



CITY OF FAIRBURN ZONING CODE AUDIT

*Prepared by
Atlanta Regional Commission Staff
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ATLANTA REGIONAL COMMISSION
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INTRODUCTION

In Fairburn’s 2016 Livable Centers Initiative (LCI) plan update “the Mayor and City Council included the creation of the Lightning Area Master Plan to address the revitalization of the community”. Since then, the city has pursued a housing inventory through the Community Choices Implementation Assistance Program (CC) in 2016 and participation in the Georgia Initiative for Community Housing (GICH) Partnership. Exemplified by participation in those two programs over the past couple of years, there has been an increasing interest in sustainably revitalizing the Lightning District to preserve its character while maintaining affordability. This year’s CC application aims to understand how the zoning code both promotes and inhibits the goals of those programs. As part of preserving the historic nature of the Lightning District, the city also hoped to receive guidance on viable options for architectural standards amidst a future of residential infill development.

METHODS

To understand the context for this zoning code audit, the ARC team reviewed seven key documents. The documents covered plans associated with both short and long range planning for Fairburn and the Lightning District, past projects around housing in the Lightning District, and the City’s municipal code.

After reviewing the documents and the CC application, the ARC team identified common goals amongst the documents as key areas of the municipal code to review. Using the City’s goals as a lens, the team assessed whether the current municipal code would support or inhibit achieving those goals. The following are the summarized goals that this report touches on:

- Promote long term sustainable redevelopment of the Lightning District
- Maintain high-density, single-family residential housing for all ages and incomes
- Continue to foster the historic nature of the Lightning District
- Support corridor connectivity for pedestrians, bikes and cars
- Increase availability of space for public art and recreation spaces

To achieve each goal, the team combed through the municipal code noting code requiring adjustments, areas that could be leveraged if more enforcement occurred, and hotspot issue areas that might directly inhibit achieving the goals.

Furthermore, as part of the third goal listed above, “continue to foster the historic nature of the Lightning District”, the ARC team catalogued the housing styles of the Lightning District. To preserve the historic nature of the Lightning District, the ARC team inventoried and developed recommendations for possible future residential infill development guidelines to support the goal.

Lastly, the ARC team mapped out the following topics to help visualize the situation in the Lightning District, and to inform recommendations:

- Ownership
- Non-conforming Lots
- Housing Style
- Year Built

All maps are available throughout the document to compliment the writing, in addition to being available in full-size in the appendices.

Taking into consideration the goals of this CC application, the goals outlined in the documents reviewed, Fairburn’s municipal code, and the various maps developed, the ARC team developed recommendations to aid the City of Fairburn in adapting their code to meet the identified goals.

REVIEWED DOCUMENTS

As mentioned in the previous section, Fairburn has been pursuing various measures to address challenges that the Lightning District faces. The CC application mentioned that “the Lightning District is a residential neighborhood in poor condition and faces several challenges; deterioration, drugs, safety, visual blight, vacant lots, and poor maintenance issues”. To propose specific zoning code reform, it was important to understand the interests outlined in other plans that are guiding Fairburn’s development. The following are the plans and city documents that served as the basis for the subsequent analysis:

- City of Fairburn Community Choices Application 2017
- City of Fairburn 2035 Comprehensive Plan
- Fairburn Historic Downtown Livable Centers Initiative Study 2009
- Fairburn Housing Inventory Report 2016
- City of Fairburn Urban Redevelopment Plan
- City of Fairburn U.S. Highway 29 Overlay District
- City of Fairburn Municipal Code
 - Zoning Districts:
 - R-3 (Single-Family) District
 - R-4 (Single-Family) Residential District
 - C-2 General Commercial District
 - M-1 Light Industrial District

- Article V: Nonconforming Lots, Uses, and Structures
- Article XIII: Residential Infill

Many of the goals outlined in the reviewed documents had similar themes to one another; here are a few highlighted goals that align with the intent of this audit as expressed in the City's CC application:

- Fairburn CC 2017 application: *Identify appropriate zoning codes and architecture standards for the district, which encourage sustainable development practices, smart growth, and rehab and construction of housing for all incomes and ages.*
 - "The overall goal of the zoning audit is to comprehensively review the land use (zoning) codes and regulations for the Lightning District to assess if they help achieve the City's vision of revitalization and smart growth."
- Fairburn 2035 Comp Plan: *Maintain pedestrian circulation; new development reflects historic building context; and historic structure preservation.*
 - "The centralized location of Downtown Fairburn is ideal for denser town center mixed-use development patterns, with residential, commercial, civic/institutional/office, educational, and certain low intensity industrial uses all within this character area. The goal is for the Downtown/Town Center Mixed Use Character Area to become the center of daily life in the city."
- Fairburn Historic Downtown Livable Centers Initiative Study 2009: *Promote and improve walkability and connectivity corridors; preserve single family residential; and promote a bedroom community to a thriving downtown*
 - The following actions are a few of the goals listed in the 5 year implementation plan:
 - "Lightning District...is proposed to be preserved and would remain primarily single family residential."
 - Lightning Area Plan – A detail plan that focuses on redevelopment and neighborhood stabilization. To focus on parcel consolidation, housing improvements, infrastructure – lighting, sidewalks, gateway/signage, traffic calming, drainage issues and park improvements.
 - "Provide home improvement grants or loans for home owners to keep up the property to bring up to code and rectify visual blight. Improvements to facades, roofs, windows/doors, fencing, canopy/porches, and front yard landscape improvements."
 - "Develop master plan and design guidelines that preserve the quaint character of the neighborhood; scale of streets, pedestrian facilities, architectural character, building heights, and others."
 - Develop community gardens on empty lots
 - "Fast track approvals and one-stop shop approval for new development projects that can attract redevelopment."

- Offer tax incentives for affordable housing and senior housing projects
- Fairburn Housing Inventory Report 2016 Findings: *28% of lots in the Lightning District were vacant and 23% of buildings were dilapidated.*
- City of Fairburn Urban Redevelopment Plan: *"Encourage and promote the voluntary redevelopment or rehabilitation of the area by private owners or private enterprise."*
- City of Fairburn U.S. Highway 29 Overlay District: *"To balance the rights of private property owners with the City's desire to guide future development."*

Overall, the City of Fairburn is aiming to promote the revitalization, maintain the character, promote more connectivity to transportation corridors, and maintain the affordability of the district. Many efforts are coinciding with this zoning code audit, such as participation in (GICH) and the new Main Street Designation in the downtown area adjacent to the Lightning District. The goal of this audit is to address any ordinances that could inhibit achieving the goals of the various plans and of the coinciding efforts.

ZONING CODE AUDIT

The City of Fairburn has a good foundation for their zoning code, but exhibits a few areas for improvement. This section outlines recommendations based in best practices from other local communities to help address the range of outlined goals for the Lightning District.

Other cities provide great examples of best practices to support achieving Fairburn's goals. The following two tables pull examples from the cities of Madison and Roswell, Georgia, as they have various codes and guidelines that address similar goals.

Table 1 - Maintaining Small Lot Single Family Residential Neighborhood:

As seen in Figure 1, in the R-4 District within the Lightning District, roughly 61% of lots (70/115) are non-conforming in size; the lots are smaller than the ¼ acre minimum lot size.

On average, the non-conforming lots are roughly 1/8th of an acre. This speaks to the Lightning Districts' small lot nature and already-exhibited high-density single family residential pattern. To maintain the high-density neighborhood, below are some comparisons of lot sizes and building footprints from Roswell and Madison's small lot, single family residential districts that could be an alternative for the Lightning District to the current lot sizes.



Figure 1: This map shows the properties that are districted as R-4 Single Family Residential, which do not meet the minimum lot size requirement of ¼ Acre.

	Fairburn R-3	Fairburn R-4	Roswell R-9	Roswell R-6	Roswell R-4	Madison R-4
Height	NTE** 48 ft	NTE 48 ft	NTE 35 ft	NTE 35 ft	NTE 35 ft	NTE 35 ft
Minimum Front Yard Setback	45 Ft	35 ft	20 ft	20 ft	15 ft	30 ft
Minimum Side Yard Setback Main	10 ft	10 ft	20 ft	20 ft	15 ft	10 ft
Minimum Side Yard Interior	NA	6 ft	7 ft	7 ft	5 ft	NA
Minimum Rear Yard Setback	30 ft	25 ft	20 ft	20 ft	20 ft	25 ft
Minimum Lot Area	14,520 sq ft	10,890 sq ft	9,000	6,000 sq ft	6,000 sq ft	10,890 sq ft
Minimum Width of lot frontage or width at building line	85 ft	75 ft	60 ft	50 ft	50 ft	50 ft
Minimum Heated Floor Area	1,400 sq ft (less than 2 stories); 1,600 sq ft for 2 or more 2 stories	1,200 sq ft	NA	NA	NA	800 sq ft
**NTE: Not to exceed						

The minimum lot sizes for the exhibited in Roswell R-4 could be an alternative to the lot sizes in the Lightning District. Additionally, the smaller minimum heated floor area seen in the Madison R-4 code would help achieve greater density, single family of the neighborhood. Since the code only mentions minimum requirements, beginning on the smaller side of housing size will allow more flexibility in the sizing of houses on the lots in the area; furthermore, making the houses accessible to a diverse range of

incomes. Another option to help direct development would be to adopt a maximum lot size and lot width. Adding a maximum lot size and lot width would further regulate the outcome of each parcel, and help prevent any unwanted lot combinations in the future. Depending on the interest in a high-density single family district in other areas of Fairburn, the change in lot sizes and minimum heated floor area could become part of an overlay district specific to Lightning or be an additional residential district.

Table 2 - Goal-Based Code Recommendations:

Using the goals stated above, the ARC team pulled specific examples of code from Madison, Roswell, and DeKalb County, Georgia that could be adapted to meet Fairburn’s goals. Additionally, recommendations on how to adapt the code examples are outlined. *(All Municode codes are referenced below)*

Goal Component:	Model Code Example: (D)=DeKalb Code (M)=Madison Code, (R)=Roswell Code	Fairburn Recommendation:
Small Lot – High Density Single Family Residential	(M): “To provide for areas of high density, detached single-family residential uses; to recognize and protect the small lot size, street grid based and highly pedestrian character of the historic areas of the city; to reinforce the traditional residential development pattern characteristic of the city’s modern neighborhoods and subdivisions; to permit compatible accessory uses which normally complement a balanced and attractive residential area; to stabilize and protect owner-occupied housing and encourage a suitable environment for family life; and to protect medium density, single family residential areas from encroachment of higher density residential and non-residential uses.”	The current zoning code intention for R-4 in Fairburn is a very general description. With the specific goals of the Lightning district, it might be helpful to articulate in an overlay district the true intent of the residential neighborhoods, which is to promote pedestrian accessibility, maintain historic character, etc. The example from Madison gives the reader a sense for what each district is trying to achieve both in scale of lots and buildings, but also in the feel of the district. Additionally, as seen in the table above the lot sizes for both Madison and Roswell better achieve the small lot size for high density single family dwellings.
Historic Preservation	(R): Each historic district is given some bullet points about the context of where the district begins and ends and a little history about the area. It then goes into: <ul style="list-style-type: none"> o Respect the historic streetscape pattern o Incorporate a compatible mix of building types o Design new construction to be compatible (R): In each category, there is an outline of a few characteristics specific to each historic district.	A Lightning District plan or overlay needs to provide historical context as to why the district was created, and the importance of maintaining the historic character. It could outline something along the following lines: <ul style="list-style-type: none"> o Use the following house styles commonly found in the lightning district (list the most common or the ideal house styles for the Lightning District; i.e. American Vernacular, Minimal Traditional, Ranch, etc.) o Consider using simplified interpretations of similar buildings found in the Lightning District to help retain affordability, while achieving stylistic compatibility.

Goal Component:	Model Code Example: (D)=DeKalb Code (M)=Madison Code, (R)=Roswell Code	Fairburn Recommendation:
		Add other specific categories as necessary as seen in the Roswell examples to give the reader a clear interpretation.
Parking	(M): Madison’s parking code requires the following: <ul style="list-style-type: none"> o 1 Space per dwelling unit of 2,000 sq .ft or less; o 2 spaces per dwelling unit of 2,000 s q.ft. or more 	Considering the proximity to the walkable Highway 29 downtown environment, supporting compact development patterns in the Lightning District through reduced parking minimum requirements can encourage pedestrian connectivity and smaller residential square footage of houses. Currently the code has a requirement of 2 parking spaces per dwelling unit. It also limits parking reductions to a maximum of a 10% reduction; however, a 1 space reduction for a residential unit equates to a 50% reduction.
Pedestrian Friendly	(R): UDC Design Guidelines – Guidelines for Connectivity in Residential Districts – <ul style="list-style-type: none"> o “2.1 - Provide a circulation system to promote pedestrian access across a site and connect with adjacent amenities. <ul style="list-style-type: none"> ▪ Design on-site pedestrian connections to provide recreational opportunities in Residential and Civic districts. ▪ Direct a walkway through outdoor open spaces or natural areas where they adjoin a residential development. ▪ Provide path or sidewalk connections to adjacent commercial or mixed-use areas. o 2.2 Provide automobile access to adjacent residential, commercial or mixed-use areas, when feasible. <ul style="list-style-type: none"> ▪ Connect street and alley systems with adjoining systems, when possible. o Reserve the opportunity to provide future connections to adjacent undeveloped properties. A cross-property easement may be used to assure access. 	It’s confusing as to whether the sidewalk provisions from Chapter 71 apply to residential districts as they are not listed under the “Other regulations” section in the residential districts. Additionally, Section 71 talks more about the physical sidewalks than the purpose of them to promote connectivity and circulation. Roswell discusses the vision for their pedestrian options in their design guidelines section. Clarifying intent within the Lightning District for promoting pedestrian connectivity and alternate transportation could help connect the local community to the Downtown businesses. Using a code like the Roswell UDC guidelines creates a descriptive understanding of the desired pedestrian form, as opposed to the specifications for sidewalk size. <p>Given that within the LCI study’s Long Term Recommendations for the Lightning District, it mentions establishing “sidewalks on both sides and pedestrian lighting for Dodd Street”, clarifying sidewalk implementation requirements in an overlay district would help create a more definitive foundation for the establishment of sidewalks in the Lightning District.</p>

Goal Component:	Model Code Example: (D)=DeKalb Code (M)=Madison Code, (R)=Roswell Code	Fairburn Recommendation:
Property Maintenance	(D) "The governing authority finds that there is a need to establish minimum standards governing the use, occupancy, condition and maintenance of property, dwellings, buildings, and structures. Left completely unregulated, the failure to properly maintain property can become a threat to public safety and a detriment to property values and to the county's general public welfare, as well as create an aesthetic nuisance. The county finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations."	<p>DeKalb County employs an extensive property maintenance code that applies to every building, dwelling, and structure in the unincorporated area of DeKalb County to maintain aesthetics and safety of the buildings in the area. This helps maintain property values of the surrounding homes, and maintain safety by ensuring structural soundness.</p> <p>Currently Fairburn's care of premises code covers what is unlawful and the proceedings for correction. However, it doesn't cover the negative impacts of people not caring for their properties. DeKalb illustrates the importance of care, as it relates to public health, property values and more. Fairburn could adopt sections of DeKalb's Property Maintenance code in Fairburn's Care of Premises code to support better property maintenance in the Lightning District and in the greater Fairburn area. Additionally, DeKalb County has given the chief of police the authority to enforce their property maintenance codes, which can be helpful in smaller cities when code enforcement has to deal with other task as well.</p>
Public Art	<p>(R): 1.11 Use public art to add interest to an outdoor public space. Consider original artwork that:</p> <ul style="list-style-type: none"> ○ Is durable and accessible to the public ○ Provides a focal point for a public space ○ Is stand-alone, or integrated into the design of a building ○ Relates to functional site features such as gates, entries, sitting areas and walkways ○ Reflects an awareness of the site and surrounding context, both existing and planned <p>Reflects the historic and cultural values of the community</p>	<p>Fairburn's code in regards to the promotion of public art is limited to the discretion of the Art and Architecture advisory committee. If the committee is not fully functioning, it could inhibit the community's ability to establish public works of art. The City of Roswell incorporated their public art code into their design guidelines so that it's integrated into new development projects. Additionally, it focuses on how art activates a space; as part of the new park development and the activation of Dodd Street, Fairburn could, in conjunction with the community, work on public art projects to liven up that corridor as it is the main corridor.</p>

Ease of Reading:

Form based codes are an alternative to traditional zoning. Instead of laying out the various codes to enforce for an outcome, the desired form is the starting point. The flow and straightforwardness of code can have an impact on how the code is interpreted and implemented. Given that some of the previous recommendations have to do with clarifying the intent of the different districts and determining where and when certain code applies, the City of Fairburn could benefit from including some form-based code elements to illustrate a more explicit direction for the City’s plan. The following are a few examples of areas within the code that, with strategic editing, could help delineate the direction of the city.

Clarity of District Regulations: In each zoning district, regulations specific to that district are written out regarding lot sizes, setbacks, permitted uses, etc. Within each zoning district there is an additional section – section (g) – labeled “Other Regulations” which denotes the other regulations that apply to the district specified. However, there are other sections within the municipal code which apply to various districts, making it unclear whether the regulations in section (g) are the only other regulations that apply. For example, sidewalk provisions are listed in chapter 71 but chapter 71 is not listed under the other regulations that apply to the R-4 and R-3 districts. In chapter 71, it mentions that “Sidewalks are required on all street frontages regardless of the zoning district in which the street is located”. To know that all street frontages require sidewalks, even in an R-4 or R-3 district, you would have to know to read the rest of the code. A more form based code that outlines and draws out the ideal conditions for the different districts might be able to better illustrate the need for sidewalks in the different districts. Figure 2 is an image from Crabapple in Milton, Georgia, which illustrates the different

CRABAPPLE FORM-BASED CODE
City of Milton

TABLE 2B: Public Frontages - Specific. This table assembles prescriptions and dimensions for the Public Frontage elements - Curbs, Walkways and Planters - relative to specific Thoroughfare types within Transect Zones.

TRANSECT ZONE Public Frontage Type	TRANSECT					
	12 13 HW & RD	12 13 RD & ST	13 14 ST-DR-AV	14 15 ST-DR-AV-BV	15 CS-DR-AV-BV	15 CS-DR-AV-BV
a. Assembly: The principal variables are the type and dimension of Curbs, walkways, Planters and landscape.						
Total Width	15-24 feet	12-24 feet	12-18 feet	12-18 feet	18-24 feet	18-30 feet
b. Curb: The detailing of the edge of the vehicular pavement incorporating drainage.						
Type	Open Swale	Open Swale	Raised Curb	Raised Curb	Raised Curb	Raised Curb
Status	10-30 feet	10-30 feet	5-20 feet	5-20 feet	5-20 feet	5-20 feet
c. Walkway: The hard surface dedicated exclusively to pedestrian activity.						
Type	Path Optional	Path	Sidewalk	Sidewalk	Sidewalk	Sidewalk
Width	n/a	4-8 feet	4-8 feet	4-8 feet	12-30 feet	12-30 feet
d. Planter: The layer which accommodates street trees and other landscape materials.						
Arrangement	Clustered	Clustered	Regular	Regular	Regular	Opportunistic
Species	Clustered	Clustered	Alternating	Regular	Single	Single
Planter Type	Continuous Swale	Continuous Swale	Continuous Planter	Continuous Planter	Continuous Planter	Tree Well
Planter Width	8 feet - 18 feet	8 feet - 18 feet	8 feet - 12 feet	8 feet - 12 feet	4 feet - 6 feet	4 feet - 6 feet

Figure 2: This image is from Milton, Georgia’s Crabapple form-based code. This table shows the various types of sidewalks based on what type of roadway they are planning for.

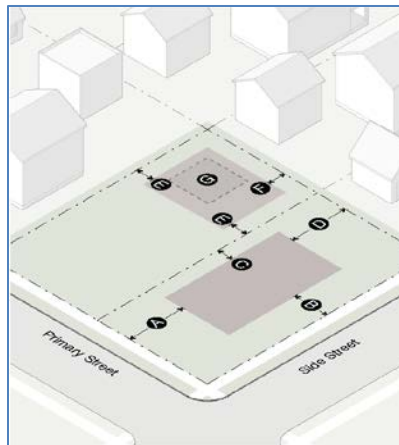


Figure 3: This example of a form-based code is from the Decatur, Georgia municipal code . It exhibits the placement and percent coverage of properties on residential lots in the city.

options for public frontage types based on various criteria. Images like this one can help create uniformity throughout the city by making the code easier to interpret.

Illustrating District Intent and Style: As mentioned in the lot size recommendations for the residential districts in the Lightning District, the written minimum lot sizes within the district are larger than what are currently present. Additionally, the number of vacant lots and deteriorating structures within the district provide an opportunity to reimagine the Lightning District. The specifications for each district written out in the code don't illustrate the desired outcome. Figure 3 from the City of Roswell's Unified Development Code¹ illustrates two of their small lot single-family residential districts that were mentioned above in the measurements comparison table. These images show the desired lay out of the residential neighborhood types, the inclusion of sidewalks,



Figure 3: This image is from Roswell's Unified Redevelopment Code (UDC). It illustrates how Roswell describes their residential districts using images to help the reader visualize the desired result.

where the garages are located and how other features are integrated into the neighborhood design. The added description addresses what the district is best suited for to and the intent of the district. Illustrations like these combined with the district intent as it relates to the various planning documents, could help explain and achieve the desired future use and protect the Lightning District from unintended results due to unclear code.

Additional Issues for Consideration:

Aside from the design and general recommendations to improve the prospects of achieving the Fairburn's goals, there are a few sections within the code that could prove to prevent Fairburn from reaching the desired outcome in the Lightning District. The following sections list those areas, why they could prove to be problematic, and some recommended edits.

Ownership & Lot Combination: Figure 4 illustrates property ownership in the Lightning District. There are eight individuals that collectively own 43 of the 137 parcels in the District. This does not include the City of Fairburn, which owns 9 of the 137 parcels. With individuals owning multiple adjacent properties, the Lightning District could be exposed to lot combinations using the code below to begin to shift the high density, small lot single family residential pattern to a less dense outcome.

¹ See City of Roswell, Georgia, [Unified Development Code](#).

The following code – Nonconforming lots, uses and structures² - could allow owners with multiple properties to combine their adjacent lots two at a time, as they are all non-conforming to the minimum lot size for the R-4 district as seen in Figure 3.

“If two or more adjoining lots or portions of lots in single ownership do not meet the requirements established for lot width, frontage or area, the property involved shall be treated as one lot, and no portion of said lot shall be used or sold in a manner which diminishes compliance with this article.”

Reducing the minimum lot size to ¼ acre would bring most of the vacant lots into conformity, lessening the probability of lot combinations.

Residential Infill³: The current residential infill guidelines present some challenges when trying to apply them to the Lightning District. Residential Infill applies to new construction and reconstruction that changes more than 25% of the exterior of the building. Additionally, the current way the code is written suggests that it only applies to areas where at least 75% of lots in the survey area have been developed. Given this code, it might be challenging to enforce residential infill in certain pockets with a high prevalence of vacancy as seen in Figure 5. This means that if someone was interested in building on one of the vacant lots, the provisions of surveying the area for design and inviting public participation would not apply.

Furthermore, the vacancies coincide with the land owned by the aforementioned 8 owners. This could mean that those owners could develop their land with more flexibility in regards to housing style, as there are no immediate homes in the area.

Within the Public Participation section⁴ of the Residential Infill guidelines it mentions that “At the director of planning and zoning’s discretion, a greater distance may be required” with respect to the radius of home affected by the proposed development. This language could also be included in the

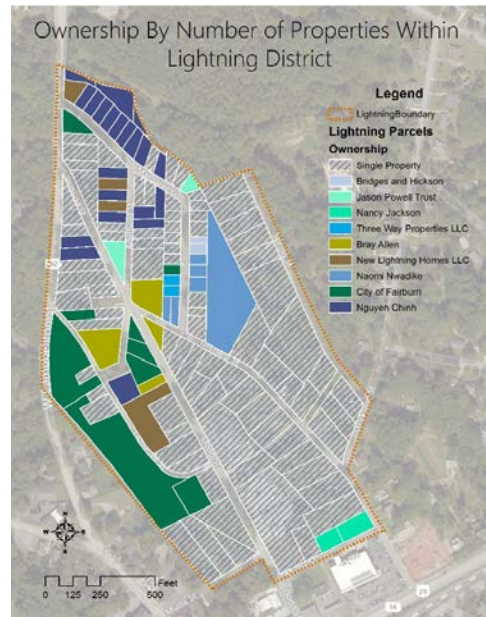


Figure 4: This map shows homeowners in the Lightning District who own 2 or more properties in the district boundary.

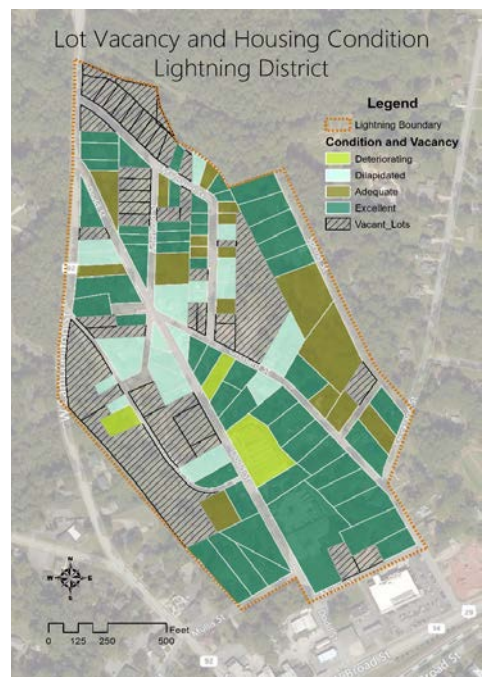


Figure 5: This map shows the condition of the houses as recorded in the 2016 Housing Inventory.

² See § 80-243 Nonconforming lots, uses, and structures

³ See § 80-472 Residential infill

⁴ See § 80-473 Public participation program

'survey area' definition to provide more oversight for design guidelines in areas that have more vacancies.

Historic Property Demolition: While this section is not under the purview of the zoning code specifically, the ordinances relating to historic preservation help set the tone for the character of Lightning District. Sec. 62.431 states that the Historic Preservation Commission (HPC) is supposed to "prepare and maintain an inventory of all properties within the city having potential for designation as local historic properties or local historic districts." Given that the HPC has not come to fruition, the existence of an updated inventory is unlikely. Without an inventory or a statute preventing the demolition specifically of historic properties, it is possible that during the revitalization of the Lightning District and other similar neighborhoods in Fairburn, historic properties will be demolished to make room for new development. To aid in the preservation of historic properties Fairburn should prioritize establishing a historic properties inventory.

Additionally, there is not an ordinance in either the demolition section or in the historic preservation section that mentions anything about assessing properties for historic significance prior to demolition. Establishing a historic preservation criteria and prioritizing a historic properties inventory could help assess properties that have been deemed historically significant prior to granting a demolition permit.

Roswell's criteria for assessing historic buildings, as seen in their design guidelines below, before demolition could be easily adapted to fit the needs of the Lightning District. Adding criterion could help reduce the demolition of some of the more historic homes of the neighborhood by forcing a conversation over the value of key properties in the neighborhood.

Example 1: Roswell's Unified Development Code and Design Guidelines Historic Preservation and Demolition Statutes

"Buildings should not be allowed to deteriorate by the failure to provide proper maintenance. Ordinary maintenance, such as painting, will not be evaluated by the HPC. However, if the failure to maintain a property creates a condition of demolition by neglect, the city may take steps to mitigate the situation."

5.52 "Do not demolish a historic structure unless it has lost its integrity or is a threat to safety. The Historic Preservation Commission will consider any or all of the following criteria in determining whether or not to grant a permit to move, remove, capsule or demolish in whole or in part a building or structure within the historic district:

- a) Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing would be to the detriment of the public interest?
- b) Is the building or structure of such interest that it could be made into a historic shrine?
- c) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
- d) Would retention of the building or structure help preserve and protect a historic place or area of historic interest in the city?
- e) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place in which to live?"

DESIGN STANDARDS

As synthesized in the reviewed document goals, maintaining the historic nature of the Lightning District is a priority. In Fairburn, the Lightning District does not qualify for the creation of a historic district based on the current code. The current code states⁵: “A local *historic district* shall be a geographically definable area which contains buildings, structures, objects, sites and landscape features or any combination thereof which:

- Have special character or special historic or aesthetic value or interest;
- Represent one or more periods, styles, or types of architecture typical of one or more eras in the history of the city, the county, the state, or the region; and
- Cause such area, by reason of such factors, to constitute a visible perceptible section of the city.”

While the Lightning District might not qualify for historic standing, there is still a historic nature to be preserved. Figure 6 shows the build year for the properties within the Lightning District, illustrating a possible interpretation for a development pattern. It appears as though the development of the Lightning District coincided with the development of the Highway 29 downtown corridor, as the properties which are adjacent to Highway 29 were built along the same time frame. This development appears to have spread the development north, creating new housing units over the past 80 years. Again, the district does not qualify for a historic designation. However, there are still options to pursue to promote compatible new development and the preservation of historic structures.

Lastly, another option for preserving the historic character of the District would be to designate certain homes as Local Historic Properties to safeguard those properties from deterioration and demolition. With the following section code 62-458.a.4, certain homes within the district could be used as a catalyst to spark historic preservation: “It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city, the county, the state, or the region.”⁶ *Design Guidelines and Pattern Books:*

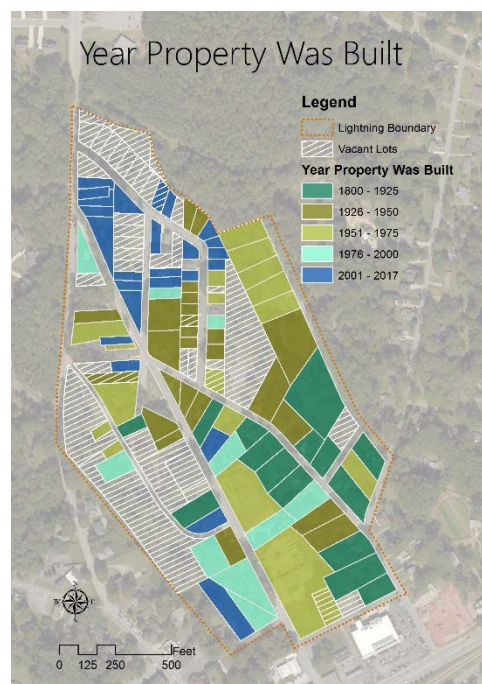


Figure 6: This map shows the time frame in which homes in the Lightning District were built.

⁵ See §62-457 Designation of historic district as local historic district

⁶ See §62-458.a.4 Designation of historic property as local historic property

Depending on how much control Fairburn would like to have over the outcome of new projects in the Lightning District and depending on their capacity to enforce new code, the ARC team recommends adopting some degree of design standards. These standards could be in the form of *design guidelines* or in the form of a *pattern book* for a Lightning District specific overlay district. The Highway 29 Overlay District established precedent for design standards within Fairburn. To illustrate the options that the Lightning district could adopt, the following points outline the differences between design guidelines and a pattern book:

DESIGN GUIDELINES

“Regulate new development through a set of standards for site design, landscape design, architecture, materials, colors, lighting, and signs that maintain a certain level of quality for architectural or historic features”¹.

Prescriptive: More regulatory with specific guidelines that projects must follow. This type is less open to interpretation, but controls better for the desired outcome.

Descriptive: More adaptable as they encourage and discourage certain design elements.

PATTERN BOOK

Creative vision for the district with a focus on the historic character of the neighborhood and include specific architectural elements and building materials commonly found in the area.

Again, depending on the enforceability and interest in directing an outcome, one option will be better than another.

Design standards for the Lightning District should be rooted in community intentions for the district. With community input, clarifying the intent of the district in regards to the district’s effort to preserve the affordability and charm of the area will help ensure long term consistent interpretation. Additionally, providing historic commentary about the neighborhood will lay out historical context for planning staff to judge future build projects against. The architectural character of the Lightning District largely reflects a vernacular tradition of building typified by no academic style. This is not uncommon in the Southeast, and Georgia. Certain elements can be seen that reflect late 19th century styles, including Folk Victorian ornamentation on traditional cottage structures. Several popular early 20th century styles are also represented in the district, including Tudor, Ranch, Craftsman, and Minimal Traditional houses.

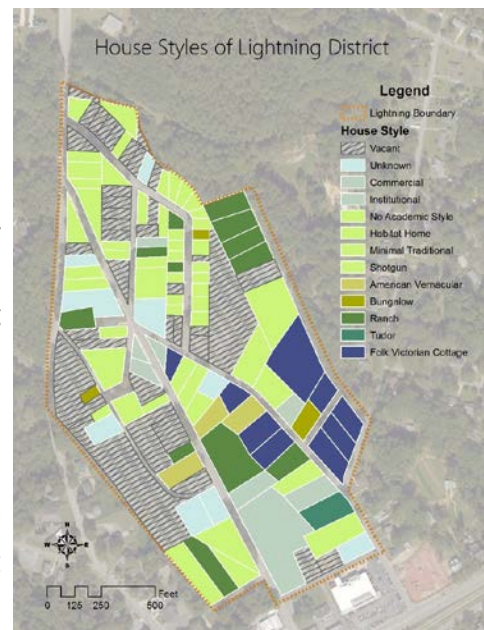


Figure 7 maps house styles in the Lightning District. The eclectic collection of styles is a reflection of the largely vernacular character within the district. Appendix C shows the

Figure 7: This map defines the academic housing styles for the Lightning District, as determined by ARC staff.

variety of house styles found in the Lightning District, their assigned academic style, and the street they are located on. These house styles can be used as aids to direct the future development of the desired Lightning District.

Appendix A illustrates examples from pattern books and design guidelines that could act as a template for the Lightning District.

Enforcement: The adoption and enforcement of a goal-aligning code can greatly impact the future of the Lightning District. Design standards require additional vetting processes for new building and renovation projects, which can require additional resources to oversee and enforce. As noted in Chapter 80, Article XI: Administration and Enforcement, city staff have historically overseen zoning code enforcement, but sometimes the tasks can and should be beyond the scope of any one person's workload. Below are three organizational charters that could support the work maintaining design standards for the Lightning District as well as other design based projects throughout Fairburn.

- Planning & Zoning Commission
- Historic Preservation Commission (inactive)
- Art and Architectural Advisory Committee (inactive)

While two commissions are currently inactive or have not been created, the framework for what the city would like from each of them is already articulated. Activating one of the committees would support city staff in achieving the preservation of historic homes in the Lightning District, should the City Council prioritize it.

ADDITIONAL CONSIDERATIONS

In addition to the consideration of the enforcement of both established code as well as the potential design standards, community participation will be critical to maintaining any design standards. The GICH program is a great way to begin to involve the community in the future of the Lightning District. The Fairburn community members on the GICH team could integrate any plans for the Lightning District, particularly in regards to community involvement, into their community housing plan's objectives and goals. This would ensure continued commitment to supporting the community in rehabilitating the Lightning District, but with the involvement of community members who live there.

SUMMARY

As articulated in various sections above, based on the goals of this CC application as well as the goals indicated in the documents reviewed by the ARC team, there are two avenues that would help Fairburn achieve its goals. The first option is to adjust the lot size requirements to establish the ideal density and strengthen the historic preservation code to preserve the character of both the Lightning District as well as other historic properties in Fairburn.

The other option would be to create an overlay district for the Lightning District to customize design standards and lot requirements. By localizing code, Fairburn can preserve the greater density, single family residential neighborhood, maintain the historic nature of the district, and establish a design aesthetic for the district, without imposing regulations that might not work elsewhere in the city. As mentioned above, Fairburn already has employed an overlay district with the Highway 29 Overlay District. The process and categories used in the Highway 29 Overlay District can serve as a template for creating an overlay district for the Lightning District. The following is a summary of possible categories to be addressed in the overlay district to help the community articulate the goals of the Lightning District:

- District Intent and Purpose
- Lot Measurement Guidelines (ie. lot size, minimum heated floor, etc.)
- Historic Preservation — particularly as it connects the housing styles with the Downtown corridor.
- Design Standards
- Pedestrian Amenities and Transit Access

Other adjustment to Fairburn’s general code, such as strengthening code enforcement options city-wide, will also help Fairburn’s goals for the Lightning District come into fruition.

CONCLUSION

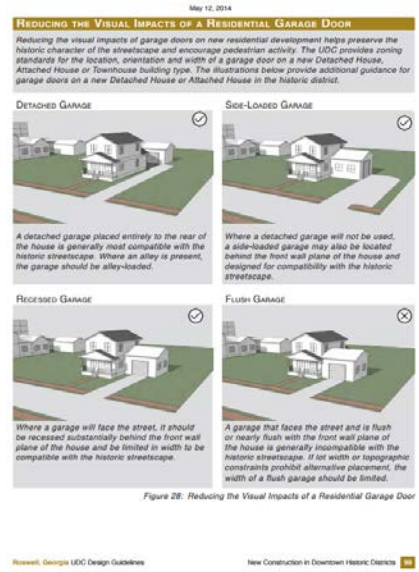
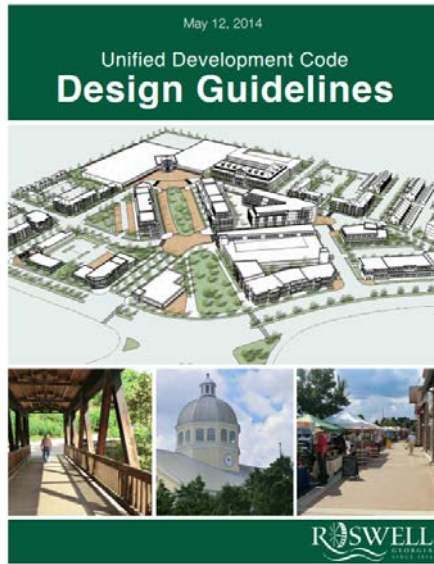
Fairburn’s Livable Centers Initiative Study, and their two Community Choices projects have primed the city for addressing ongoing challenges within the Lightning District. The current code, with some further articulation of intention, could help clarify the direction for the city and more specifically the Lightning District. Adding elements from form based codes, such as images and district intents, that start with the desired outcome will allow for easier interpretation of goals. Additionally, adding an overlay district for the Lightning District could allow for district specific goals to become actualized. The ARC team recommends working with the community to further the Lightning District Recommendations as mentioned in the LCI study, and to determine whether an overlay district or further specifying lot sizes and historic preservation interests will be more appropriate for the Lightning District to achieve the city’s goals.

APPENDICES

APPENDIX A: PATTERN BOOK AND DESIGN GUIDELINE RESOURCES

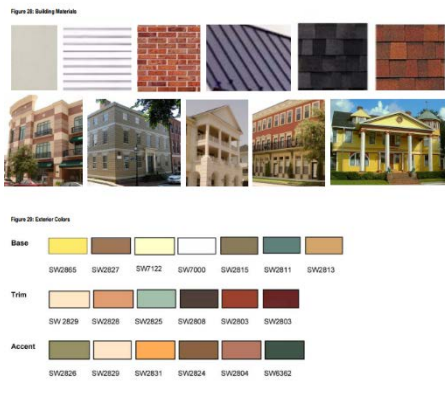
Roswell Design Guidelines:

<http://roswellgov.com/home/showdocument?id=1236>



City of Deltona Urban Design Pattern Book:

http://www.ci.deltona.fl.us/Pages/DeltonaFL_Depts/DeltonaFL_Planning/UDPB.pdf



City of Deltona Urban Design Pattern Book

3.2.3 Classical Style
The classical style incorporates various influences from the Georgian, Colonial, Neoclassical, Victorian and Traditional eras, which were commonly found in residential facades in the early 20th century. The classical style is characterized by ornate masonry, symmetrical facades, paired columns and high pedimented, arched and low domes.

3.2.3.1 Building Materials (see Figure 20)

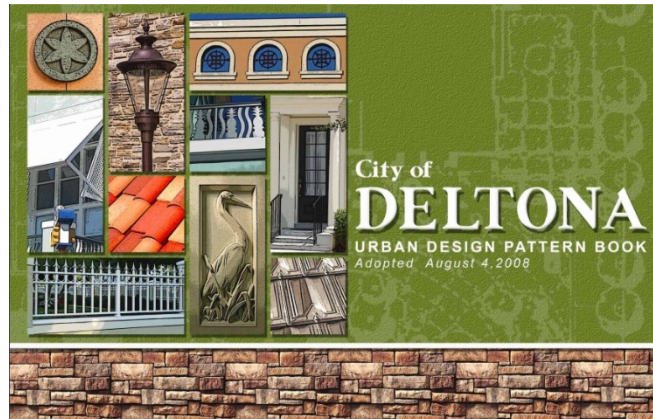
- Exterior finish material on all facades shall be kept traditional, light or neutral tones.
- Roofs shall be square hipped, turned hipped, or gabled roof styles.
- Sho or stone chimney.
- Roofing material ranges in variety from metal, asphalt shingles.

3.2.3.2 Exterior Details (see Figure 20)

- Exterior colors shall be muted natural shades of earth, tan, white and earth.
- The colors shall be contrasting colors such as light to medium earth tones.
- Color palette to coordinate the entire design shall be muted tones of green, orange, brown and beige.
- A color palette from Sherwin Williams is provided to coordinate the range of colors.
- Use of similar colors from any manufacturer is acceptable for color for exterior of the building.
- All exterior colors, combinations of colors and textures of colors on building and exterior shall be approved during the construction review process.

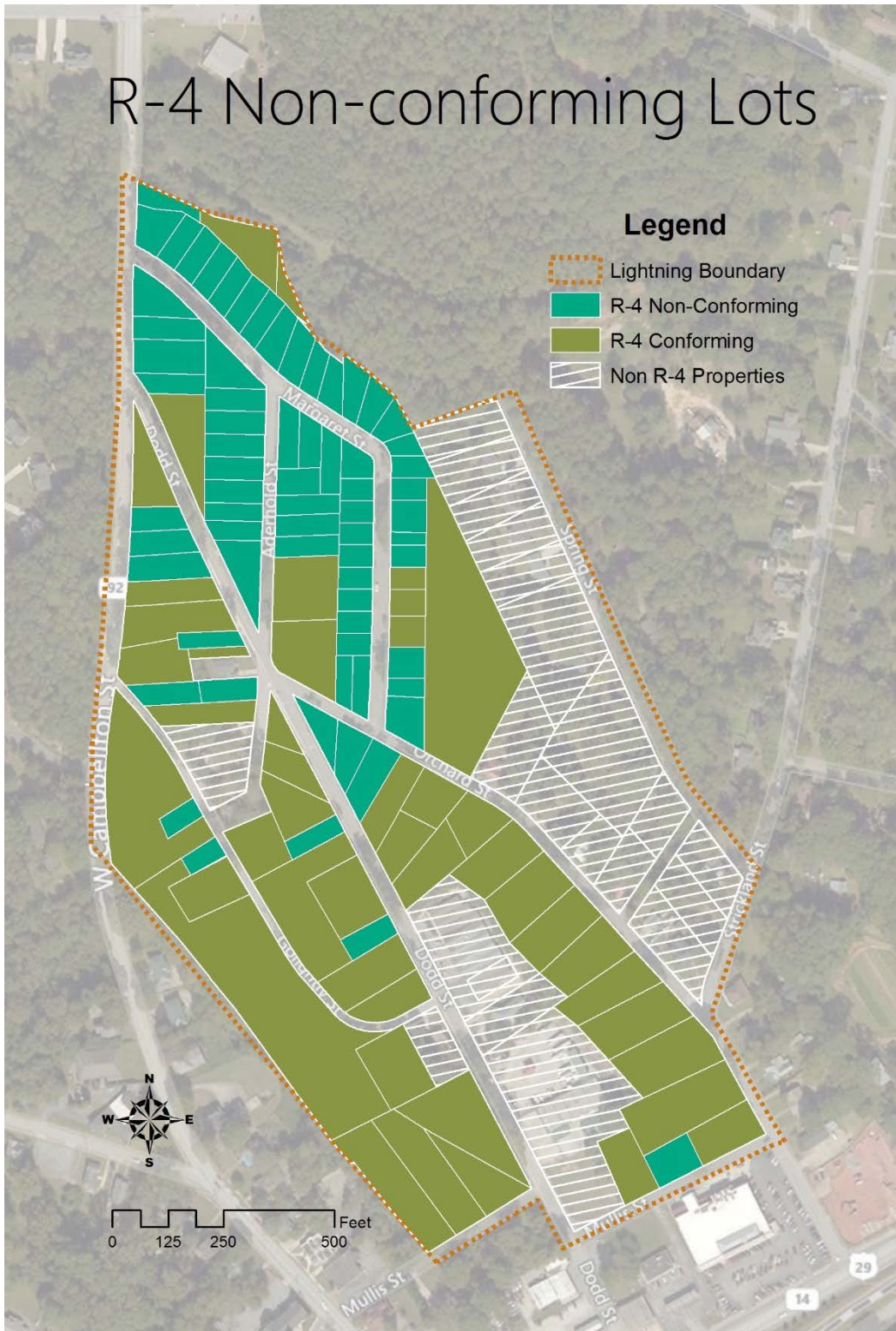
3.2.3.3 Architectural Details (see Figure 20 page 10)

- Porches shall be classic, traditional elements and materials.
- Porches shall be covered and be proportioned with the window width.
- Columns shall be brick, stone, painted concrete with smooth face and fluted with interior.
- Columns to have no balustrade.
- Windows shall be divided by raised muntins.
- Exterior light fixtures shall be traditional.
- Columns are typically centered on the front facade and the square column is preferred.
- Proportions of areas shall be similar to the porch openings, if the area over the porch extends to the side of the main facade.
- Columns shall be brick or stone and fluted directly to the side of the main facade.
- Columns to have classical proportions.

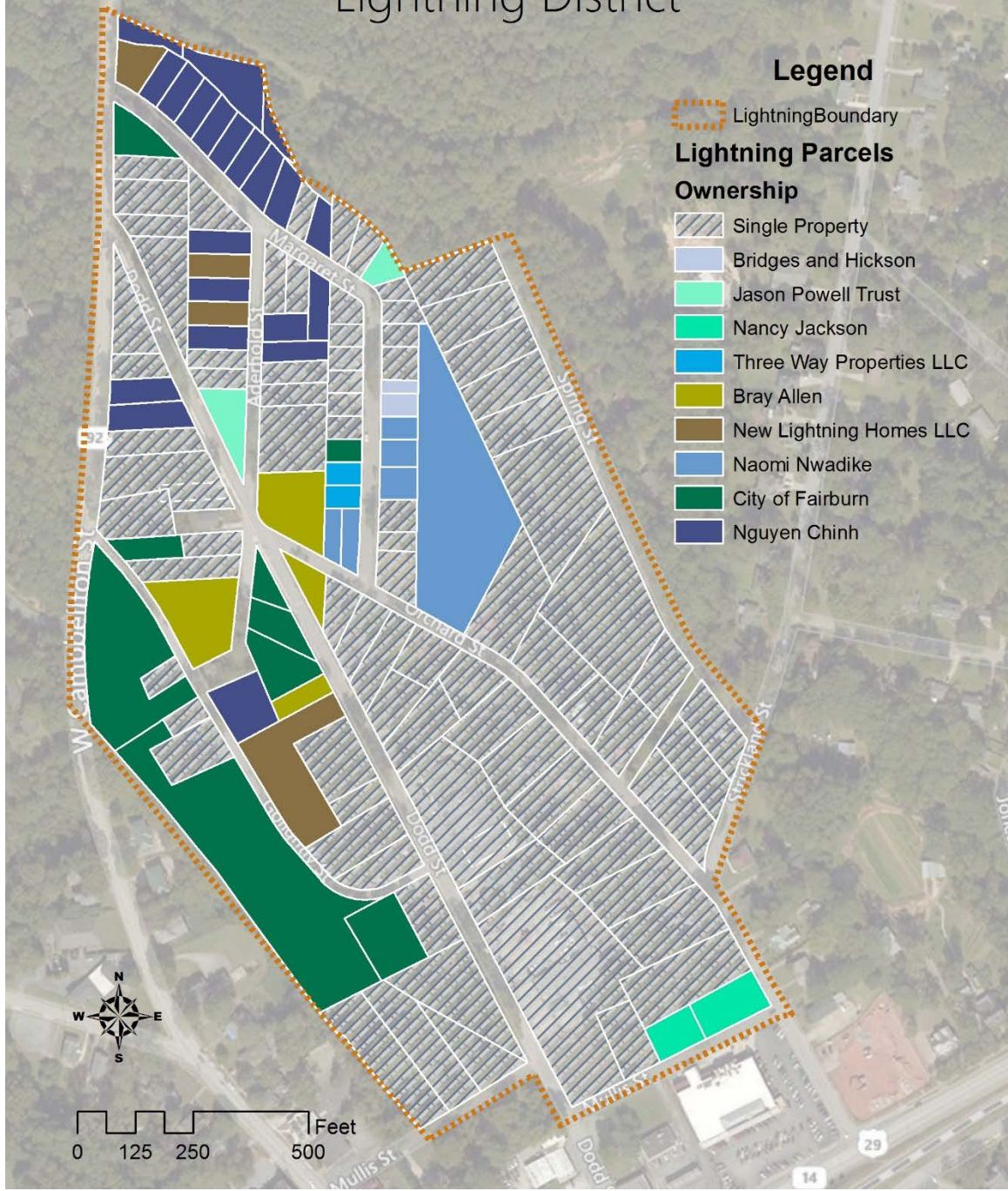


APPENDIX B: MAP IMAGES

The following maps occur in the order of appearance in the document.



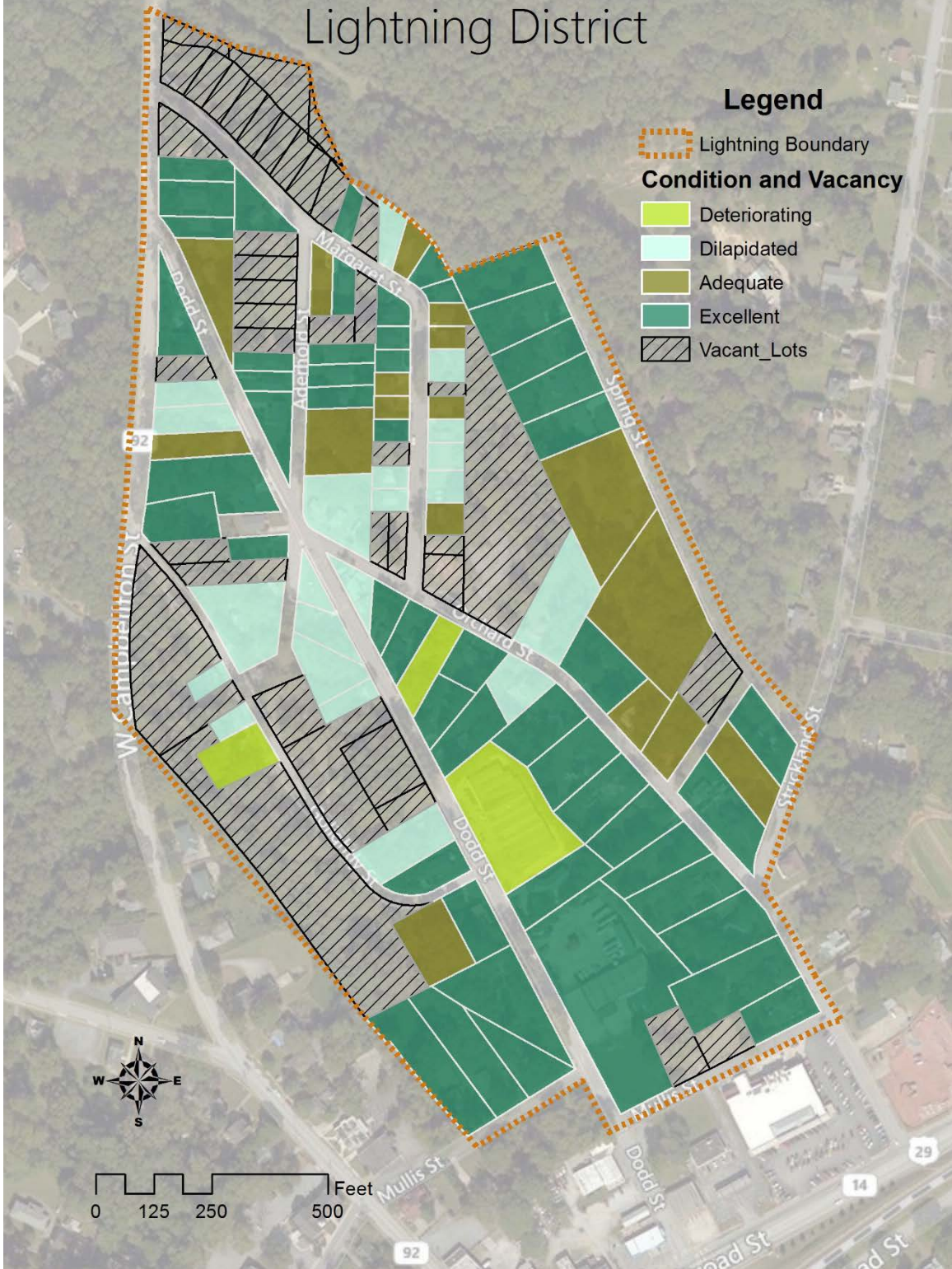
Ownership By Number of Properties Within Lightning District



Lot Vacancy and Housing Condition Lightning District


Legend


-  Lightning Boundary
- Condition and Vacancy**
-  Deteriorating
-  Dilapidated
-  Adequate
-  Excellent
-  Vacant_Lots




Year Property Was Built

Legend


 Lightning Boundary


 Vacant Lots


Year Property Was Built

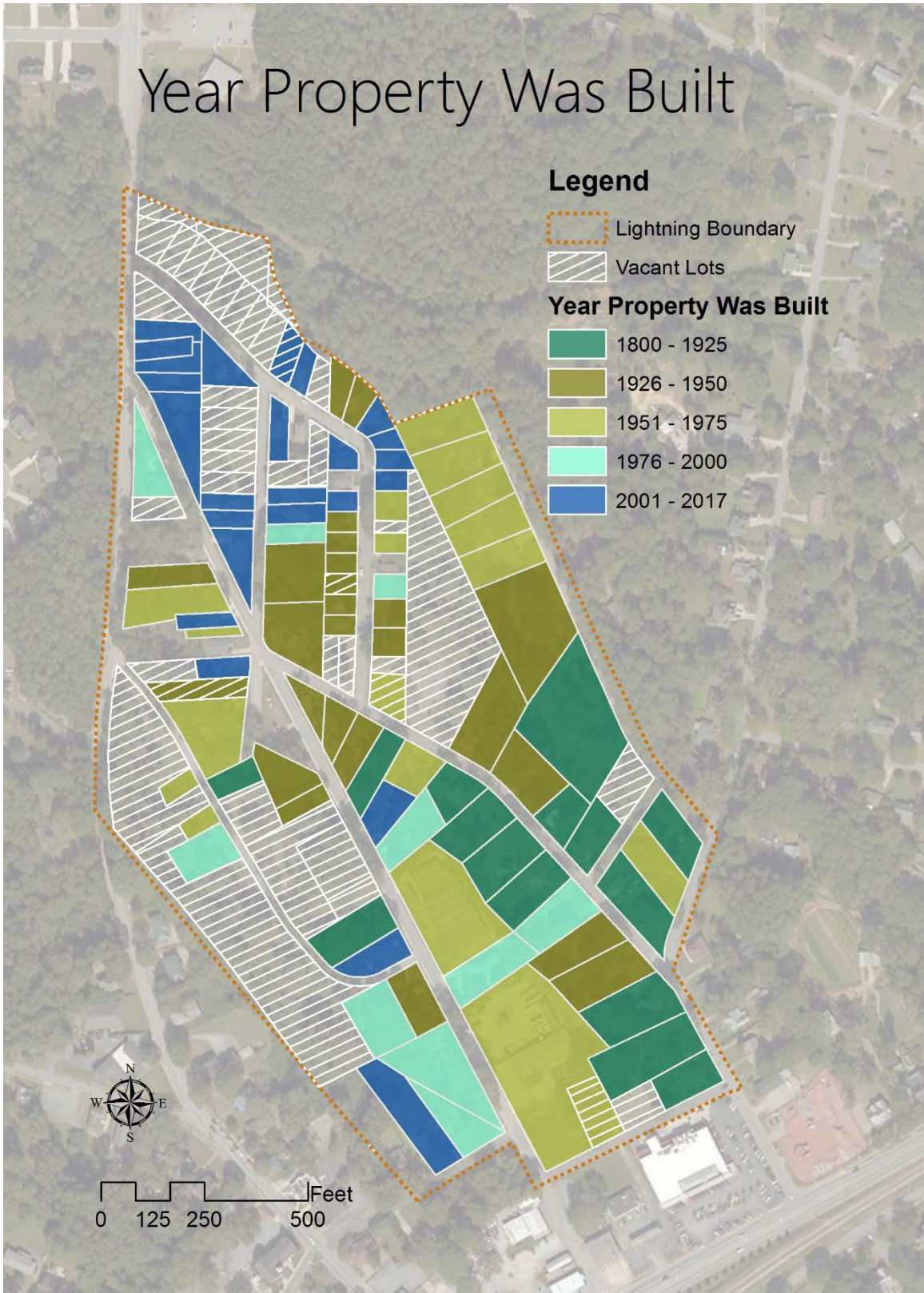
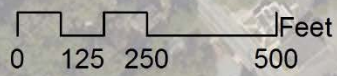
 1800 - 1925

 1926 - 1950

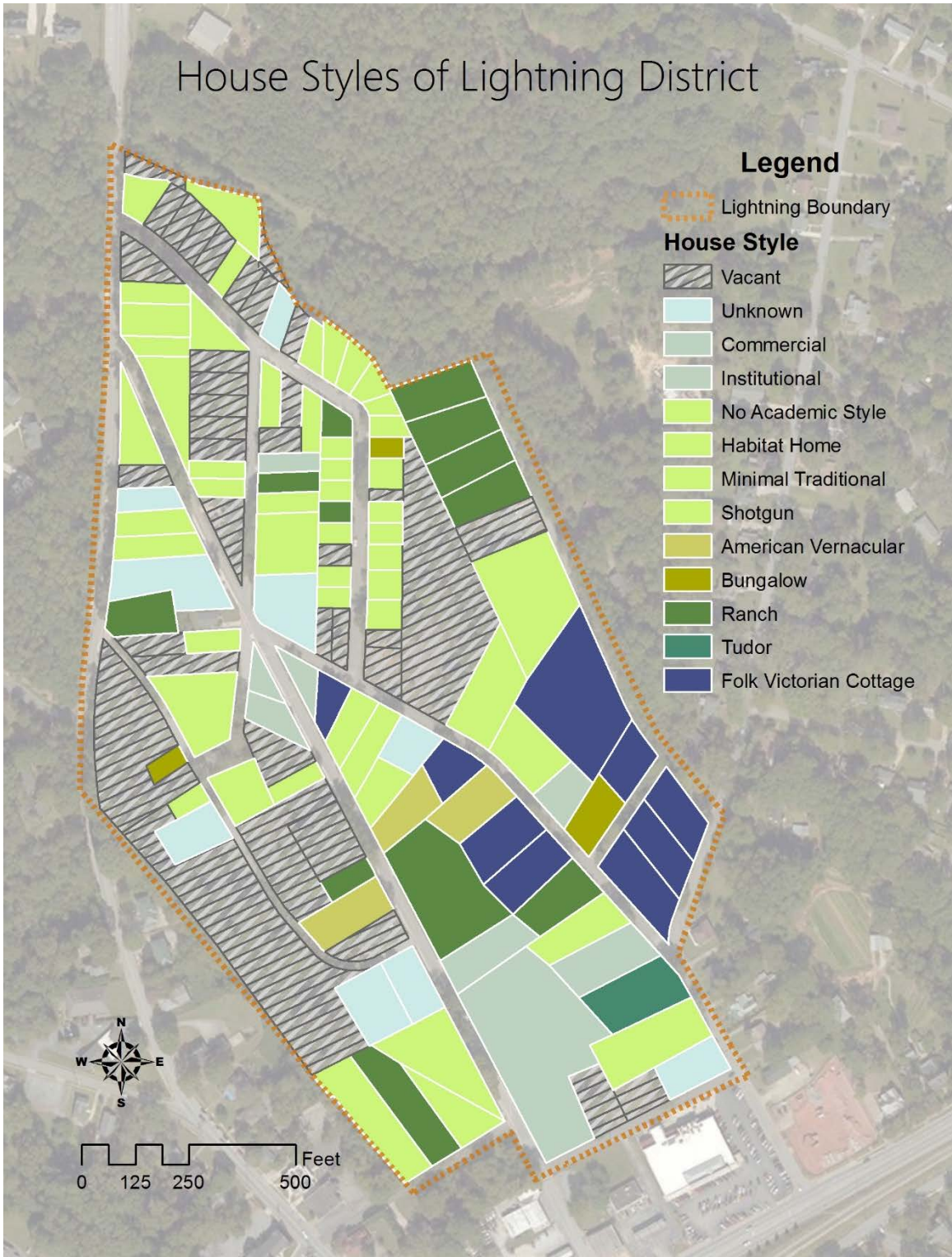
 1951 - 1975

 1976 - 2000

 2001 - 2017



House Styles of Lightning District



APPENDIX C: HOUSE STYLES BY STREET



152 Margaret Street #15
No Academic Style



219 Margaret Street
Habitat Home/No Academic Style



207 Aderhold Street
Habitat Home



143 Dodd Street
American Vernacular



122 Dodd Street
American Vernacular



207 Margaret Street
Habitat Home/No Academic Style



121 Orchard Street
Craftsman Bungalow



52 Strickland Street
Craftsman Bungalow



186 Margaret Street
Minimal Traditional



164 Spring Street
Ranch



140 & 142 Orchard Street
Ranch / Duplex



74 Orchard Street
Tudor



151 Dodd Street
Shotgun



64 Strickland Street
Folk Victorian Cottage



110 Orchard Street
Folk Victorian Cottage

CODE RESOURCES AND EXAMPLES

[Dekalb County Municipal Code](#)

[City of Madison Municipal Code](#)

[City of Roswell Unified Development Code](#)

[City of Roswell Unified Development Code Design Guidelines](#)

[Design Guidelines and Pattern Books](#)