit	February 16th, 2022
Tractor Supply Company	Land Disturbance Permit	February 11th, 2022
Fairburn DC, Howell Avenue	Land Disturbance Permit	February 8th, 2022
Trillium Reserve Subdivision	Land Disturbance Permit	September 29th, 2021
TEREX (TRX) – USA – Fairburn	Land Disturbance Permit	August 20th, 2021
Iron Horse Storage	Land Disturbance Permit	April 20th, 2021
Graham Road Site	Land Disturbance Permit	April 2nd, 2021
Fern Dale Subdivision	Land Disturbance Permit	March 31st, 2021
Legend Creek Subdivision	Land Disturbance Permit	October 15th, 2020

Public Works/Capital Improvement Projects Under Design		
Project Name	Current Design Phase	Let Date
I-85 @ S.R. 74/Senoia Road Interchange Project (P.I. # 0007841)	Right-of-Way	Management: October 15th, 2022

The project currently has 53 parcels. GDOT has closed on nineteen(19) parcels, six (6) parcels are pending condemnation with one (1) filed, thirteen (13) options are with their attorney for closing, seventeen (17) parcels are still being negotiated, ten (10) parcels will need to be reappraised.



GOVERNMENT OF THE CITY OF FAIRBURN

Public Works/Capital Improvement Projects Under Construction		
Project Name	Notice to Proceed Date (NTP)	Completion Date(s)
Downtown LCI Streetscape Project [SR 14; CS 4130/W CAMPBELLTON ROAD & CS 4050/SMITH STREET-LCI] (19-005/PI #0012636)	July 6th, 2020	Substantial: April 13th, 2022 Final: May 22nd, 2022
Oakley Industrial Full Depth Reclamation Project (21-001)	July 6th, 2021	Substantial: October 29th, 2021 Final: March 31st, 2022
Rivertown Road Pedestrian Improvements Project (21-002)	October 4th, 2021	Substantial: March 31st, 2021 Final: May 31st, 2022
Cora Robinson Park Improvements Phase II Project (21-003)	September 27th, 2021	Substantial: April 30th, 2022 Final: May 31st, 2022
Dodd Street Community Plaza Project (21-003)	September 27th, 2021	Substantial: April 30th, 2022 Final: May 31st, 2022
Roadway Improvements on Various City Roads Project (21-004), 2021 Local Maintenance Improvement Grant (LMIG)/TSPLOST City-Wide Resurfacing Project	September 20, 2021	Substantial: December 17, 2021 Final: March 31, 2022
Margaret Street Pedestrian Improvements Project (21-005)	September 27th, 2021	Substantial: January 28th, 2022 Final: March 31st, 2022

Upcoming Events/Actions/Meetings:

2022 Local Maintenance Improvement Grant (LMIG)/TSPLOST City-Wide Resurfacing Project; Roadway Improvements on Various City Roads Project (22-001), was put out to bid on February 23rd, 2022. The bid opening date is March 25th, 2022.



Economic Development

Director: Sylvia Abernathy

Date: February 2022

Department Highlights/Accomplishments:

- Participated in virtual White House event on innovations in housing supply, "Making it easier to build accessory dwelling units (ADU)." – February 1st
- **Health and Wellness:** As a part of the ongoing community engagement activities, on February 14th hosted, the Community Vaccination Event in conjunction with Fulton County Health and CORE. -February 14th
- Economic development communications campaign regarding City's services and "We love it here" branding. We led and produced promotional of City departments, advertisement, social media marketing of City's key messages, and best in class service delivery. Launch of content and strategic planning, in collaboration with the Parks and Recreation and Human Resources Departments, to generate engagements with target audiences resulting in more than double the participation.
- Updated the City Newsletter design update and articles for February in collaboration with the Chief of Staff.



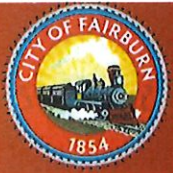
Department Updates:

- **Downtown Design Project:** Art Advisory Board Presentation regarding placement of Neighborhood Navigation System and implementation of utility box art, manhole art covers (in partnership with Utilities Dept), and crosswalk painting project (collaboration with Planning & Zoning).
- Monthly Main Street Board of Directors Meeting.
- Monthly Community Beautification Ambassadors Meeting – February 22nd
- DDA/DA Review and Board Status – Working with UGA Carl Vinson to establish an updated training workshop for the year. Tentative schedule and agenda in the process. – Date TBD

Beautification by design

- Box Murals, Intersection Street Art, and Cultural Heritage Design
- Utility box murals
- Manhole covers
- Underground Railroad project
- Pedestrian walkway design

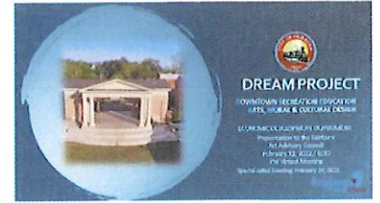




Project Status:

- **Downtown Digital Wayfinding System:**

The project was reviewed and approved by Main Street Board in December 2021. Presentation made to Art Advisory Council, on February 24th receiving affirmative recommendations of project concept and wayfinding locations.



- **Development Projects.**

- **LCI Roosevelt Highway Study:** Submitted Commitment Letter, completed application review, and completed scope of work for LCI Roosevelt Highway Study.
- Redevelopment of downtown parcels.
 - Ongoing discussions with business and property-owner stakeholders.
- **Aerotropolis Blueprint 2.0:** Submitted Fairburn potential catalytic sites and completed jurisdiction survey. – February 7th
 - Ongoing workshops are scheduled.
 - Developers bus tour – scheduled for April 26th

- **Downtown Beautification Projects:**

Working with Building Facilities Director Frankie Arnold Stage & Courtyard new signage/ plaque installation. Project under review pending approval.

- **Workforce Development Initiatives:**

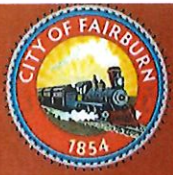
- The apprenticeship program for ready-to-work youth. Meeting to review GMA, *Starts with Me* program model. – February 8th
- Ongoing meeting with education and business stakeholders.

- **Business Activation & Retention:**

- Restored Promises Grand Opening Ribbon Cutting – scheduled for April 23rd
- Cochran Mill Brewing Company 2nd Anniversary Ribbon Cutting – scheduled for May 7th (confirmation pending)
- Business Association Interest Meeting – March 18th, March 24th (confirmation pending).

Upcoming Events/Actions/Meetings:

- Downtown Business Association Interest Meeting – TBD (tentative dates March 18th, March 24th)
- Taste of Fairburn- May 21st
- Third Friday Events & Concert Series
- Agricultural Day virtual event – TBD
- Main Street Board Meeting – March 15th
- Community Beautification Ambassador Meeting – March 22nd
- DDA/DA Board Meeting - TBD



Finance

Director: Peterson David

Date: February 2022

Department Highlights/Accomplishments:

Employee of the month award for February: Stephanie Gibson (Senior Accountant)

Department Updates:

Interviews held for vacant Senior Accountant position

- Candidate chosen, starts 03/16/22

Personal Property Tax

- Collected: \$2,753,019.52
- Outstanding: \$72,022.78

Real Property Tax

- Collected: \$6,491,725.50
- Outstanding: \$249,543.08

New services, February 1 – 28, 2022

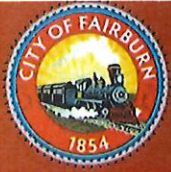
- Electric: 26
- Water: 41
- Garbage: 37

Project Status:

FY20-21 Single Audit: Final stages

Upcoming Events/Actions/Meetings:

1. Interview for vacant Revenue Specialist I
2. Budget meeting, prep for amended FY22 budget request



Fairburn Fire Department

Director: Chief Cornelius Robinson

Date: February

Department Highlights/Accomplishments:

- Received quotes for loose equipment for new engines
- Traveled to Randall Brackett & Brindlee Mountain to check on truck statuses
- Met with Strack on new hydrant install at training facility
- Luncheon with 1-800 Board Up concerning response to South cities
- Attended Douglas County Swearing-in Ceremony for Fire Chief Roderick Jolivette
- Campbell Elementary School Career Day- 130 Students

Department Updates:

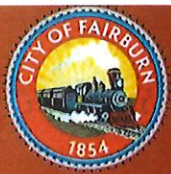
- Promoted Deputy Chief and Division Chief of Training and Support Services

Project Status:

- Working on installing new hydrant at training facility
- 2nd Zoom Meeting w/Greystone Corporation to run power to training facility
- Researching temporary fire station locations

Upcoming Events/Actions/Meetings:

- Fairburn Fire Department hosting monthly South Fulton Chief's Meeting- March 17th from 10 a.m. to 2 p.m.



Parks & Recreation

Director: Chapin Payne

Date: March 1, 2022

February Monthly Report

Department Highlights/Accomplishments:

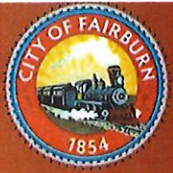
- Seasonal Duncan Pool Positions – Posted for hiring
- Chapin sat on the Directors Panel at the GRPA Women's Leadership Conference
- Golden Holliday Brunch
- Department presented Landmark Christian School with a plaque for their departmental support 2021-2022
- G.A. Renaissance Festival Meeting

Department Updates:

- Canvas & Coffee – 13 senior participants
- Golden Holiday Brunch: February 10th – 40 senior participants
- G.A. Care Medicare Workshop: Feb. 16th – 12 senior participants
- Black History Movie: Feb. 23rd – 18 senior participants
- Senior Line Dancing – 130 senior participants
- Youth Track & Field (Full) – 60 youth participants
- Toddler Tee-Ball (Full) – 20 toddler participants
- Teen Empowerment Program (Full) – 18 teen participants
- Baseball Field Season Prep – Fields 3,2,1
- Landmark Athletics Department meeting - discuss future partnerships

Project Status:

- Career Fair – 32 pre-registered to date. Businesses listed below
 - City Departments
 - Crown Linen
 - Holiday Inn Express
 - Renaissance Festival
 - Material in Motions
 - Georgia Commute Options
 - Kings Donuts

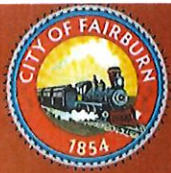


GOVERNMENT OF THE CITY OF FAIRBURN

- Youth Center HVAC installation – (2) quotes received
- Outdoor basketball court fence repair – vendor selected/ scheduling repair
- Duncan Park field maintenance – on going
- Mental Fitness Summer Camp facility usage agreement – March 28th meeting
- Pat Green Parking Lot usage contract – March 28th meeting
- Swim Lessons facility usage agreement – March 28th meeting
- Youth Center landscape – mulch added week of April 1st
- Fall Festival planning – on-going
- Duncan Park Pool & Splash Pad – season planning
 - Opening Day – May 28th, 2022
 - Activities: Day camps, Swim Lessons, Open Swim, Water Aerobics
- Youth Center access control – scheduling on-site visits for installation

Upcoming Events/Actions/Meetings:

- Fairburn Career Fair – March 8th
- Canvas & Coffee – March 30th
- Lifeguard Certification – April 2nd – April 9th
- Easter Wreaths – April 13th
- Tee-Ball Opening Day – April 16th
- Popcorn & A Movie – April 27th
- Pool Opening Day – May 28th



Planning and Zoning

Director: Tarika Peeks

Date: March 11, 2022

Department Highlights/Accomplishments:

Boards & Commissions Meetings

- The Planning and Zoning Commission meeting was held on February 1st at 7:00 pm.
- The Art Advisory Council meeting was held on February 17th at 6:30 pm.

Community Meetings

The Community Garden Plan Community Meeting was held on February 22nd at 6:30 pm.

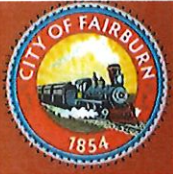
Department Updates:

Permit Type & Other	Number Issued
Sign Permit	5
Film Permit	1
Short Term Rental Permit	0
Special Event Permit	0
Occupational Tax License Review	4
Zoning Verification Letter	3

The Curry Bend Planned Development was denied by City Council on August 23rd, 2021. I attended a meeting on February 15th with the Landowner (Lacey Curry) and builder/developer (DRB Group) to discuss a possible settlement agreement and revisions to the development plan that could be supported by Staff, the Mayor, and Council. The builder/developer will revise the development plan and upon receipt of the site plan, the matter will be scheduled for an executive session discussion.

Project Status:

Community Development Projects		
Project Name	Permit Type	Status
Popeye's	Land Disturbance Permit	Conceptual Site Plan Approved on November 3rd, 2020; Under Staff Review
South Park Bldg. A	Land Disturbance Permit	Conceptual Site Plan Approved on October 2nd, 2018; Under Staff Review
Buckingham - Google	Land Disturbance Permit	Under Staff Review



Highway 74 Moratorium and Text Amendments

The Highway 74 Moratorium extension was approved by the City Council on February 28th. The new expiration date is March 28th. The Highway 74 text amendments for small box discount retail stores and restaurants with drive-throughs are complete and will be presented to the Planning and Zoning Commission on March 7th and Mayor and City Council on March 28th. In addition, the amendments to the R-4 (Single-family Residential) zoning district will be present concurrently with the Highway 74 amendments.

Upcoming Events/Actions/Meetings:

Rezoning Petitions

DRB Group Georgia, LLC – A request to rezone 18.26 acres from R-1 (Single-family Residential) to R-4 (Single-family Residential) for 86 single-family residential lots.

Dates: Planning and Zoning Commission - January 11th, 2022 - APPROVAL

City Council - February 14th, 2022 - Deferred to March 28th, 2022

Hernan Creek - A request to rezone 26.35 acres from A.G. (Agriculture) to R-4 (Single-family Residential) for 56 single-family residential lots.

Dates: Planning and Zoning Commission - May 3rd, 2022

City Council - June 13th, 2022

Liberty Communities - A request to rezone 46.1 acres from A.G. (Agriculture) to R-4 (Single-family Residential) for 175 single-family residential lots.

Dates: Planning and Zoning Commission - May 3rd, 2022

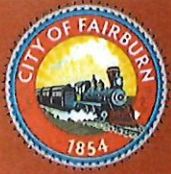
City Council - June 13th, 2022

Use Permit Applications

A Step at A Time Early Learning Center - The applicant is requesting a use permit for a child daycare center.

Dates: Planning and Zoning Commission - February 1st, 2022 - APPROVAL

City Council - March 28th, 2022



Police Department

Director: Chief James A. McCarthy

Date: February 2022

Department Highlights/Accomplishments:

- Three new officers hired in February. Two in the academy, one in field training.
- Part 1 crime rate for February 2022 down 8% from February 2021

Department Updates:

- Two missing person cases, each successfully located in first week of March
- SOP Review scheduled for 3/22 & 3/23

Project Status:

- Planning stages for:
 - Citizen Police Academy
 - Coffee with a Cop / GA Cities Week

Upcoming Events/Actions/Meetings:

- Meeting with University System of GA (E-Campus) 3/16
- Meeting with Enterprise fleet on 3/17



Fairburn Police Department

James McCarthy

Chief of Police

Executive Summary February 2022



- **Uniform Patrol Division**

○ Total Calls Answered:	651
▪ Self-Initiated	1,037
▪ Dispatched	651
○ Arrests	28
○ Arrest – Released	36
○ Citations	333
○ Warnings	531
○ Incident Reports	263
○ Accident Reports	99

- **Special Services**

○ Total Calls Answered:	46
▪ Self-Initiated	182
▪ Dispatched	46
○ Arrests	3
○ Arrest – Released	20
○ Citations	97
○ Warnings	133
○ Incident Reports	50
○ Accident Reports	3

- **Criminal Inv. Division – February**

○ Cases Assigned	73
○ Ex-Cleared	0
○ Cleared by Arrest	3
○ Unfounded	4
○ Inactivated	30

- **CID – Cases Prior to February**

○ Carry Over	108
○ Ex-Cleared	5
○ Cleared by Arrest	10
○ Unfounded	8
○ Inactivated	48

- **Internal Affairs**

○ Hired	
▪ 3 in progress	
○ Vacancies	
▪ 5 police officers	
○ Resign / Termination	
▪ Flippin, Lowe	

Police

February 2020

• Citations	992
• Warnings	1,655
• Arrests	65
• A/R	62

February 2021

• Citations	655
• Warnings	1,582
• Arrests	35
• A/R	68

February 2022

• Citations	430
• Warnings	664
• Arrests	31
• A/R	56

*Feb. '21 compared to Feb. '22
8% Part 1 crime decrease*

Code Enforcement

February 2022

• Site Insp	5
• Stop Work	1
• Signs Rmvd	47
• Door Hngs	21
• 5 Day Notice	3
• Citations	0
• Complaints Resolved	39



Fairburn Police Department

James McCarthy

Chief of Police

191 SW Broad Street
Fairburn, GA 30213

Phone: 770-964-1441
Fax: 770-774-7908



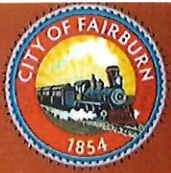
February 2022 Crime Report

Total Part 1 Crime Incidents

○ 2022 YTD	51
○ 2021	328
○ 2020	416
○ 2019	589
○ 2018	709
○ 2017	824

Part 1 crimes are murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson

Month	Increase / Decrease Same Month Prior Year	Total Part 1 Crimes
January 2021	- 56.9%	26
February 2021	- 7.4%	25
March 2021	- 19.4%	31
April 2021	- 22.2%	21
May 2021	4%	26
June 2021	- 9.6%	29
July 2021	- 14.2%	32
August 2021	- 35.2%	24
September 2021	- 30.5%	26
October 2021	- 31%	27
November 2021	36%	32
December 2021	- 23.6%	28
January 2022	7%	28
February 2022	- 8%	23



Property Management

Director: Harvey Stokes

Date: February 2022

Department Highlights/Accomplishments:

- Completed the interior and exterior keyless design work for the keyless access security system throughout City Hall, installation in progress 80% complete.
- Reviewed and approved and released the construction documents and permits for Tractor Supply.
- Lighting system upgraded to LED's at the Fairburn Annex
- Monument sign have been repaired at the corner of Hwy 29 & 138.
- Plan reviews and building inspections performed on both residential and commercial properties.

Department Updates:

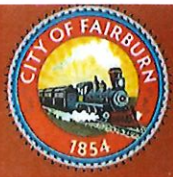
- Full time custodian position created and approved by Mayor & Council
- Facility Maintenance Tech-I position vacant position filled for this department
- Facility Manager position, vacant for over two years is advertised to fill the vacancy for this department.

Project Status:

- Finishing up the renovations of the Heads end areas at Fairburn Utility for the Streets Directors and staff office, restroom and work area.
- The Annex Building to be ready for the lice dept/ Fire training facility by 3/14/22.
- The conversion of the former P.D. training facility being converted to offices for our H.R. department is to be completed by 3/18/22.
- Finalizing the logistics as it relates to the scope of work on phase one of the renovations at Fire Station 21, without disturbing the daily operations

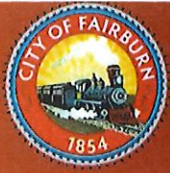
Upcoming Events/Actions/Meetings:

- **Complete the following:**
 - a. Security access system at the Police Dept.
 - b. Security access system at the H.R. Center on Washington St.
 - c. Security access system at Fairburn Youth Center.
 - d. Phase one renovations at Station 21
 - e. Renovations at H.R. Center on Washington St.
 - f. Security access system at the Police Dept.



GOVERNMENT OF THE CITY OF FAIRBURN

- g. Relocate stored files from the Annex Bldg. back to the Building Dept.
- Meeting with the homeowner at 2019 Broadmoor Way to assess concerns between the homeowner and the builder.
- Meeting with the homeowner at 41 Somerset Hills to assess between the homeowner and the builder.



Street Department

Director: Gale Higgs

Date: February

Department Highlights/Accomplishments:

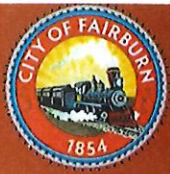
- Two areas of street patchwork have been completed on Fayetteville Rd near the Nestle Purina warehouse
- We have currently begun ground maintenance throughout the City

Department Updates:

- 6 Trees have been removed from Duncan Park
- 2 Trees have been removed from Bohannon Rd
- We have actively been collaborating with GFL to streamline complaints regarding missed pickups

Upcoming Events/Actions/Meetings:

- Currently receiving quotes to make repairs to the damaged guardrails on Fayetteville Rd



Utilities Department

Director: John D. Martin, QWLA

Date: February 2022

Department Highlights/Accomplishments:

Director's Office:

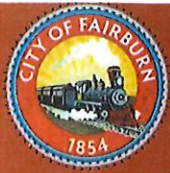
- Meeting with GFL Environmental concerning service improvements
- Fulton County Septic System Education Workshop
- Monthly Budget Meeting with Finance Director
- Senior Leadership meeting

Customer Service/Meter Reading:

- Mailed out 8,809 utility bills in February 2022
- Daily operations of handling customer inquiries
- Administered field/system audit for water accounts due to billing errors
- Disconnection service orders were issued for "seriously delinquent" customers

Electric:

- Repaired lights at Duncan Park
- Cemetery right-of-way vegetation maintenance
- Trimmed tree limbs on Fayetteville Road, Duncan Park, Valley brook, Bohannon Road
- Rebuilt electric service at Duncan Park VFW field
- Repaired power fault at 1010 Winding Brook way
- Installed 45-foot pole for switch on Hwy 74
- Field audit at 5000 Bohannon Road
- Replaced bad load break at Woodland
- Repaired pull off at Colony Trail



GOVERNMENT OF THE CITY OF FAIRBURN

Water/Sewer:

- Calibrated water meters at 7305 Village Center Blvd and 1000 Logistics Center
- CCTV on Waterboy for possible sewer collapse. It was determined that there was no sewer issue.

Stormwater:

- Check and inspection of culverts, drains, etc. for rainwater overflows in creeks and streams

COVID-19:

- Water and Sewer personnel are maintaining restrictions and social distancing.
- Utilities building are wiped down on Mondays and Thursdays to prevent exposure.

Department Updates:

- Utilities Operations Manager hired.
- Accolades for “Commaleta Thornton” for outstanding customer service
- Work orders completed: 276

Project Status:

- Fire Hydrant Replacement Project bid advertised in South Fulton Neighbor (02/15/22)
- Gateway Monument Lights completed
- 2021 Storm Drain Lining Project (*In Progress*)
- 2021-2022 Impaired Waters Monitoring-Winter period sampling (*In Progress*)
- 2021-2022 NPDES Phase I Compliance Activities-Inspections (*In Progress*)

Upcoming Events/Actions/Meetings:

- Upgrade Power Grid (Elder & Poplar)
- Overhead to Underground Power Installation (Rivertown Road)
- Purchase of Case CX-57C Mini Excavator
- Implementation of the Backflow/FOG (Fats, Oils, and Grease) software
- Prepare Backflow Ordinance for Mayor and Council approval
- Ordering of (2) trucks for meter readers
- Tree trimming contract for Council approval
- Review meter details for new developments and renovations



**CITY OF FAIRBURN
CITY COUNCIL AGENDA ITEM**

SUBJECT: TEXT AMENDMENT 2022-005TA DEFINITIONS

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
(X) ORDINANCE () RESOLUTION () OTHER

Submitted: 03/14/22

Work Session: N/A

City Council Meeting: 03/28/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: (X) Yes () No

PURPOSE: For the Mayor and Council to approve amendments to Chapter 80 Zoning, Article XIV, Section 80-478 Definitions, to add a definition for small box discount retail store, modify the definition of a restaurant, drive-through, and move the definition section to Chapter 80, Article I, Section 80-9.

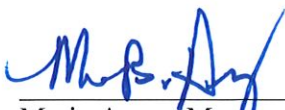
DISCUSSION: If the Mayor and Council decide to approve amendments 2022-001TA C-1 (Neighborhood Commercial), C-2 (General Commercial), and M-1 (Light Industrial), 2022-003TA Small Box Discount Retail Stores in the Georgia Highway 74 Overlay District, and 2022-004TA Georgia Highway 74 Overlay Restaurants, drive-through, a definition for small box discount retail store would need to be added to the zoning ordinance definitions. In addition, staff is recommending a modification to the definition for restaurant, drive-through. Adding a definition for small box discount retail stores and revising the definition for restaurant, drive-through would provide a more clear and accurate description of the type of retail stores and restaurants with drive-throughs that are allowed in the city.

Staff recently discovered that the zoning ordinance definition section was mistakenly moved to Article XIV Regulations for Fences. The proper place for the zoning ordinance definitions is in Article I General. Therefore, staff is recommending to amend the ordinance to move the definition section from Article XIV Regulations for Fences to Article I General Section 80-9.

RECOMMENDED ACTION: For the Mayor and Council to **APPROVE** amendments to Chapter 80 Zoning, Article XIV, Section 80-478 Definitions, to add a definition for small box discount retail store, modify the definition of a restaurant, drive-through, and move the definition section to Chapter 80, Article I, Section 80-9.

Attachments: Chapter 80 Zoning, Article I, 80-9 Definitions - Mark Up

Transmittal of Recommendation to Mayor and City Council Memo



Mario Avery, Mayor



Tony Phillips, City Administrator



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
TRANSMITTAL OF RECOMMENDATION TO MAYOR AND CITY COUNCIL**

Date: March 28, 2022
To: Mayor and City Council
From: Elizabeth Echols, Chair of the Planning and Zoning Commission
Agenda Item: Text Amendment 2022-005TA Definitions

Pursuant to Section 80-287 of the City of Fairburn Zoning Ordinance, the Planning and Zoning Commission recommendation to Mayor and City Council is **APPROVAL** of Text Amendment 2022-005TA Definitions.

~~Sec. 80-478. Definitions.~~ Sec. 80-9. Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Access drive. A private road giving access from a public way to a building on abutting grounds.

Accessory outdoor dining area. Any area outside the gross floor area of the building or business where customers may be served, including but not limited to food or beverages, provided, however, that any attempt to enclose such outside area may be construed to have a parking requirement as required for inside seating.

Accessory use. A subordinate use which is customarily incidental to the principal use of a lot, and which is located on the same lot as a principal use.

Addition. A structure added to the original structure at some time after completion of the original structure.

Adjacent to interior line. A lot which has frontage on only one street and is located in between two lots.

Administrative permit. Any use authorized by an administrative permit shall be approved and permitted by the planning and zoning administrator whenever the proposed use complies fully with the requirements of the subject property's zoning district and standards.

Annexation. The incorporation of new land areas into the city limits.

Approved plan. A plan that has been given final approval by the appropriate authority.

Automobile service, major. Automobile repair services which generally require substantial replacement/repair of major components of an automobile. Examples of major automobile service include, but are not limited to, transmission repairs/replacement, paint and bodywork engine overhaul, and radiator repair.

Automobile service, minor. Automobile maintenance services which generally only require very brief adjustments and replacement of minor components. Examples of minor automobile service include but are not limited to, tune-up, oil change, lubrication, brake repair, air conditioning system services, muffler replacement, and alignment. Minor automobile parking shall be defined further as no overnight parking permitted.

Automobile service station. A building or premises where products necessary for automobile service or maintenance are sold, provided there is no storage of automobiles, and only minor services are rendered, and all repairs are performed indoors. An automobile service station is neither a repair garage nor a body shop.

Automobile service station pumps. Service station pumps and pump islands: Service station pumps and pump islands may occupy a required yard adjacent to a street, provided that no portion of such pump island shall be closer than 25 feet to any street intersection.

Basement. The level below a floor of a building with a minimum of one-half of the total wall area below grade. A basement is not a story. The term basement is synonymous with cellar.

Bed and breakfast inn. A residence in which the frequency and volume of visitors are incidental to the primary use as a private residence and where guest-rooms or cottages or cabins are made available for visitors for fewer than 14 consecutive days. Breakfast is the only meal served and is included in the charge for the room.

Bedroom. Any room in a dwelling designed and intended for sleeping, separable from other rooms by a door.

Berm. A planted earthen mound, usually linear in shape.

Block. An area of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterway or any other barrier to the continuity of development.

Boarding house. A dwelling in which meals, lodging, or both are furnished for compensation to more than two but not more than ten non-transient persons.

Brewpub. An accessory use to a permitted restaurant where distilled spirits, malt beverages or wines are licensed to sell and where beer or malt beverages are manufactured or brewed for consumption on the premise and solely in draft form.

Brownfields. A tract of land that has been developed for industrial purposes, the reuse of which is complicated by the presence or potential presence of contaminants.

Buffer, general. A buffer achieved with natural vegetation or revegetated. A portion of a tract which is permanently set aside to provide a perceived or actual visual (or horizontal spatial) separation between the use on the tract and abutting tracts through the use of natural vegetation or other means including replanting or the provision of supplemental plantings or other visual screening elements or noise attenuation devices. Buffers shall remain undisturbed except as required to implement landscape enhancement.

Buffer, replanted. A buffer that has been replanted or enhanced to provide a perceived or actual visual separation between the use on the tract and the abutting tracts to achieve a visual screening or noise attenuation device (noise barrier walls).

Buffer, state waters. An area along the course of any state waters to be maintained in an undisturbed and natural condition.

Buffer, undisturbed. A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and/or uses.

Buffer, zoning. A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and/or uses. A buffer is achieved with natural vegetation and must be replanted subject to the approval of the director of the department of planning and zoning or his/her designated agent(s) when sparsely vegetated. Clearing of undergrowth from a buffer is prohibited except when accomplished under the supervision of the director of the public works or his/her designated agent(s).

Buildable area. The portion of a parcel of land where a building may be located and shall contain enough square footage to meet the minimum required by the zoning district. That portion which is not located in the minimum setbacks, utility corridors, driveways, slopes to build streets, tree save areas, landscape strips, specimen tree areas, state water buffers, zoning buffers, wetlands, storm water and sanitary sewer easements.

Building. Any structure with a roof designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

Building height. The average of two measurements of vertical distance from adjacent grade to the lowest and highest points of the roof of the highest story of a building.

Building line at lot width. A line within a lot along which the distance of the "lot width at building line" is measured; the front yard setback line.

Building permit. Written permission issued by the proper municipal authority for construction, repair or alteration of, or addition to, a structure.

Building setback line. A line formed by the front, side and rear lot lines, beyond which a building or any projection thereof, excluding uncovered steps, cannot extend.

Business services. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as, advertising and mailing; building maintenance; employment services, management and consultant services, protective services; equipment rental and leasing; commercial research; development and testing; and personal supply services.

Canopy. A roof-like cover, excluding carports, that either projects from the wall of a building or is freestanding.

Canopy tree. Any self-supporting woody plant of a species that grows to an overall height of at least 40 feet, usually with one stem or trunk and many branches.

Car wash, accessory. A customarily incidental use of an attached or detached bay for cleaning vehicles.

Car wash, principal. A primary or main use which provides space for cleaning vehicles.

Care facilities.

- (1) *Assisted living facility.* A facility which provides short- and long-term care room and board on a 24-hour basis for residents requiring assistance with daily living activities (such as, but not limited to, dressing, grooming, bathing, housekeeping, transportation, etc.) due to health or age-related conditions. Limited on-site medical care, as well as transportation assistance for medical appointments is generally provided. Licensed by the state department of human resources.
- (2) *Convalescent center.* A domiciliary care is provided to convalescing, chronically or terminally ill persons who are provided with food, shelter and care and not meeting the test of family. Convalescent homes are primarily designed to provide a home-like environment while patients recover from long-term illnesses or medical procedures. This use shall not include hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Licensed by the state department of human resources.
- (3) *Personal care home.* Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food services, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Licensed by the state department of human resources.
- (4) *Nursing home/hospice care facilities.* Means a home for aged or ill persons in which three or more persons not of the immediate family are provided with food, shelter, and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment. Licensed by the state department of human resources.

Cemetery, human. The use of property as a burial place for human remains. Such a property may contain a mausoleum.

Cemetery, pet. The use of property as a burial place for the remains of pets. Such a property may contain a mausoleum.

Certificate of occupancy (CO). A document issued by the building official indicating that a building has been constructed in accordance with all codes and provisions of this chapter, or that a legal variance to the codes and provisions of this chapter has been granted.

Certificate of zoning compliance. A document issued by the zoning administrator or its designee stating that a use of a building and/or land conforms to all provisions of this chapter or that a legal variance to the provisions of this chapter has been granted.

Check casher. An individual, partnership, association, or corporation engaged in cashing checks, money orders, or other drafts for a fee. Such fee may be payable in cash, in the form of exchange of value in excess of regular retail value, in the form of mandatory purchase of goods or services by patrons on a regular basis, which shall mean the check casher conducts such services more than ten times in any calendar month, or in the form of the purchase catalog items or coupons or other items indicating the ability to receive goods, services, or catalog items.

Check cashing establishment. Any establishment licensed by the state pursuant to O.C.G.A. § 7-1-700 et seq.

Church, temple or place of worship. A facility in which persons regularly assemble for religious ceremonies. This shall include, on the same lot, accessory structures and uses such as minister and caretaker's residences, and other uses identified under the provisions for administrative and use permits.

Cistern. An artificial reservoir (as an underground tank) for storing liquids and especially water (as rainwater).

City. The City of Fairburn, Georgia.

City council, mayor, and council. The mayor and council of the city.

Clear cutting. The removal of all vegetation from a property, whether by cutting or other means, excluding stream buffer requirements.

Clinic. A use where medical examination and treatment is administered to persons on an outpatient basis. No patient shall be lodged on an overnight basis.

Club, lodge, retreat, campground. A building or facility allowed with an administrative or use permit which provides space, food, and/or lodging facilities for and operated for social, educational, or recreational purposes.

Clubhouse, general. A non-profit social, educational or recreational use normally involving community centers, public swimming pools and/or courts, civic clubhouses, lodge halls, fraternal organizations, country clubs and similar facilities.

Clubhouse, neighborhood. Any club operated for recreation and social purposes solely by the residents of a specific neighborhood or community.

Cluster districts. A development pattern and technique where structures or building sites are arranged in close proximity to one another in non-linear groups to allow for the maximum number of residences under current residential zoning and subdivisions. This type of development protects natural resources and is typically adjacent to permanently preserved common open space, to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

Code enforcement officer. The individual designated by the city administrator whose duty it shall be to enforce the provisions of this chapter.

Community farming/gardens. Means an area of land managed and maintained by a group of individuals to grow and harvest food crops and or ornamental crops for personal use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Condominium. A type of ownership for attached or detached dwelling units, offices, or other space within a structure, as defined by the provision of O.C.G.A. title 44, chapter 3, article III (O.C.G.A. § 44-3-70 et seq.) in which each unit is independently owned and financed by the occupant, but in which all lands are owned in common on a proportional, undivided basis.

Cool roof. A cool roof is a reflective roof—A white or light-colored surface off of which sunlight will bounce, as opposed to a dark surface that absorbs the heat like a cast-iron skillet. The roofing material on a cool roof should also have a high emissivity, which means it easily releases heat.

Commissary. A licensed or permitted food service establishment that provides required services to a mobile food truck. A commissary may provide anything from a source for obtaining potable water and disposing of wastewater; storage for food and supplies; or cooking facilities to prepare the food for sale and consumption.

Country inn. A facility, with the owner or innkeepers residing on the premises, where guest rooms are made available for visitors for fewer than 30 consecutive days. A country inn is distinguished from a bed and breakfast category in that it serves both breakfast and lunch or dinner.

Courtyard. An open-air area, other than a yard, that is bounded by the walls of a building. Courtyards are used primarily for supplying pedestrian access, light, and air to the abutting building(s). Site furniture, lighting, and landscaping are appropriate for courtyards. Vehicular access allowed for unloading and loading only. No vehicular parking or vehicular storage is allowed.

1 *Crematorium.* A facility for the reduction of remains to ashes by incineration.

Cul-de-sac. A street having only one connection to another street, and is terminated by a vehicular turnaround.

Curb cut. An opening along the curb line of a public right-of-way through which vehicles may enter or exit the roadway. Curb cut applies to access regardless of the existence of curbing.

Cutoff. A luminaire light distribution where the emission does not exceed two and one-half percent of the lamp lumens at an angle of 90 degrees above nadir and does not exceed ten percent at a vertical angle of 80 degrees above nadir.

Cutoff fixture. A luminaire light distribution where the candela per 1,000 lamp lumens does not numerically exceed 25 (two and one-half percent) at or above a vertical angle of 90 degrees above nadir, and 100 (ten percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

DBH (diameter at breast height). The diameter of a tree measured at a point four and one-half feet above grade.

Day care center. Any establishment operated by an individual, partnership, society, agency, corporation, institution or group, and licensed by or registered with the state as a group day care home or day care center, which enrolls therein for pay, for supervision and care, at a minimum three or more children or adults. Such facility may provide supervision, care, education, recreation, and specialized programming but does not provide overnight accommodations.

- (1) *Adult day care facility.* Any facility, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service and one or more personal services for three or more adults who are not related to the owner or administrator by blood or marriage for a period of less than 24 hours per day.
- (2) *Child daycare center.* A use in which shelter, care, and supervision for three or more children under the age of 18 on a regular basis away from their residence for less than 24 hours a day. A child daycare facility may provide basic educational instruction. The term shall include nursery school, kindergarten, early learning center, play school, pre-school, and group day care home. Child daycare facilities shall be further differentiated by the following:
 - a. *Large.* A place operated by any person or group who receives therein for pay for supervision and care for fewer than 24 hours per day, without transfer of legal custody, 19 or more children under 18 years of age.
 - b. *Medium.* A place operated by any person or group who receives therein for pay for supervision and care for fewer than 24 hours per day, without transfer of legal custody, seven but not more than 18 children under 18 years of age.
 - c. *Small.* A private residence operated by any person who receives therein for pay for supervision and care for fewer than 24 hours per day, without transfer of legal custody, three but not more than six children under 18 years of age.

Deed restrictions or covenants. Private stipulations or legal restrictions assigned to the use of land, contained in the deed to the property or otherwise formally recorded.

Density. The number of dwelling units per acre. The standard for calculating gross density shall be the number of dwelling units divided by the entire acreage of the lot. Net density shall be based on the lot acreage minus the area comprising the network of streets and sidewalks together with any required reservation of open space.

Development of regional impact (DRI) study. A review by the Atlanta Regional Commission and the state regional transportation authority of large scale projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which each project will be located.

Development standards. Dimensional measurements as specified in zoning districts relating to such standards as yard setbacks, lot area, lot frontage, lot width, height and floor area.

District. A geographic section of the city within which the zoning regulations are uniform.

Driveway. A private road giving access from a public way to a house, garage, or other building on abutting grounds.

Dumpster. A metal container designed for receiving, transporting, and dumping waste materials.

Dwelling. A building or portion thereof used exclusively for residential occupancy, including one-family, two-family (duplex) and multiple-family dwellings, but not hotels or boardinghouses and rooming houses.

Dwelling, accessory. A detached dwelling unit meeting the single-family development standards and having a floor area of a maximum 800 square feet or less on the same lot as a primary dwelling. Accessory dwelling units are distinct dwelling units with independent kitchen facilities.

Dwelling, multifamily. A building (land area) or portion thereof used exclusively for residential occupancy by three or more families living independent of each other and containing three or more dwelling units.

Dwelling unit. One or more rooms constructed with cooking, sleeping, and sanitary facilities designed for and limited to use as living quarters.

Easement. A grant or reservation by the owner of land for the use of such land by the others for a specific purpose or purposes by the public, the city, a corporation or other persons for specified purpose, and which must be included in the conveyance of land affected by such easement.

Environmentally adverse. Any use or activity which poses a potential or immediate threat to the environment and/or is physically harmful or destructive to living beings as described in the executive order 12898 regarding environmental justice.

Environmentally stressed community. A community exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

Erosion. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice or gravity.

Extended stay residential facilities, or other similar accommodations. A building designed for occupancy of six or more guest rooms, and where more than five percent of the guest rooms located therein contain a fixed cooking appliance.

Family. Means one or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, or up to three unrelated persons, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a rooming, boarding or lodging house, or a hotel.

Family day care home. A home occupation in which shelter, care, and supervision are provided for six or fewer persons on a regular basis. A family day care home may provide basic educational instruction.

Farm. A parcel of land which is used for the raising of animals (including fish) on a commercial basis, or non-commercial such as ranching, dairy farming, piggeries, poultry farming and fish farming; a facility for the business of boarding or renting horses to the public; or a site used for the raising or harvesting of agricultural crops such as wheat, field forage and other plant crops intended for food or fiber.

Fence. A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails.

Fixed cooking appliances. Includes a stove top burner, a hot plate that does not serve as an integral part of an appliance designed solely to produce coffee, a conventional oven, or any oven producing heat using resistance heating elements, induction heating, or infrared heating sources; provided, however, a microwave oven shall not be considered a fixed cooking appliance.

Flag lot. A lot where frontage to a public street is provided via a narrow strip of land forming a pole or stem to the buildable portion of the lot.

Flood lamp. A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Floodplain. Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown in the current land use plan (i.e., the regulatory flood).

Floor area. The floor area is the gross horizontal area of the several floors of a structure exclusive of carport, garage, basement, attic, open porches, and balconies. Only finished, conditioned living space can contribute to the minimum required floor area.

Frontage. The length of any one property line of a lot that abuts a public street right-of-way.

Future land use map. A map contained in the city comprehensive plan depicting the desired pattern of development by type of use. This map is referenced in all zoning decisions.

Garden center/landscaping business. A business whose primary operation is the sale and/or storage of seeds and organic and inorganic materials, which include but are not limited to trees, shrubs, flowers, and other plants for sale or transplanting, mulch, pine straw, and other organic products for landscaping purposes, and other limited related accessory products for gardening and/or landscaping and the storage and use of landscape vehicles with an approved use permit for landscaping business, plant nursery, or garden center with indoor retail component.

Golf course. A use of land for playing the game of golf. The term shall not include miniature golf, but may include a country club and a driving range as an accessory use.

Grade. The average elevation of the finished surface of the ground adjacent to the exterior walls of a building.

Green roof. The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Green space. Permanently protected land and water, including agricultural and forestry land that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals:

- (1) Water quality protection for rivers, streams, and lakes;
- (2) Flood protection;
- (3) Wetlands protection;
- (4) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
- (5) Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
- (6) Scenic protection;
- (7) Protection of archaeological and historic resources;
- (8) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, and similar outdoor activities; and
- (9) Connection of existing or planned areas contributing to the goals set out in this paragraph.

Greyfields. Economically obsolescent, outdated, failing, and/or under used real estate assets or land. The term was coined as a way to describe the sea of empty asphalt and "dead malls".

Gross acreage. The total acreage of a lot prior to making site improvements.

Group home for children. A dwelling unit or facility in which full time residential care is provided for children under the age of 17 as a single housekeeping unit. A group home must comply with applicable federal, state and local licensing requirements. A group home may not serve the purpose of, or as an alternative to, incarceration. A group home for children shall be further differentiated by the following:

- (1) *Small*. A facility where care is provided for two or three unrelated children under the age of 17.
- (2) *Medium*. A facility where care is provided for four to six unrelated children under the age of 17.
- (3) *Large*. A facility where care is provided for seven to 15 unrelated children under the age of 17.
- (4) *Congregate*. A facility where care is provided for 16 or more unrelated persons under the age of 17.

Group home/shelter. A state licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. For purposes of this chapter, group home/shelter shall not include those facilities which exclusively care for children under the age of 17.

- (1) *Small*. A facility where care is provided for two or three unrelated adults over the age of 18.
- (2) *Medium*. A facility where care is provided for four to six unrelated adults over the age of 18.
- (3) *Large*. A facility where care is provided for seven to 15 unrelated adults over the age of 18.
- (4) *Congregate*. A facility where care is provided for 16 or more unrelated adults over the age of 18.

Halfway house. Any dwelling used as a residence by individuals on parole, probation, or serving a criminal sentence on condition of house arrest, for the purpose of rehabilitation of the individual while transitioning back into the community.

Hardship. The existence of extraordinary and exceptional conditions pertaining to the size, shape, or topography of a particular property, because of which the property cannot be developed in strict conformity with the provisions of this chapter.

Height. The distance from grade to the highest point of an object.

Historic period lighting. Commercial lighting with an architectural design from the late 19th and early 20th centuries.

Home occupation. A low intensity type business conducted within or administered from a portion of a dwelling (see section 80-138).

Hospital. The provisions of in-patient health care for people, including general medical and surgical services, psychiatric care, and specialty medical facilities. Outpatient facilities are normally included.

Hotel/motel. A building in which lodging and/or boarding is provided for fewer than 30 days. The term may include a restaurant in conjunction therewith and may also mean an inn.

Impervious surface. Mainly artificial structures, such as pavements (roads, sidewalks, driveways and parking lots) that are covered by impenetrable materials such as asphalt, concrete, brick, stone, and rooftops.

Improvement. Any manmade object that becomes part of, is placed upon, or is affixed to real estate.

Industrialized (modular) housing. A single-family dwelling unit manufactured in one or more sections in accordance with the Georgia Industrialized Building Act of 1982, as amended and the rules of the commissioner of the state department of community affairs issued pursuant thereto. An industrialized or modular housing unit is designed for placement on a permanent foundation and does not have a permanent chassis, axle, or wheels. In addition, it is placed on a permanent foundation and is not intended to be moved at a later date.

Inoperable vehicle. A motorized vehicle incapable of immediately being driven.

Junk facility. See salvage/storage/junk facility.

Junked vehicle. Any wrecked or inoperative vehicle which:

- (1) Does not bear a current license plate;
- (2) Has not been capable of operating under its own power for a period exceeding 30 days; or

(3) From which parts have been or are to be removed for reuse or sale.

Kennel. A use for the shelter of domestic animals where the shelter of these animals involves an exchange of revenue in which a business license is required. If the kennel is a non-business operation, its use shall be certified by the county animal control office.

Land development regulations. Standards to provide guidance and establish rules and regulations governing the development of lands within the corporate city limits.

Landfill, inert waste disposal. Disposal facility accepting only waste that will not or is not likely to cause production of leachate of environmental concern by placing an earth cover thereon. Such waste is limited to earth and earth-like products, concrete, cured asphalt, rocks, bricks, yard trash, stumps, limbs, and leaves. This definition excludes other types of industrial and demolition waste not specifically listed above. (Refer to the rules concerning solid waste management of the state department of natural resources, environmental protection division, as amended, for further definition.)

Landfill, solid waste disposal. A disposal facility accepting solid waste excluding hazardous waste disposed of by placing an earth cover thereon. Solid waste includes waste from domestic, agricultural, commercial, and industrial sources. (Refer to the rules concerning solid waste management of the state department of natural resources, environmental protection division, as amended, for further definition.)

Landscape strip. An area required by this resolution or by conditions of zoning which is reserved for the installation and/or maintenance of plant materials.

Large-scale retail/service commercial development. A retail/service commercial development with at least one large-scale retail structure but no more than four such structures whether freestanding or combined.

Large-scale retail/service commercial structure. An individual retail/service commercial structure that is 75,000 square feet or greater. This size threshold refers to an individual establishment and its associated outdoor areas used for display and storage.

Lawful use. Any use of lots or structure which is not in violation of any existing federal, state or local law, statute, regulation or ordinance.

LEED (leadership in energy and environmental design). Is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies intended to improve performance in metrics such as energy savings, water efficiency, CO₂ emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

Licensed cashier of checks (check cashing facility). Any individual, partnership, association, or corporation duly licensed by the department of banking and finance to engage in this type of business.

Licensee. A licensed cashier of checks, drafts, or money orders.

Livestock. Used to refer (singularly or plural) to a domesticated animal intentionally raised in an agricultural setting to produce commodities such as food or fiber, or for its labor. The term generally does not include poultry, or farmed fish.

Live-work units. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. Maximum size of the live-work unit shall be 1,200 square feet with at least one-third of the unit designated for residential space.

Loading space. An area within the main building or on the same lot, which provides for the temporary parking of vehicles for loading or unloading of people, goods, and equipment.

Loft, residential. A dwelling in combination with any permitted use in a non-commercial zoning district provided the dwelling is located above the first floor, with direct access to the street or other public area; the dwelling has at least 800 square feet of usable floor area, and the dwelling meets all the requirements of the building and fire codes.

Long-term storage. A truck, trailer or vehicle parked in the same parking space continuously for a period of 30 days or more.

Lot. An unsubdivided parcel or portion of land occupied or intended to be occupied by a common use or occupied or intended to be occupied by a building or group of buildings devoted to a common use, together with the customary accessory buildings and uses and open spaces belonging to the same, which has both lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by this chapter for the zoning district in which such tract of land is located and for the use purposed for the tract of land.

Lot, corner. A parcel of land bounded on two or more adjacent sides by street right-of-way lines

Lot coverage. The total horizontal ground area of a lot that is occupied by all buildings on the lot.

Lot, double frontage. A lot having frontage on two streets that do not intersect at any point along the lot, as distinguished from a corner lot.

Lot, flag. A lot to which access to the bulk of the lot area is by means of a narrow, private right-of-way or driveway.

Lot frontage. The horizontal distance of a lot adjacent to a street right-of-way.

Lot line. A boundary of a lot. The term "lot line" may also be referred to as a property line.

Lot line, front. A lot line which extends the entire length of an abutting street from intersecting property line to intersecting property line. The front lot line of a corner lot has two front lines.

Lot line, rear. The boundary of a lot which is most distant from, and is, or is most nearly parallel to the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot parallel to and at a maximum distance from the front lot line.

Lot line, side. A lot line which is not a rear or front lot line.

Lot of record. An individual lot or lot which is a part of a subdivision, the map of which has been recorded in the office of the clerk of superior court of the county; or a parcel of land the deed of which has been recorded in the office of the clerk of superior court of the county.

Lot, substandard. A lot having less than the minimum area required by the district in which it is located, provided the lot was of record as a legally created lot on the effective date of the ordinance.

Lot, unlawful. Any lot-of-record which, at the time of recordation in the official records of the clerk of superior court, did not comply with zoning and subdivision laws in effect at that time.

Lot width. The horizontal distance between side lot lines measured at the minimum front yard setback line.

Lots, multiple frontage. Any lot having a property line adjacent to more than one public street right-of-way or private street shall be deemed a multiple frontage lot. Any rear or side setback that also fronts on a public right-of-way or private street shall have a setback depth equal to the minimum front setback depth specified for the appropriate zoning district.

Manufactured (mobile) housing. A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home and Standards Act, 42 U.S.C. §§ 5401—5445. Said dwelling unit is transportable and is delivered to a site on wheels and then converted to a semi-stationary or stationary structure. As used herein, the terms "manufactured housing or mobile home" shall exclude any structure that falls under the definition of the term "industrialized housing".

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building used for advertising or identification.

Massing. Varying the massing of a building may be achieved by varying the surface planes of the building with porches, balconies, bay windows, and/or overhangs, and/or stepping-back the buildings from the second floor and above, and/or breaking up the roofline with different elements to create smaller compositions.

Maximum lot coverage. The percentage of the gross acreage of a lot that may be occupied by a structure or structures. In calculating maximum lot coverage, gross acreage shall not include floodplains or slopes in excess of 30 percent.

Medical related lodging. A use which provides temporary lodging for family members of a hospitalized patient.

Minimum building separation. A required space between any two buildings on the same lot that are used for multi-family or nonresidential purposes.

Miniwarehouse. A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for business or individuals. Miniwarehouse shall not include retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

Mixed-use. A building or groups of buildings under one ownership designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: retail, office and institutional, and/or service, and residential.

Mobile food truck. A retail food establishment that reports to and operate from a commissary and is readily moveable. Said mobile food truck shall be a motorized wheeled vehicle which includes a self-contained kitchen where food is prepared or stored and from which food products are sold and dispensed.

Mobile home. Prefabricated homes built in factories, rather than on-site, and then taken to the place where they will be occupied. Being built on a permanently attached chassis with highway-grade wheels and tires, they are usually transported by being pulled behind a tractor-trailer over public roads to a home site.

Mobile home park. Use of property for two or more mobile homes for living purposes, and spaces or lots set aside and offered for use for mobile homes. Does not include mobile home sales lot.

Modification, administrative. An application requesting change to an approved condition of zoning or use permit, except for conditions that pertain to a change in use, increase in density, and/or increase in height.

Modification, zoning. An application to change approved zoning conditions on rezoning and use permits where it has been determined by the zoning administrator that the requested change involves a matter of significant public interest.

Modular building. A transportable, nonresidential building fabricated in an off-site facility for installation or assembly at a separate building site.

Modular home. A factory-fabricated, single-family dwelling built in one or more sections, designed for placement on a permanent foundation and not having a permanent chassis. A modular home is not a mobile home.

Multi-tenant. Two or more businesses that provide goods and/or services within separate structures located on the same site or within the same structure, that provides wall separation and private access for each business.

Nightclub. An establishment having a capacity of at least 100 persons, with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted. All such establishments shall be equipped with air conditioning. The principal business of a nightclub shall be entertainment, and the serving of alcoholic beverages shall be incidental thereto.

Nonconforming (grandfathered) lot, use, or structure. A use, lot or structure that was nonconforming at the time of the adoption and does not now meet the minimum requirements of the district in which it is located. Also, a use, lot, or structure which has been made nonconforming by some city or state action. Any change or addition to a use, lot, or structure must comply with current provisions of this chapter.

Official zoning map. The most current map depicting the district designation of all lots in the city, controlling their use and development, as attested by the city clerk.

Off-premises. A location outside of the subject lot for a designated use.

Off-site. The location of a structure or use outside the lot-of-record of the subject development including the adjoining street or other right-of-way.

Off-street parking space. A paved, off-street area adequate for parking an automobile, with appropriately related access to a public street or alley and associated maneuvering room.

Office, temporary. A mobile, manufactured or other structure which is used as an office for real estate sales, on-site construction management and related functions. Requires an administrative permit under temporary structures.

On-premises. The individual lot-of-record on which the use is located.

On-site. The location of a structure or use within the confines of a property delineated by property lines or, if referenced in a zoning or use permit case, within the confines of the boundaries of the legal description filed with the petition.

Open space. A portion of a site which is permanently set aside for public or private use and will not be developed. The space may be used for passive or active recreation or may be reserved to protect or buffer natural areas. Open space may include wooded areas other than required landscape strips and buffers, pathways/walkways, fields, and sensitive environmental areas such as wetlands, etc. Detention facilities and platted residential lots shall not be included in open space calculations.

Outdoor display. The outdoor display of products actively available for rent or sale within the principle business facility. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, or any construction equipment which shall be considered outdoor storage.

Outdoor storage. The outdoor storage of products, whether for sale, rent or processing for a period exceeding 24 hours. This definition includes any products on pallets, in shipping containers, in or on crates, any construction equipment, any goods, junk, material, merchandise, or vehicles.

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.

Owner. An individual, firm, association, syndicate, partnership, or corporation having sufficient vested legal property rights in the property for which they seek an action under this chapter.

Parcel. An area of land having one continuous boundary held by one owner and recorded with the clerk of the superior court of the county.

Park land. Land within or suitable for public parks; land for noncommercial park, recreation or open space purposes;

Parking lot. An area which is used for the parking of vehicle.

Parking space. An area designated for the parking of one vehicle on an all-weather surface. All residential development shall provide two spaces per dwelling unit.

Path. A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved.

Pavement. An area of brick, stone, concrete, or asphalt placed on the surface of land sufficient for vehicular use, and that portion of a street right-of-way having an improved surface.

Pawn shop. A business that lends money at interest on personal property deposited with the lender until redeemed.

Permitted use. An activity conducted on a lot that is among those activities allowed as a matter of right under the zoning district of this chapter in which the lot is located, subject to the applicable regulations of the district.

Personal services. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Pervious lot paving. Pervious paving materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, and compacted gravel. It is used to reduce the imperviousness of firm surfaces such as patios, walkways, driveways, fire lanes, and parking areas, for the purpose of reducing surface runoff and increasing infiltration.

Plant nursery. Any land used to raise trees, shrubs, flowers and other plants for sale or transplanting, but not including the retail sale of any related garden supplies such as chemical fertilizer, tools and other similar goods and/or equipment. See garden center/landscaping business for retail component.

Plat, final. The permanent plan documenting the approved subdivision of land as defined in the city subdivision regulations, indicating the proposed layout of the subdivision, together with all site improvements.

Plat, preliminary. An initial plan for the subdivision of land as defined in the city subdivision regulations, indicating the proposed layout of the subdivision.

Porch. A roofed open structure projecting from the exterior wall of a building and having at least 70 percent of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect screening between floor and ceiling.

Principal use. The primary activity on a lot distinguished from a secondary or accessory use.

Property. When used in conjunction with an application for rezoning, an area of land composed of less than one lot, or of accumulations of one or more lots, or parts thereof.

Protected zone. All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, all areas required as landscape strips and/or buffers (including zoning buffers, state water buffers and tributary buffers) and all tree save areas according to the provisions of the Fairburn zoning ordinance, conditions of zoning, use permit or variance approval, and/or the tree protection, landscaping and maintenance ordinance.

Public art/creative placemaking. Works of art in public places (usually outside and accessible to all) can take form in various sizes and scales and can be temporary or permanent. Public art/creative placemaking can include murals, sculpture, memorials, integrated architectural or landscape architectural work, community art, digital new media, and performances and festivals. Public art/creative placemaking can be integrated into community revitalization work by placing arts and culture at the table with land-use, transportation, economic development, education, housing, infrastructure and public safety strategies.

Public notice. Information conveyed to the general population concerning any provision of this chapter or its application to real property in the city of the city appearing on affected property or in a paper of general circulation. Such notices are used primarily to announce the time, place, and nature of a hearing during which city officials will publicly debate such matters.

Rain barrel. A barrel used as a cistern to hold rainwater. A rain barrel catches and stores runoff rainwater from the roof which can be used to water the lawn or garden.

Rain gardens. A planted depression that allows rainwater runoff from impervious urban areas like roofs, driveways, walkways, parking lots, and compacted lawn areas the opportunity to be absorbed. This reduces rain runoff by allowing stormwater to soak into the ground.

Recreational court, private. An improved area designed and intended for the playing of a game or event such as basketball or tennis, and which serves a single-family dwelling(s), duplex dwellings and/or multi-family dwellings, or combinations of dwelling types, including such improved areas which are owned and/or controlled by a neighborhood or similar organization. A basketball goal adjoining a driveway of typical residential driveway dimensions shall not constitute a recreational court.

Recreational court, public. An improved area designed and intended for the playing of a game or event such as basketball or tennis, and is operated as a business or as a club unless such club is a neighborhood club or similar organization identified under recreational court, private.

Recreational facilities. Includes parks, recreation areas, golf courses, playgrounds, recreation centers (indoor and outdoor), playing fields, and other similar uses or facilities.

Recreational vehicle. A vehicle used for leisure time activities and as a dwelling unit while traveling. Examples include a camper, a motor home, and a travel trailer.

Recycling center, collecting. Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials.

Recycling center, processing. Any facility utilized for the purpose of collecting, sorting, and processing materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials. A recycling center is not to be considered a landfill.

Rehabilitation center. Shall include rehabilitation centers for persons with alcohol, drug abuse or other dependency problems or mentally or physically handicapped persons.

Relocated residential structure. A dwelling which has been removed from one location for relocation to another lot.

Repair garage, truck, and heavy equipment. A use which may provide a full-range of repairs and services including major overhauls on trucks and heavy equipment. Includes paint and body shops.

Resident. Any person who is a member of the family residing in the dwelling unit, takes substantially all of his overnight lodging at the dwelling unit, stores substantially all his personal belongings in the dwelling unit, and uses the address of the premises as his address for legal purposes such as voter registration, and payment of personal property taxes.

Residential use dwelling. Any building or portion thereof where one actually lives or has his home; a place of human habitation.

Restaurant. A food service use which involves the preparation and serving of food to seated patrons. A cafeteria shall also be considered a restaurant. The restaurant seating area must be at least 40 percent of the gross square footage of the restaurant facility. Seating space located outside of the main structure (i.e. patios, decks, etc.) shall not be included in calculating the seating space.

Restaurant, drive-through. An establishment that **allows customers to order and pick up food and/or beverages through a window, in a designated lane, while remaining in their vehicles serves food and/or beverages directly to customers in motor vehicle serves food and/or beverages**, regardless of whether it also serves food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises. **Restaurant with curbside ordering and pickup of food and/or beverage is not considered a drive-through restaurant.**

Restaurant, fast food. Fast food establishments, refer to buildings used for the preparation and sale of ready-to-eat food. Fast food restaurants are characterized by a limited menu of food prepared quickly (often within a few minutes), and sometimes cooked in bulk in advance and kept hot, with minimal table service. Fast food restaurants often serve hamburgers, french fries, pizza, hot dogs, chicken, sub sandwiches, tacos, ice cream, coffee, milkshakes, etc.

Retail or service establishments. An establishment that sells services or goods to meet the everyday needs of the community. Such establishments may include grocery stores, hardware stores, clothing stores, furniture stores, restaurants, hotels, watch repair establishments, barber shops, and other such local establishments. Retail or service establishments may sell goods as an incidental service when necessary. Retail or service establishments may sell products as a secondary service to the primary business activity.

Retail use. A business whose primary purpose is the sale of merchandise to consumers.

Right-of-way. An area of land specifically designated for use as a public street or sidewalk; utility, railroad, interstate or transmission corridor; landscaping and street furnishings; or other public purpose.

Roadside produce stand. A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or prepared packaged meats for sale from a vehicle or a temporary structure. The consumption of food on-site is prohibited.

Roadside vending. The sale of merchandise such as clothing, crafts, household item, firewood, etc., from a temporary table or cart.

Rooming house. A residential use other than a hotel or motel in which lodging may be provided to non-household members for periods of 30 days or longer, and which does not include the provision of meals.

Rural. Rural applies to sparsely settled or agricultural country areas that are not urbanized.

Salvage/storage/junk facility. Any use involving the storage or disassembly of wrecked or junked automobiles, trucks or other vehicles; vehicular impound lots; storage, bailing or otherwise dealing in scrap irons or other metals, used paper, used cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the storage or accumulation outside of a storage building of used vehicle tires or tire carcasses which cannot be reclaimed for their original use. Such uses are storage and/or salvage facilities whether or not all or part of such operations is conducted inside or outside a building or as principal or accessory uses. State approval is required for all sites utilized for reclamation and/or disposal of toxic and/or hazardous waste.

Satellite dish. A round, parabolic antenna designed to receive signals from orbiting satellites. Noncommercial dish antennas are defined as being less than four meters in diameter. *Scale.*

- (1) Refers to the relationship of the size of a building to neighboring buildings and of a building to a site. In general, the scale of new construction should relate to the majority of surrounding buildings.
- (2) A linear scale, also called a bar scale, scale bar, graphic scale, or graphical scale, is a means of visually showing the scale of a map, nautical chart, engineering drawing, or architectural drawing.

Schools, colleges, and universities. Any educational facility established under the laws of the state (and usually regulated in matters of detail by local authorities), in the various districts, counties, or towns, maintained at the public expense by taxation, and open, usually without charge, to all residents of the city, town or other district; private schools which have students regularly attending classes and which teach subjects commonly taught in these schools of this state; any educational facility operated by a private organization or local county, or state that provides training or education beyond and in addition to that training received in grades kindergarten to twelfth, including but not limited to, trade, business and vocational schools; any institution of higher learning, consisting of an assemblage of colleges united under one corporate organization or government, affording instruction in the arts and sciences and the learned professions, and conferring degrees.

School, private. An educational use having a curriculum at least equal to a public school, but not operated by the county board of education.

School, special. An educational use devoted to special education including the training of gifted, learning disabled, mentally and/or physically handicapped persons, but not operated by the county board of education.

Screen. A fence, wall, hedge, landscaping, earthen berm, buffer area, or any combination of these that is designed to provide a visual and/or physical barrier.

Seasonal business use. A primary use involving the sale of items related to calendar holidays, such as Christmas trees, Halloween pumpkins, etc., which may be conducted outside.

Senior housing. A single family or multi-family development intended for, operated for and designed to accommodate residents 55 years of age and older. Senior housing communities are designed for seniors to live on their own, but with the security and conveniences of community living. Some provide communal dining rooms and planned recreational activities (congregate living or retirement communities), while others provide housing with only minimal amenities or services.

Service station. A use which provides for the sale of motor vehicle fuels and automotive accessories, and which may provide minor repair and maintenance services. A service station shall be limited to four or fewer bays excluding no more than one attached or detached bay for washing cars.

Setbacks. See building setbacks.

Sexually oriented business. An adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, a sexual device shop, or a sexual encounter center.

Shopping center. A group of commercial establishments planned, developed, and managed as a unit with individual vendors housed in one building that provides customer access, amenities, and protection from the elements and features common, on-site parking.

Sidewalk. Any portion of a street between the curblineline and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Sign. Any surface, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, reading matter, material, fabric, device, fixture, placard, structure, object, three dimensional object, or display which bears lettered, numbered, pictorial, or sculptured matter, designed to convey information visually, advertise, announce the purpose of, identify the purpose of a person, or entity, to draw attention, or to communicate information of any kind to the public and which is exposed to public view (excluding those objects which qualify as "architectural enhancement" pursuant to the city's art and architectural advisory committee ordinance, Code sections 80-451 through 80-456). For the purpose of this article, the term "sign" shall not include those devices located entirely within a building or structure, unless such devices are considered window signs; additionally the term "sign" shall include all structural members used to erect or mount same, and any company colors, trademarks, service marks, brand names, logos, symbols, or roof shapes, which are generally used by the company in the design of its buildings, and are generally used, or identified, as trade styles or other identifying marks or symbols of the company's business.

Site plan, conceptual. A detailed plan for one or more lots drawn to scale depicting the proposed and existing conditions based on a certified boundary survey.

Site plan, final. The construction plan that identifies the details of the proposed development to include approved conceptual site plan and other information to include erosion control plans and details, sediment/detention pond details, sewer and drainage plan, tree protection plan, water and sanitary sewer layout, and construction details.

Small box retail store. A retail store with a floor area less than fifteen thousand square feet that primarily offers for sale an assortment of physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming, and health products, and other consumer goods, with the majority of items being offered for sale at lower than the typical market price. Small box discount retail stores shall not include the following: pharmacy drug store or a convenience store attached to or collocated with a gas station.

Solar power. The conversion of sunlight into electricity, either directly using photovoltaics (PV) (able to generate a current or voltage when exposed to visible light or other electromagnetic radiation), or indirectly using concentrated solar power (CSP) (the use of mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, onto a small area).

Special 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, 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 city police department.

Stadium. A large open or enclosed structure used for sports and other major events and partly or completely surrounded by tiers of seats for spectators.

Story. A portion of a building between the surface of any floor and the floor or space above it, excluding basements and attics.

Story, half. A heated and finished area below a roof, one or more of the vertical walls of which are less than normal ceiling height for the building.

Street. A public way for vehicle traffic that provides the primary means of access to abutting properties.

Street trees. Any tree whose trunk is located 50 percent or more within the land lying between property lines on either side of all public streets, boulevards, and alleys including public easements.

Structural alteration. Any change in the supporting member of a structure, such as foundations, bearing walls or bearing partitions, columns, beams, girders, or any substantial change in the roof or exterior walls.

Structure. Any object constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground.

Structure, accessory. A subordinate or secondary structure, customarily incidental to a principal structure or use and located on the same lot. Examples of accessory structures in single-family dwelling districts include outbuildings, such as, tool sheds, woodsheds, workshops, outdoor kitchens, pool houses, gazebos, guest houses, storage sheds, temporary storage pods, detached garages and detached carports, etc. Fences and retaining walls are not considered accessory structures. Driveways, surface parking lots, patios, and similar paved surfaces are not considered accessory structures.

Structure, principal. The primary building on a lot as distinguished from a secondary or accessory structure.

Subdivision. The division of land into three or more lots. A development consisting of subdivided lots.

Subordinate/incidental. Of lesser order or importance. Uses which are incidental to a permitted use as long as the incidental or subordinate use does not undercut the plain intent of the zoning.

Surface, all weather. Any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to limit vehicle wheels from making direct contact with soil, sod or mud; and which effectively prevents the depositing of soil, sod or mud onto streets from areas required to be so treated.

Sustainable. Development that meets the needs of the present without compromising the ability of future generations to meet their needs.

Swimming pool, private. A recreation facility designed and intended for water contact activities which serves a single-family dwelling(s), duplex dwellings and/or multi-family dwellings, or combinations of dwelling types, including pools which are owned and/or controlled by a neighborhood club or similar organization.

Swimming pool, public. A recreation facility designed and intended water contact activities which are operated as a business or as a club unless such club is associated with a neighborhood club or similar organization.

Tasting room. An outlet operated for the distribution and sale of wine by providing complimentary samples of such wine to the public and for the sale of such wine at retail.

Temporary storage pod. An accessory structure on a lot used for storage for less than three months. It is not intended for permanent storage. Such structure is used primarily for storage of building materials, household goods, personal items and other materials for use on a limited basis on residential, commercial or industrial property. Examples of temporary storage pods include portable storage units (PODS) and self-storage containers.

Transfer station. A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Travel trailers. Used primarily as temporary or vacation homes and is equipped for use (while traveling) as a dwelling.

Truck or motor freight terminal, service facility. An establishment engaged in transporting goods or commodities for another business enterprise, including the parking and repair of the motor vehicles used in providing such service.

Truck stop. A commercial establishment that provides fuel, parking, and sometimes food, primarily used for trucks, usually located on or near an interstate or state highway.

Truck terminal. A primary use of property where trucks/trailers are temporarily stored, maintained or based. Trucks/trailers shall have current registration and license plates with decal.

Use permit. A permit approved by the city council, pursuant to a public hearing, which authorizes a use which must meet certain standards which exceed the requirements of the district as a whole.

Used or occupied. Means and shall be construed to include the words "intended, arranged, or designed to be used or occupied". *Variance.*

- (1) *Administrative minor variance.* A variance to the minimum district yard requirements of not more than one foot, granted administratively by zoning director.
- (2) *Concurrent variance.* A concurrent variance from any standards of this chapter which shall be filed simultaneously with rezoning, use permit or zoning modification requests on the same property based on the conceptual plan submitted.
- (3) *Minor variance.* An application requesting deviation from the minimum yard requirements, not to exceed ten percent of the dimensional requirements.
- (4) *Primary variance.* A request for a variance from any zoning ordinance provision that is not being handled as a minor, administrative minor or concurrent variance and shall be heard and decided by the planning and zoning commission in accordance with article VI of this chapter.
- (5) *Secondary variance.* An appeal of a decision and/or action of the zoning administrator authorized to hear a variance request or interpretation of this chapter.

Vehicle, junk, or salvage. Any automobile, truck or other vehicle which is missing one of the following:

- (1) Current registration;
- (2) License plate with current decal;
- (3) Proof of liability insurance;
- (4) Drive train component for more than 30 days.

Veterinary clinic/hospital. A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Waste. Material that are discarded, disposed of, or no longer usable.

Waste disposal boundary. The limit of all waste disposal areas, appurtenances, and ancillary activities (including but not limited to internal access roads and drainage control devices).

Waste, hazardous. See state department of natural resources definition.

Waste, solid. See state department of natural resources definition.

Yard:

- (1) *Front.* An unoccupied area extending the full width of the lot located between the front lot line and the front yard setback line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- (2) *Rear.* An unoccupied area extending the full width of the lot located between the rear lot line and the rear yard setback line.
- (3) *Side.* An unoccupied area bounded by the side yard setback line, the side lot line and the front and rear yards.

Zoning conditions. Requirements placed on property by the city council at the time of approval of a rezoning and/or use permit.

Zoning district. A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Zoning map. The "zoning district maps" of the city.

(Ord. No. 2008-10Z, exh. A, §§ 2.01, 2.02, 8-25-2008; Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-18, § 1(Exh. A), 9-9-2013; Ord. No. 2013-25, § 1, 10-14-2013; Ord. No. 2013-26, § 1, 10-14-2013; Ord. No. 2014-01, § 1, 2-14-2014; Ord. No. 2014-09, 6-9-2014; Ord. of 5-22-2017(1); Ord. of 10-28-2019(1))

Re: AMENDMENT TO CITY OF FAIRBURN ZONING
ORDINANCE 2022-005TA

AN ORDINANCE TO AMEND CHAPTER 80. ZONING, ARTICLE XIV. REGULATIONS FOR FENCES, SEC. 80-478.- DEFINITIONS, IN ORDER TO ADD A DEFINITION FOR SMALL BOX DISCOUNT RETAIL STORE; MODIFY THE DEFINITION OF RESTAURANT, DRIVE-THROUGH AND MOVE DEFINITIONS TO CHAPTER 80. ZONING, ARTICLE I-IN GENERAL, SECTION 80-9; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Whereas, zoning ordinance amendments are important in order to continue the realization of the vision, goal and policies set forth by Staff and the community in the most recent Comprehensive Land Use Plan update;

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 28th day of March, 2022; and

Whereas, in accordance with the requirements of the Zoning Ordinance, the Planning and Zoning Commission of the City of Fairburn has forwarded its recommendation to the Mayor and City Council that the amendment to Chapter 80. Zoning. Article XIV. Regulations For Fences, Section 80-478.- Definitions be approved in order to add a definition for small box discount retail store, modify the definition of a restaurant, drive-through and move Definitions to Chapter 80, Article I, Section 80-9; and

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, the Mayor and Council of the City of Fairburn have conducted a properly advertised hearing on the proposed amendments to the Zoning Ordinance of the City of Fairburn, Georgia; and

Whereas, after the aforementioned public hearing, the Mayor and Council have determined that adoption of the amendment to Chapter 80. Zoning. Article XIV. Regulations For Fences, Section 80-478- Definitions, to add a definition for small box discount retail store, modify the definition of a restaurant, drive-through and move Definitions to Chapter 80, Article I, Section 80-9 would be in the best interest of residents, property owners, businesses and citizens of the City of Fairburn; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Fairburn, Georgia, and it is hereby ordained by the authority of same that Chapter 80- Zoning, Article XIV. Regulations For Fences, Section 80-478.- Definitions. be amended in the Fairburn Zoning Ordinance as follows:

1 **Section 1.** *Restaurant, drive-through. An establishment that allows customers to order and*
2 *pick up food and/or beverages through a window, in a designated lane, while remaining in their*
3 *vehicles, regardless of whether it also serves food and/or beverages to customers who are not in*
4 *motor vehicles, for consumption on or off the premises. Restaurant with curbside ordering and*
5 *pickup of food and/or beverage is not considered a drive-through restaurant.*

6
7 *Small box retail store. A retail store with a floor area less than fifteen thousand square feet that*
8 *primarily offers for sale an assortment of physical goods, products, or merchandise directly to the*
9 *consumer, including food or beverages for off-premises consumption, household products,*
10 *personal grooming, and health products and other consumer goods, with the majority of items*
11 *being offered for sale at lower than the typical market price. Small box discount retail stores shall*
12 *not include the following: pharmacy drug store or a convenience store attached to or collocated*
13 *with a gas station.*

14
15 **Section 2.** In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall
16 be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect
17 the previously existing provisions of the other sections, subsections, sentences, clauses or phrases
18 of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence,
19 clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part
20 thereof. The City Council declares that it would have passed the remaining parts of this Ordinance
21 or retained the previously existing Ordinance if it had known that such part of parts hereof would
22 be declared or adjudicated invalid or unconstitutional.

23
24 **Section 3.** This Ordinance shall become effective on the 28th day of March, 2022.

25
26 **Section 4.** All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to
27 the extent of the conflict.

28
29 APPROVED this 28th day of March, 2022, by the Mayor and Council of the City of Fairburn,
30 Georgia.

31
32
33 _____
34 Mario Avery, Mayor

ATTEST:

35
36 _____
37 Brenda James, City Clerk

38
39 APPROVED AS TO FORM:

40
41 _____
Rory K. Starkey, City Attorney



**CITY OF FAIRBURN
CITY COUNCIL AGENDA ITEM**

SUBJECT: USE PERMIT 2021186 A STEP AT A TIME EARLY LEARNING CENTER

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Submitted: 03/14/22

Work Session: N/A

City Council: 03/28/22

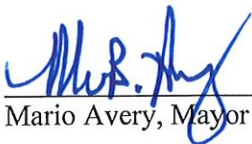
DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: (X) Yes () No

PURPOSE: For the Mayor and Council to approve a use permit for a child daycare center.

DESCRIPTION: The applicant is requesting the approval of a use permit to allow a child daycare center at 204 Senoia Road. The proposed property for the child daycare center is zoned O&I (Office Institutional), and the existing 2,956 square feet building will be utilized for the center. A playground area will be constructed in the rear of the property and the renovation of the building includes four classrooms, a director's office, restrooms, a break room, and a storage room. The center will accommodate up to 37 children, Monday – Friday, from 6:00 AM to 6:00 PM.



Mario Avery, Mayor



Tony Phillips, City Administrator

APPLICATION INFORMATION

Use Permit Petition 2021186

APPLICANT/PETITIONER INFORMATION

Property Owner

Tanisha Waller

Petitioner

A Step at a Time Early Learning Center

PROPERTY INFORMATION

Address: 204 Senoia Road [parcel # 09F101400470259]

Land Lot and District: Land Lot 47, District 9F

Frontage: Senoia Road

Area of Property: +/- 0.432 acres

Existing Zoning and Uses: O&I (Office Institutional)

Prior Zoning Cases/History: N/A

Overlay District: N/A

2035 Comprehensive Future Land Use Map Designation: Town Center Mixed-Use

MEETING AND HEARING DATES

Planning and Zoning Commission Meeting

Tuesday, February 1, 2022

City Council Public Hearing

Monday, March 28, 2022

INTENT

A request for a use permit to allow a child daycare center.

EXISTING ZONING AND LAND USE OF ABUTTING PROPERTIES

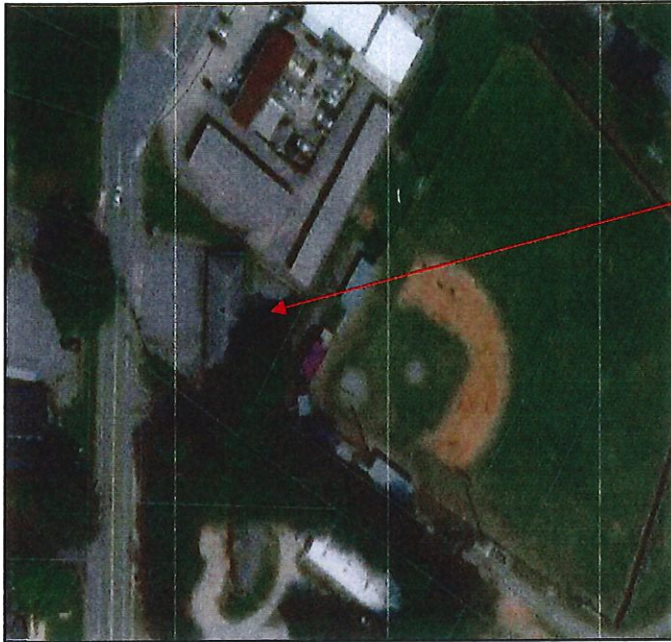
North: R-3 (Single-family Residential) and R-4 (Single-family Residential)

South: C-2 (General Commercial), O&I (Office Institutional), and R-3 (Single-family Residential)

East: O&I (Office Institutional) and M-1 (Light Industrial)

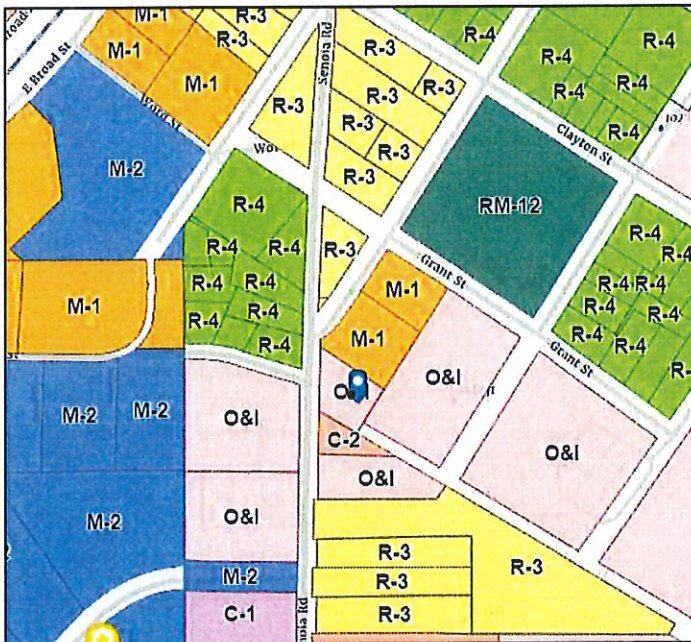
West: R-4 (Single-family Residential), O&I (Office Institutional), and M-1 (Light Industrial)

PARCEL MAP



204 Senoia Road
parcel ID # 09F101400470259

ZONING MAP



STAFF COMMENTS

Fire

No comments at this time. The building will be required to be inspected prior to the issuance of a certificate of occupancy.

Water and Sewer

No comments.

Engineering

No comments.

USE PERMIT CRITERIA

Section 80-172 Use Permit Considerations: Staff has reviewed said items pertaining to the subject use, and offers the following comments:

- Whether the proposal use is consistent with the comprehensive land use plan adopted by the city council;**
Staff is of the opinion that the proposed use is consistent with the 2040 comprehensive land use plan. The subject property is in the Town Center Mixed-Use Character Area and the 2040 Comprehensive Plan states the appropriate uses are:

- Mixed-Use
- *Civic/Institutional/Educational*
- Residential (all types)
- Commercial/Retail/Office

The appropriate zoning district in the Town Center Mixed-Use Character Area are RM-12, RM-36, R-3, R-4, R-CT, and *O&I*.

- Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed;**

Staff is of the opinion that the proposed use of the land for a child daycare center is compatible with the land uses in the vicinity of the property. The area consists of single-family residential, institutional/civic, and light industrial uses.

- Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;**

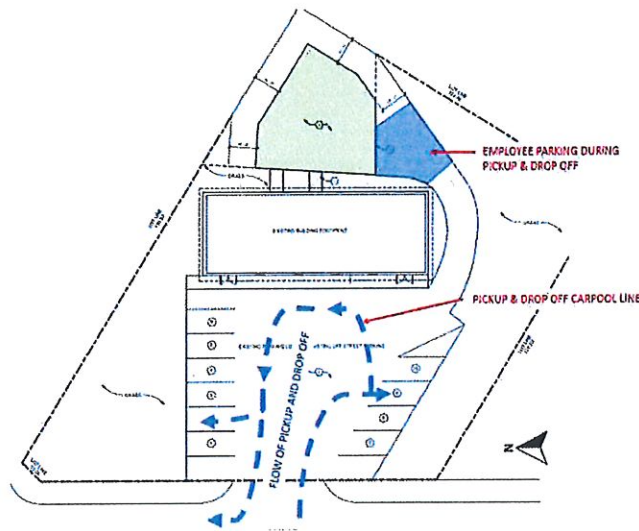
The proposed use does not violate any known statutes, ordinances, or regulations governing land development. The applicant will be required to submit copies of applicable local, state, and federal permits and/or licenses required for a child daycare center prior to the issuance of a certificate of occupancy and business license.

- The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;**

The proposed use of the land for a child daycare center is expected to have minimal impact on traffic and pedestrian flow on the roadway (Senoia Road). The daycare center is expected to generate additional traffic during the peak hours which are the drop-off (8:30 AM to 9:00 AM) and pick-up (4:30 PM to 5:00 PM) times for the children. The average drop-off and pick-up time per child is less than 5 minutes and typically a maximum of 6 children are simultaneously dropped off. The additional traffic is not expected to cause a significant impact on traffic flow along Senoia Road.

5. The location and number of off-street parking spaces;

The 7,300 square feet off-street parking area has frontage on Senoia Road and ten (10) spaces are provided for parents. There is sufficient space for the safe and convenient loading and unloading of children.



6. The amount and location of open space;

The property is 0.432 acres with 11,425 square feet of impervious area including the existing building, parking, and walkways. The remaining 0.17 acres (7,393 square feet) will remain as open space. A 1,500 square feet playground area will be in the rear of the building.

7. Protective screening;

An existing natural vegetated buffer is in the rear of the subject property. The installation of 110 LF security gate will be installed around the playground area.

8. Hours and manner of operation;

The daycare center hours are Monday - Friday, 6:00 a.m. - 6:00 p.m.

9. Outdoor lighting; and

The outdoor lighting will consist of exterior wall-mounted lights.

10. Ingress and egress to the property

The one ingress/egress point for the property is located on Senoia Road.

STAFF RECOMMENDATION

Staff is of the opinion that the use permit request to allow a child daycare center at 204 Senoia Road conforms with the 2040 Comprehensive Plan and Future Land Use Map. The Future Land Use Map designates the subject property as Town Center Mixed-Use which identifies institutional uses as appropriate land use. In addition, the proposed use of the property for a child daycare center will not cause a detriment to the adjacent or near nearby properties and will not have a significant impact on traffic flow.

Staff Recommendation: **APPROVAL CONDITIONAL**

Should the Mayor and City Council decide to approve the use permit to allow a child daycare center on the subject property, staff recommends the conditions listed below. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:

- a. Child daycare center and accessory uses allowed by the O&I (Office Institutional) zoning district

2. To the owner's agreement to the following:

- a. Copies of applicable local, state, and federal permits and/or licenses shall be provided to the planning and zoning office prior to the issuance of a certificate of occupancy and business license. A copy of applicable permits and/or licenses shall be submitted each year when applying for business license renewal.
- b. Provide a minimum six-foot fence around the perimeter of the play area.
- c. The play areas shall be located within the rear of the building.
- d. The hours of operation shall be limited to Monday through Friday from 6:00 a.m. to 7:00 p.m.

ATTACHMENTS

Letter of Intent

Site Plan

Applicant's PowerPoint Presentation



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
TRANSMITTAL OF RECOMMENDATION TO MAYOR AND CITY COUNCIL**

Date: March 28, 2022
To: Mayor and City Council
From: Elizabeth Echols, Chair of the Planning and Zoning Commission
Agenda Item: Use Permit 2021186 A Step at a Time Early Learning Center

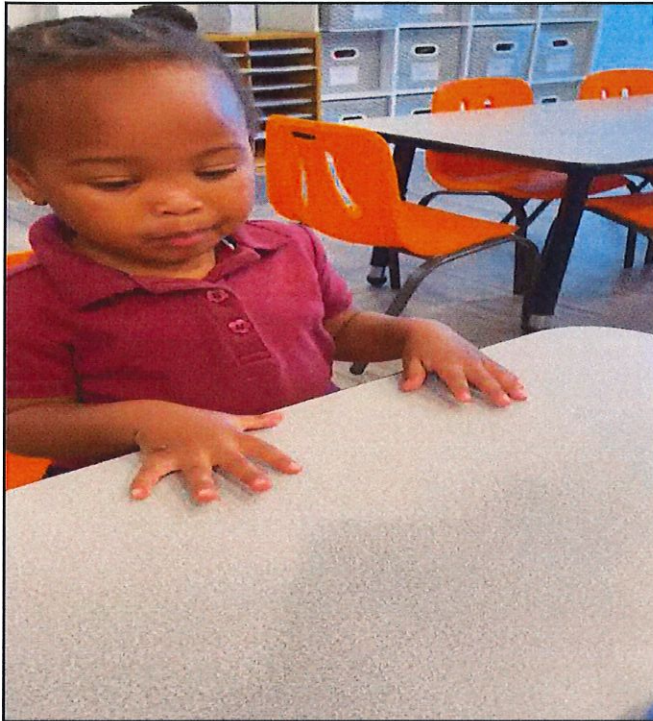
Pursuant to Section 80-287 of the City of Fairburn Zoning Ordinance, the Planning and Zoning Commission recommendation to Mayor and City Council is **APPROVAL CONDITIONAL** of Use Permit 2021186 A Step at a Time Early Learning Center.

204 Senoia Rd Fairburn, GA 30213 Letter of Intent

Date: 11/30/2021

Fairburn Letter of Intent for Use Permit Application

The requested use of this existing building project encompasses the interior renovation and remodeling of an existing medical office commercial space with 2,956 square feet area footprint of heated space in which will be converted into a functional daycare center for 4 classrooms with a total of 37 children and dedicated staff. Portions of the existing asphalt in the rear of the property shall be removed to provide a new playground area of proper size and safety. The existing building shall receive new electrical/lighting, new HVAC, new plumbing, new windows to match existing, new doors, new furniture, new finishes and millwork, and a restriped front parking lot. The hours of operation shall be Monday through Friday from 6am to 6pm.



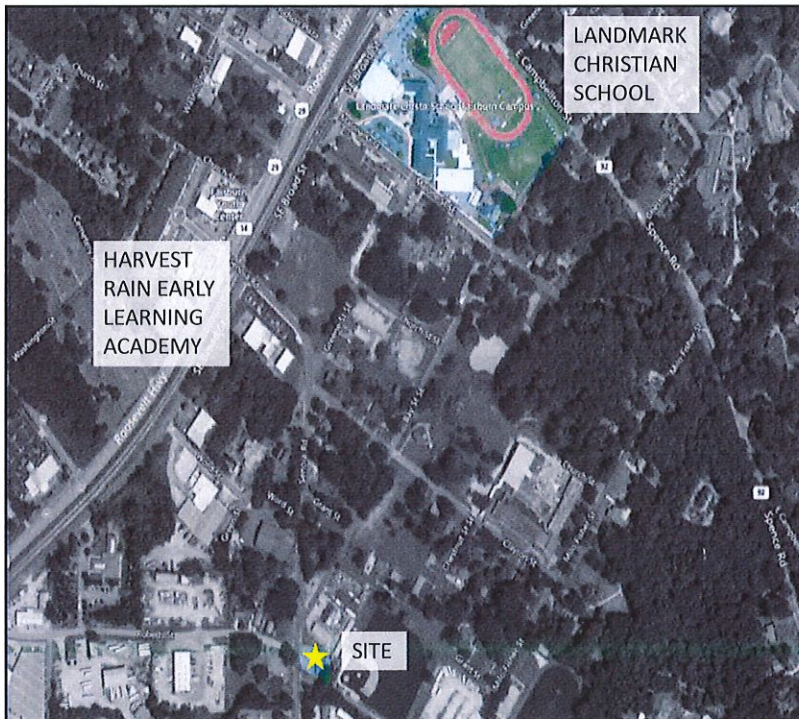
A STEP AT A TIME EARLY
LEARNING ACADEMY

204 SENOIA RD
FAIRBURN, GA 30213



1

1



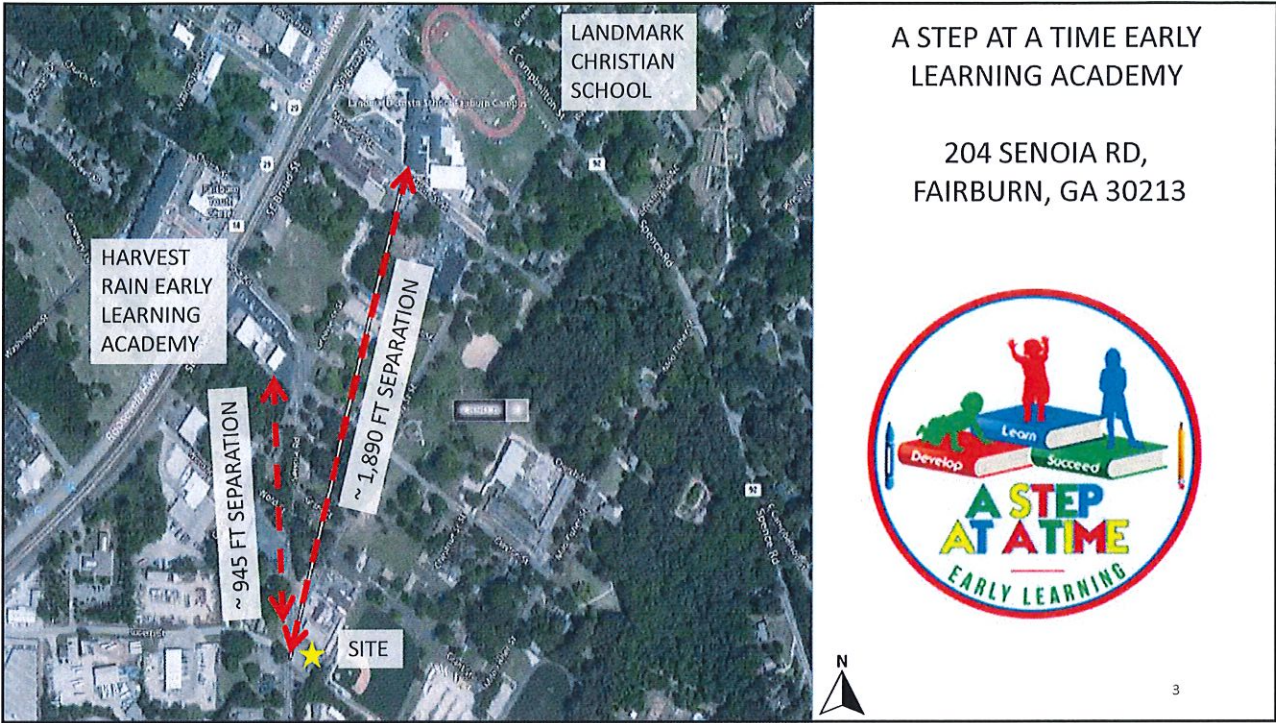
A STEP AT A TIME EARLY
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204 SENOIA RD,
FAIRBURN, GA 30213

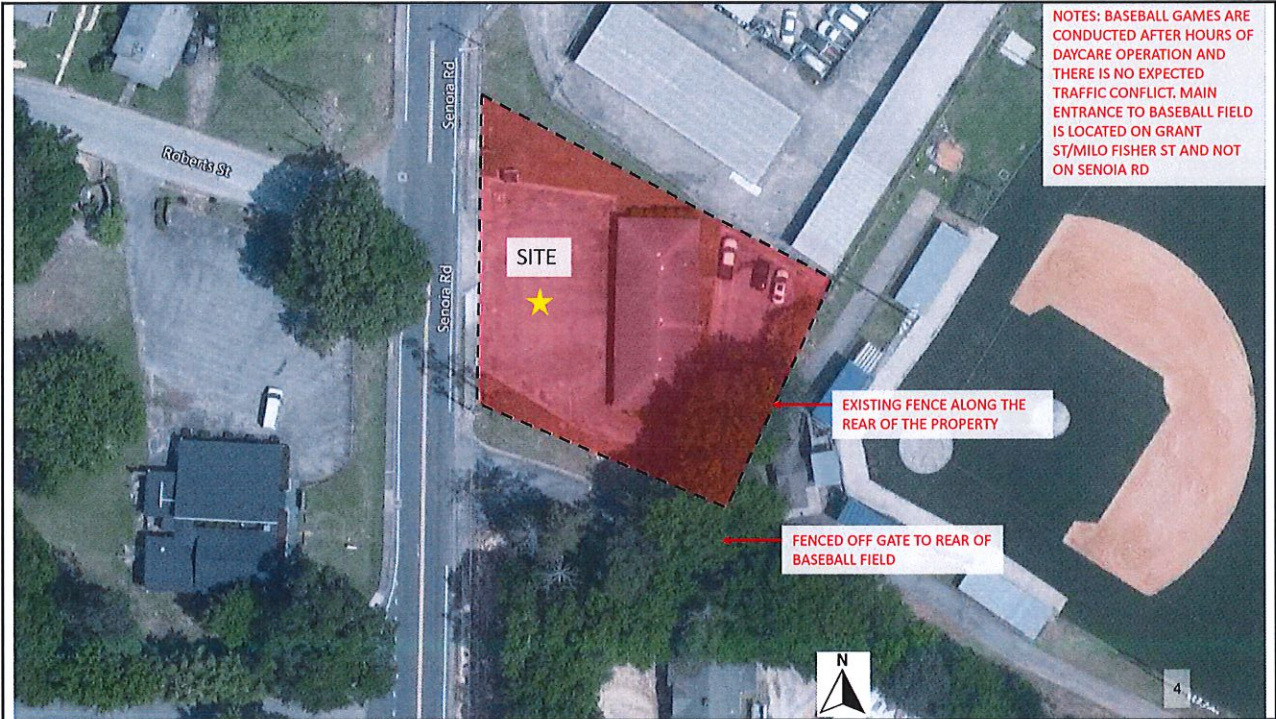


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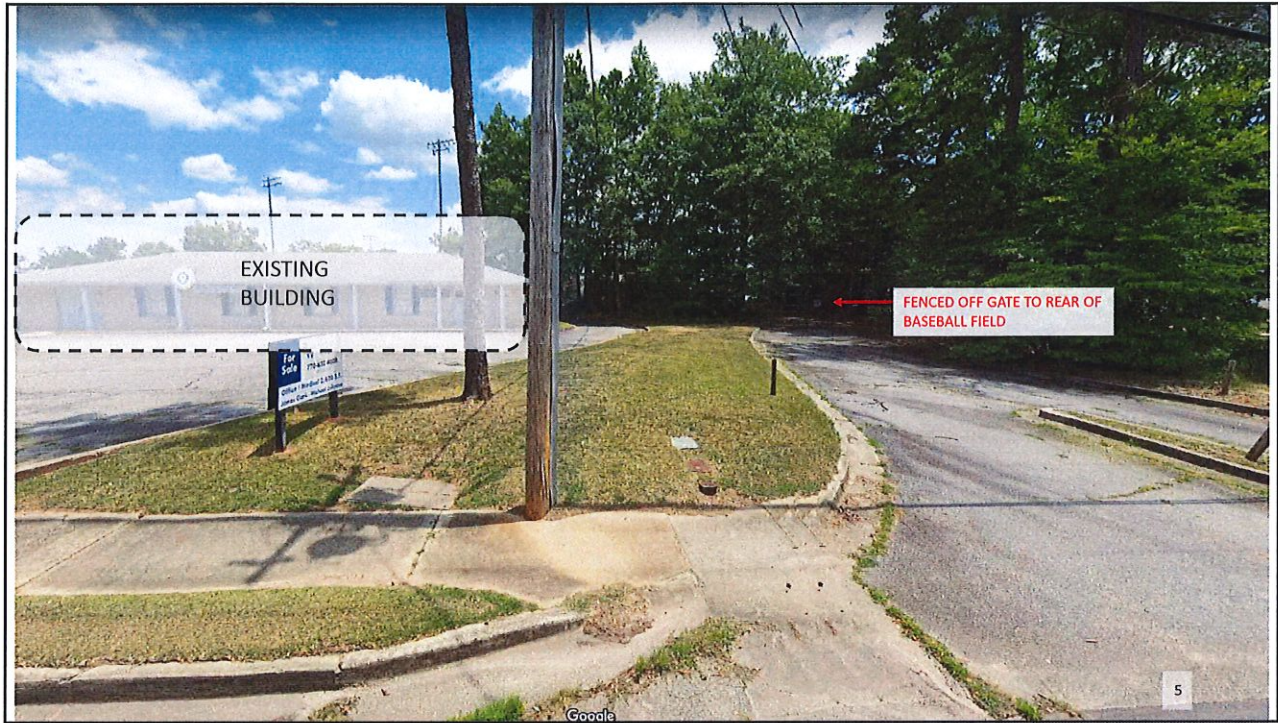
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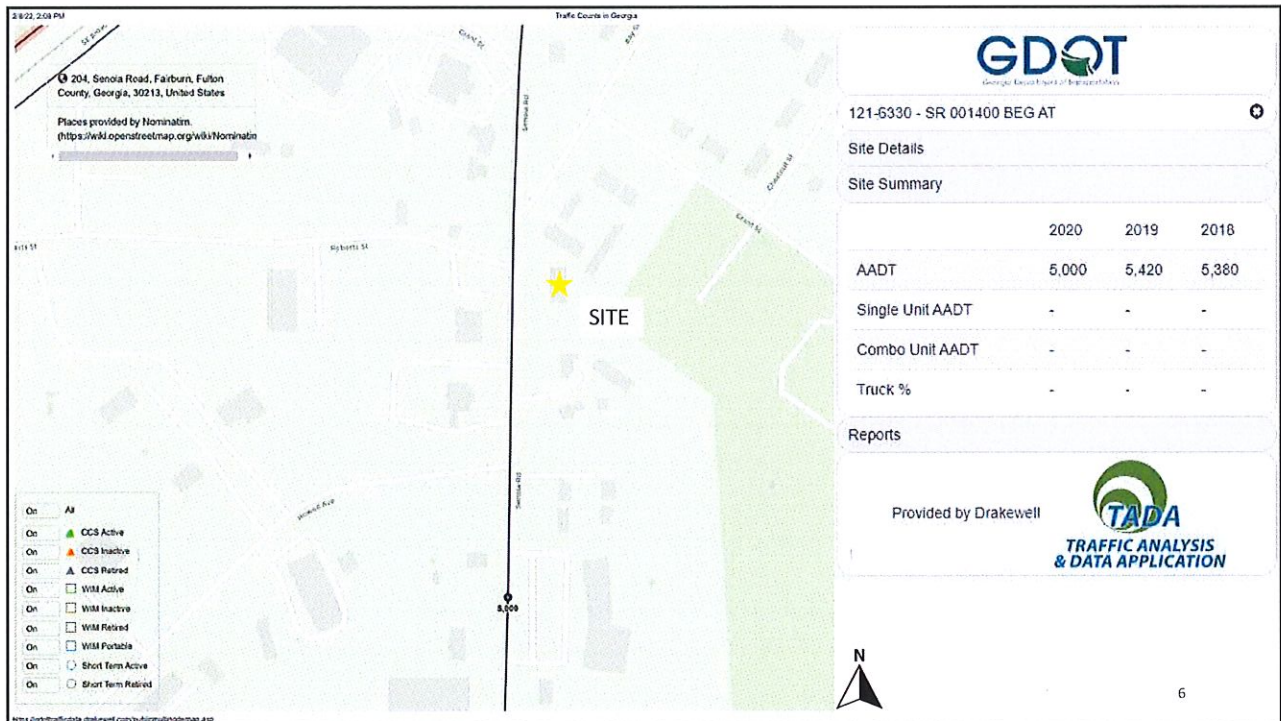
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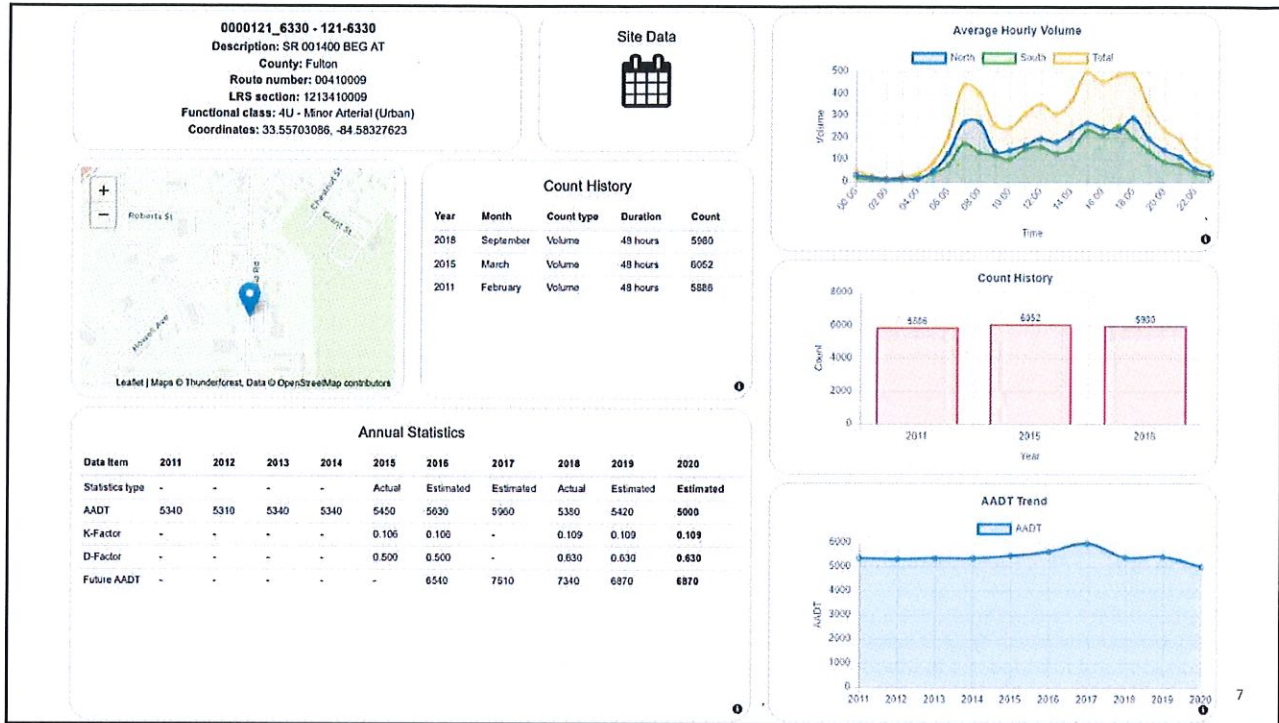
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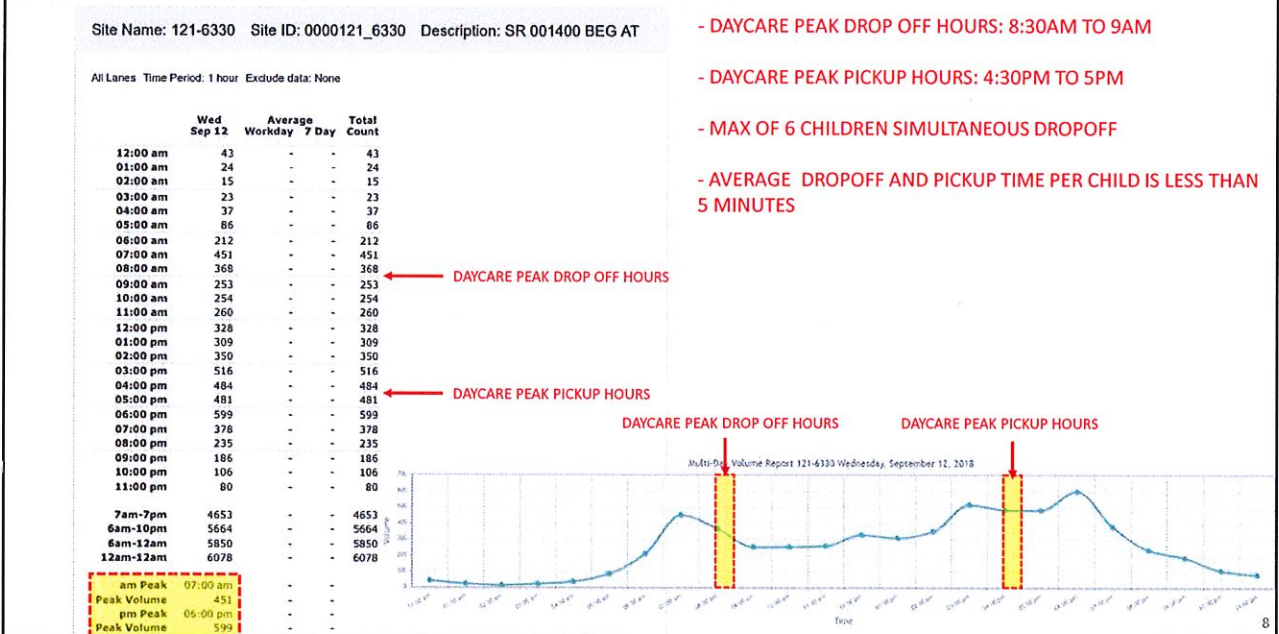


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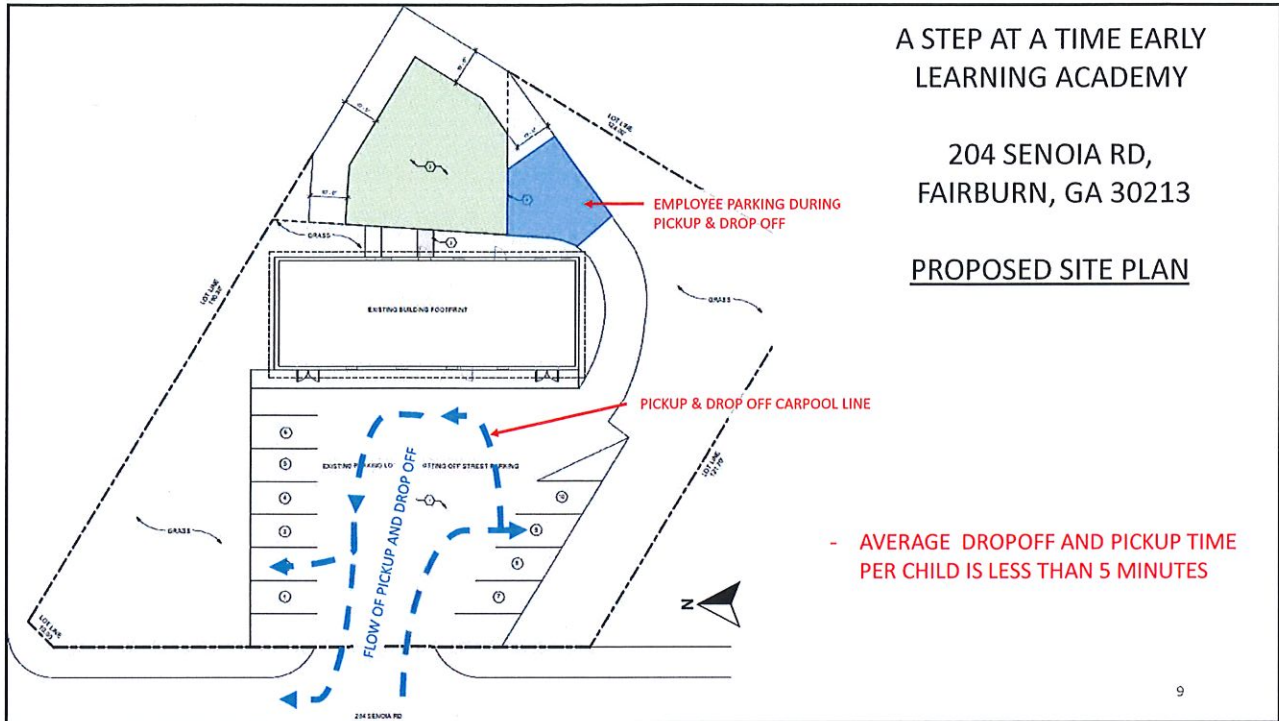


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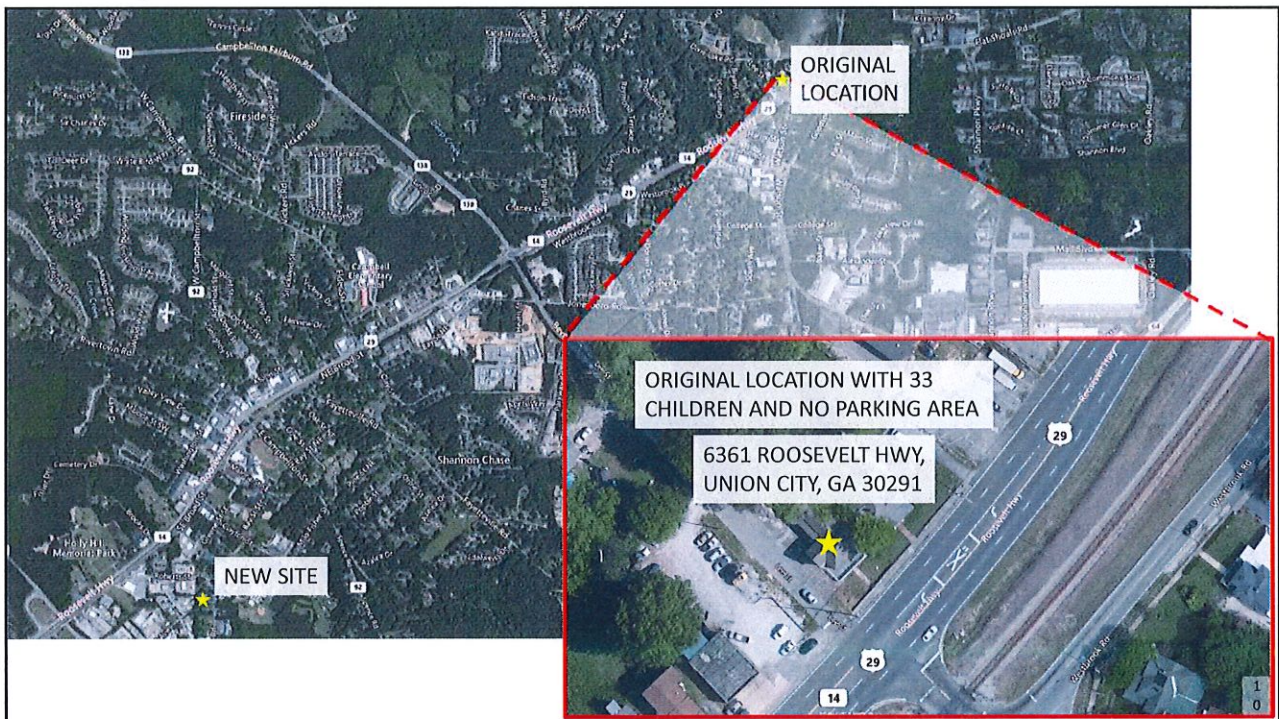
Multi-Day Volume Report 121-6330 Wednesday, September 12, 2018



8



9



10



A STEP AT A TIME EARLY
LEARNING ACADEMY

204 SENOIA RD,
FAIRBURN, GA 30213



THANK YOU



DRAWING NO.
G-100



1 SITE PLAN
1" = 10'-0"

204 SENOIA RD

LOT LINE
133.70

LOT LINE
106.8

LOT LINE
160.40

LOT LINE
164.50

LOT LINE
121.10

GRASS

GRASS

EXISTING BUILDING FOOTPRINT

EXISTING PARKING LOT WITH EXISTING OFF STREET PARKING

1

2

3

4

5

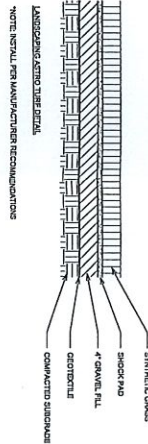
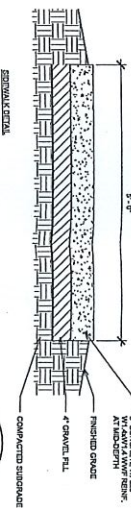
6

7

8

9

10



- KEYNOTES:**
1. SEPA AND RESTORE 7,300 SF PARKING LOT
 2. INSTALL 1,500 SF OF NEW ASTRO TURF- DEMO ASPHALT AS REQUIRED
 3. INSTALL 35 SF OF NEW CONCRETE SIDEWALK
 4. INSTALL 110 LF OF NEW SECURITY GATE
- PERMISSION INFORMATION**
- JOINTMAN CLASS
884-270-0460 EXT. 1
204 SENOIA RD, SUITE 1002
SHELBYVILLE, KY 40161
- ADDITIONAL INFORMATION**
- ADDITIONAL INFORMATION
204 SENOIA RD, SUITE 1002
SHELBYVILLE, KY 40161
- ADDITIONAL INFORMATION**
- ADDITIONAL INFORMATION
204 SENOIA RD, SUITE 1002
SHELBYVILLE, KY 40161

ISSUED FOR CONSTRUCTION

DRAWING NO.
C-101

PROPOSED SITE
PLAN

DATE
OCTOBER 22, 2021

PROJECT ADDRESS
204 SENOIA RD FAIRBURN, GA 30213

OWNER
BHHS GA PROPERTIES

ARCHITECT
COMMUNITY SOLUTIONS BY DESIGN

DATE
OCTOBER 22, 2021

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204 SENOIA RD FAIRBURN, GA 30213

OWNER
BHHS GA PROPERTIES



6. PROVIDE NEW FURNITURE AS REQUIRED BY OWNER
7. PROVIDE DIAPERING AREA EQUIPMENT FOR TODDLER ROOMS
8. PROVIDE POWER FOR NEW KITCHEN EQUIPMENT AND INSTALL NEW ELECTRICAL RECEPTACLES FOR NEW NEW WALLS

Re: USE PERMIT 2021186
Property of Tanisha Waller
204 Senoia Road
Parcel ID No.: 09F101400470259
0.432 acres; Land Lot 47
District 9F
Fairburn, Fulton County, Georgia

AN ORDINANCE GRANTING THE APPLICANT, A STEP AT A TIME EARLY LEARNING CENTER, A USE PERMIT TO ALLOW A CHILD DAYCARE CENTER; TO IDENTIFY THE CONDITIONS ATTACHED TO THE GRANT OF THE USE PERMIT; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Whereas, Chapter 80, Article II, Zoning Districts, Section 80-80 – O&I – Office Institutional Zoning District requires that a use permit be obtained for child day care centers pursuant to (c) O&I Permitted Uses (2) Child Day Care Center (small, medium and large) within the City of Fairburn; and

Whereas, Chapter 80, Article IV, Section 80-171 of the City of Fairburn Zoning Ordinance requires approval of the Use Permit by the City of Fairburn City Council; and

Whereas, Chapter 80, Article IV, Section 80-196 through Section 80-239 of the City of Fairburn Zoning Ordinance allows for the operation of certain uses, within the City of Fairburn only by way of a use permit, describes the objective criteria to be evaluated in deciding whether to grant a requested use permit, and permits City Council to attach other conditions that it deems necessary to protect the environment as well as the public health, safety and welfare; and

Whereas, the Applicant, A Step At A Time Early Learning Center, seeks a use permit for an Child Daycare Center, in accordance with its application, 2021186, in order to operate a child daycare center on .432 acres located at 204 Senoia Road with parcel identification number 09F101400470259 in the O&I (Office Institutional) Zoning District as described in Exhibit A; and

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City of Fairburn Zoning Ordinance, a properly advertised public hearing was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 28th day of March, 2022; and

Whereas, pursuant to Chapter 80, Article IV, Section 80-171(5)(b) of the City of Fairburn Zoning Ordinance, the Use Permit, if granted, shall expire within three years from the date of approval of this resolution, unless a land disturbance permit, building permit, business license or certificate of occupancy has been issued.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Fairburn, Georgia:

Section 1. That a use permit is granted to the Applicant, A Step At A Time Early Learning Center, in accordance with Chapter 80, Article IV.- Administrative Permits and Use Permits of the City of Fairburn Zoning Ordinance in order to operate a child daycare center at the location 204 Senoia Road with parcel identification number 09F101400470259, in the O&I (Office Institutional) Zoning District, the City of Fairburn City Council concluding that the use permit should be granted, subject to certain conditions.

Section 2. That the granted use permit is limited by the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:

- a. Child daycare center and accessory uses allowed by the O&I (Office Institutional) zoning district.

2. To the owner's agreement to abide by the following:

- a. Copies of applicable local, state and federal permits and/or licenses shall be provided to the planning and zoning office prior to the issuance of a certificate of occupancy and business license. A copy of applicable permits and/or licenses shall be submitted each year when applying for business license renewal.
- b. Provide a minimum six-foot fence around the perimeter of the play area.
- c. The play areas shall be located within the rear of the building.
- d. The hours of operation shall be limited to Monday through Friday from 6:00 a.m. to 7:00 p.m.

Section 3. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 4. This Ordinance shall become effective on the 28th day of March, 2022.

Section 5. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

APPROVED this 28th day of March, 2022, by the Mayor and Council of the City of Fairburn, Georgia.

Mario Avery, Mayor

ATTEST:

Brenda James, City Clerk

APPROVED AS TO FORM:

Rory K. Starkey, City Attorney

Exhibit A

204 Senoia Rd Fairburn, GA 30213 Legal Description

Date: 11/30/2021

Fairburn Legal Description for Use Permit Application

A certain tract of land situated in the City of Fairburn, County of Fulton, State of Georgia, having a frontage on the public road of Senoia Road of One Hundred and Forty-Three and 70/100 (143.70') feet with One Hundred and Twenty-Four and 00/100 (124.00') feet width in the rear, and the upper line of said lot measuring One Hundred and Ninety and 30/100 (190.30') feet in length, and the lower line of said lot measuring One Hundred and Twenty-One and 70/100 (121.70') feet in length; the starting point of said tract of land located at the iron pin found on the corner of the lower line and frontage public road of Senoia.

