

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - SPECIAL CALLED MEETING
Tuesday, November 10, 2020, 3:00 PM



The Honorable William "Bill" Edwards, Mayor
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Corey A. Reeves , District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

SPECIAL CALLED MEETING AGENDA

1. Meeting Called to Order
2. Roll Call
3. Agenda Items
 1. ***PUBLIC HEARING: First Reading*** of the following actions associated with An Ordinance Readopting City Zoning Resolution (CDRA)
 - Council consideration of adoption of policies and procedures which govern the calling and holding of a public hearing in accordance with O.C.G.A. § 36-66-4, as well as standards for the exercise of the zoning power prepared in accordance with O.C.G.A. § 36-66-5.
 - Council consideration of adoption of a new Zoning Ordinance.
 - Council consideration of adoption of a new Zoning Map.
4. Adjournment of Meeting



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING

SUBJECT: PUBLIC HEARING: First Reading of An Ordinance Readopting City Zoning Resolution

DATE OF MEETING: 11/10/2020

DEPARTMENT: Planning

ATTACHMENTS:

Description	Type	Upload Date
First Reading and Public Hearing PPT	Cover Memo	11/5/2020
COSF Zoning Memo to Council Oct 28 rev	Cover Memo	11/6/2020
Ordinance Readopting City Zoning Resolution (First read 11.10.20)	Cover Memo	11/5/2020

City of South Fulton

Zoning Ordinance Rewrite First Reading

Tuesday, November 10, 2020
Virtual Meeting



Zoning Ordinance Rewrite Goals

- Customize Zoning Ordinance to meet specific needs of City of South Fulton
- Update for compliance with state/federal laws & to address emerging trends and local issues
- Reorganize ordinance for ease of use
- Coordinate with other planning documents

Analysis

- Outdated Codes
- Definitions, Uses, etc.
- Zoning and Overlay Districts
- Processes & Procedures
- Coordination and Planning Consistency

- Result is focus on improved formatting of existing standards for ease of use

Process to Date

- Over 600 public comments (survey, meetings)
- Public Meetings with Council, and with individual Council Members
- Planning Commission Public Meetings
- Multiple Public Workshops

Edits of Note

Article 2:

- Added Use Charts and Disallowed Use Charts
- Restricted or removed many uses (e.g. Small Box Discount Stores, Landfills)

Article 3:

- Many revisions to reduce noise pollution and other negative factors (Use Restrictions)
- Distance separation requirements refined

Edits of Note

Article 4:

- Removed vinyl and aluminum siding for new residential construction (Building Standards)
- Refined buffering and setbacks
- Staggered homes are codified

Article 5:

- Modernize material standards and design requirements (Overlays)

Edits of Note

Article 6:

- Parking – Added and EV parking requirement for new development

Article 7:

- Signs – Addressed areas where sign posting is prohibited

Article 7:

- Addressed LED usage for gas stations

Next Steps

Second Reading and Adoption:

- December 8, 2020 Council Meeting

Note: This is a living document and subject to amendments

City of South Fulton Zoning Ordinance Update – First Reading Draft

This memorandum provides important up front explanations to the First Reading draft version of the City of South Fulton Zoning Ordinance (Articles 1-10).

As a reminder, the new overall structure of the City of South Fulton Zoning Ordinance has been significantly modified. The existing ordinance includes 33 articles and over 430 pages. The new ordinance includes the following 10 articles and totals approximately 300 pages of ordinance text:

- Article 1: General Provisions
- Article 2: Use of Land
- Article 3: Restrictions on Particular Uses
- Article 4: Lot & Building Standards
- Article 5: Overlay Districts
- Article 6: Parking & Loading
- Article 7: Sign Regulations
- Article 8: Procedures & Permits
- Article 9: Glossary
- Article 10: Inactive Zoning Districts

Use of track-changes and highlighting:

- Substantive changes to existing 2018 Zoning Ordinance **content** are represented as follows in the First Reading document (Articles 1-10):
 - Black text is existing (unchanged) text from the existing Zoning Ordinance
 - Blue text is proposed new or modified text
 - Yellow highlighting on blue text indicates changes (additions) in response to comments received after the May, 2020 draft revised articles were posted
 - Struck through text is a proposed deletion of existing text
 - Yellow highlighting on red struck through text indicates changes (deletions) in response to comments received after the May, 2020 draft revised articles were posted
 - Blue Highlighting on either blue text or red struck through text indicates changes made since September 17, 2020 in response to the most recent input from the most recent public involvement efforts.
- The Second Reading document for adoption will not show track-changes and highlighting.

General editorial conventions:

- “City” is used when identifying the City of South Fulton a governmental entity; “city” is used to describe the geographic boundaries of South Fulton
- Numerals instead of text are used for all measurements to improve readability, for example: “3 feet” instead of “three feet”

The following provides an article-by-article summary of comments received from City Council members and Planning Commission members with associated indication of additional text changes that have been made to address these comments. Within the First Reading Draft, the associated changes are indicated with yellow and blue highlighting.

Article 1: General Provisions

Key Comments:

- Need to clarify when and how the new zoning provisions become effective
- Need to tighten allowances for nonconforming uses and structures

Responsive Revisions:

- Exemptions language simplified [Sec 104.05(b)]
- Nonconforming standard modified to require conformity if more than 50% of gross area of existing nonconforming structure is destroyed [Sec 105.05(b)]

Article 2: Use of Land

Key Comments:

- Need to clarify how the zoning map works in conjunction with the zoning ordinance
- Need to change CUP-CGA and MIX-CGA to inactive zoning districts
- Need to refine principal uses allowances to more effectively restrict/prohibit specific uses, including:
 - Rooming and Boarding Houses
 - Compost Manufacturing
 - Prisons
 - Racetracks
 - Private Aircraft Landing Strips
 - Public Courts (e.g. basketball)
 - Salvage/Junkyard uses
 - Landfills
 - Quarries
 - Truck Terminals
 - Gas Stations
 - Small Box Discount Stores

Responsive Revisions:

- Zoning Map amendments related language simplified [Sec 205.02 and 205.03]
- CUP-CGA and MIX-CGA have been removed from Article 2 and relocated to Article 10
- In Principal Uses Table: Residential Districts - allowance for Boarding Houses and Rooming Houses eliminated; allowance for Private Airstrip eliminated
- In Principal Uses Table: Non-Residential Districts - allowance for Compost Manufacturing eliminated, allowance for Rooming and Boarding Houses eliminated; allowance for Private Correctional Facility/Prison eliminated; allowance for Racetrack eliminated; allowance for

Recreation Courts, Public eliminated; allowances eliminated for Salvage/Storage/Junk yard, Landfills, Quarries/Surface Mines and Private Airstrip; Truck Terminal modified to be only Special Use in M-1 and M-2; Small Box Discount Store is Special Use in C-1, Allowed in C-2

Article 3: Restrictions on Particular Uses

Key Comments:

- Interest in enhancing provisions to reduce noise pollution and other similar factors
- Need to require sewer for larger (e.g. not single-family home) uses in agriculture/rural areas
- Need to clarify restrictions on housing near existing landfills, quarry, etc.
- Interest in enhancing building requirements for self-storage uses
- Interest in removing restrictions that have been placed on model homes in new/under development subdivisions
- Need to improve/strengthen restrictions on environmentally adverse uses

Responsive Revisions:

- Multiple changes made to Sec 302.09, 302.13, to reduce noise impacts
- Revision to multiple sections to require public sewer (not only require when sewer available within 1,000 ft)
- Standards for Compost Manufacturing removed
- Requirement added for gas stations located on Fulton Industrial to have road frontage
- Distance separation requirement for Group Residences increased from ¼ mile to 1 mile [Sec 302.17 and 302.18]
- Text added to clarify that Nightclub hours of operation are subject to all City ordinances and any conditions applied through Special Use approval when granted by Mayor & Council
- Removed requirement for additional house moving permit [Sec 302.34(d)]
- Multiple edits to Sec 302.35 Residential Uses in Proximity to Landfills, etc.
- Added requirement that self-storage facilities must be climate-controlled [Sec 302.38, 302.39]
- Enhanced standards for emission testing station construction [Sec 303.07(b)]
- Eliminated restriction on using a home in new neighborhood as model home [Sec 304.05]
- Multiple revisions to Environmentally Adverse Uses provisions to clarify that such uses are prohibited [Sec 305]
- Revised to clarify setback requirements applicable to pools and courts
- Revised on require security fencing around utility substations
- Revised to add flexibility for large rural property owners in AG-1 for construction of agriculture related accessory buildings and sale of agricultural products produced on site.
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Article 4: Lot and Building Standards

Key Comments:

- Need to improve construction quality for townhouse developments
- Need to clarify zoning buffer and landscape strip requirements

- Concern about MIX-CGA and CUP-CGA standards/allowances for development in rural/agriculture areas

Responsive Revisions:

- Improved Townhouse standards by reducing max number of townhomes in a single building from 20 to 8
- Clarified City Arborist role relative to landscape strips and buffers [Sec 405] and additional clarification of applicability of zoning buffer requirements
- MIX-CGA and CUP-CGA provisions removed, made inactive
- Added Aluminum Siding as prohibited residential building exterior material [Sec 406.01(a)]
- Revised standards for placement of accessory structures to add flexibility for agriculture use structures placement on large lots in AG-1
- Revised setback standards to clarify that all townhomes in a new development must each meet stated frontage/setback requirements
- Revised to clarify that approved project entrance signs may be located within zoning buffers
- Revised to clarify applicability of landscape strips and zoning buffers
- Revised fence requirements to provide that fences and walls placed in the front yard in residential districts shall not exceed 4 feet in height
- Added citywide requirement that new streetscape features must be compatible with those existing in the surrounding area

Article 5: Overlay Districts

Key Comments:

- Re: Cascade Overlay, need to clarify and enhance building design standards
- Re: Cedar Grove Overlay, issue/concern with MIX-CGA and CUP-CGA (in Cedar Grove Overlay in current version of zoning ordinance)
- Re: Cliftondale Overlay, concern about how to deal with window signs, currently prohibited entirely
- Re: Old National Overlay, concern about additional height allowance with administrative approval

Responsive Revisions:

- Enhanced Cascade Overlay fencing and screening standards [Sec 506.07] and Building Design standards [506.09], and removed allowance for CDRA Director to approve alternate exterior finish [Sec 506.10(a)]
- Stormwater Management Facilities requirement added to all overlay districts
- Window Signs prohibited in Cedar Grove Ag Overlay [506.08(i)2(d)] and requirement added for all utilities to be located underground
- Window Signs allowance in Cliftondale Overlay changed from prohibited to no greater than 10% of window area [Sec 509.18(d)]
- Old National Overlay revised to remove proposed Administrative Variance for height increase allowance [Sec 511.09(f)]

- Window Signs allowance in Sandtown Overlay changed from prohibited to no greater than 10% of window area [Sec 509.18(d)]
- In Clifftondale Overlay, corrected text to clarify that opaque fences are prohibited adjacent to public streets
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Article 6: Parking and Loading Requirements

Key Comments:

- Need strong restrictions against improper vehicle parking (e.g. on grass, etc.)
- Need improved standards to increase minimum parking space size to avoid parked cars extending into sidewalks
- Need standards/requirements for Electric Vehicle parking spaces in new developments

Responsive Revisions:

- Added new requirements for Electric Vehicle parking spaces in new developments
- (other issues addressed through International Property Maintenance Code and Engineering/Development Standards, not Zoning)

Article 7: Sign Regulations

Key Comments:

- Interest in reducing signage clutter, including due to temporary signs not being removed in timely manner
- Need regulations to address new/changing sign/advertising approaches including signs on vehicles, LED/changeable signs, etc.
- Need consistent and clear sign regulations that apply to businesses for windows and doors

Responsive Revisions:

- Added definition and restrictions for Vehicular Signs (to address a new cluttering sign type)
- Expanded areas where sign posting is prohibited to include retaining walls, fences, rocks, any property without owner's permission, and any location that prevents free ingress from door, window or fire escape [Sec 705]
- Enhanced requirements for timely removal of temporary signs [Table 7-1]
- Note: major Window Sign changes apply to Overlay Districts
- Revised to allow that changeable copy signs (including LED price signs) are allowable for gas stations in M-1 and M-2 zoning districts

Article 8: Procedures and Permits

Key Comments:

- Interest in broader public involvement process around rezoning and development proposals
- Interest in more extensive public notification about rezoning and development proposals
- Need for public meetings sponsored/conducted by developers to be located in the city limits and within the applicable district boundaries

Responsive Revisions:

- Added specification that COSF CDRA will provide list of acceptable public participation sites for developers required to conduct public meetings [803.10(c)4] and added requirements for developers to provide details about meeting participants
- Removes allowance for Administrative Variance in case where property owner maintains a zoning provision is not in best interest of public health, safety, welfare [Sec 808.10(a)1]
- Added specification that proposed height variances to come before appointed/elected bodies must be supported by appropriate technical analysis [Sec 808.14(b)]

Article 9: Glossary

Key Comments:

- Need updated/modern definitions that are responsive to new/current trends in development and land use

Responsive Revisions:

- Minor definition edits
- Added definition for Second Chance Homes and clarified that definition of Group Residence for Adults does include Second Chance Homes
- Added definitions for Opaque, Semi-Opaque and Open with respect to types of fencing
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Article 10: Inactive Districts

Key Comments:

- MIX-CGA and CUP-CGA should be made inactive districts because they are not compatible with vision/intent for development in the Cedar Grove area

Responsive Revisions:

- MIX-CGA and CUP-CGA district standards have been relocated to Inactive Districts section to clarify that no new rezonings to MIX-CGA or CUP-CGA will be allowed, but the standards remain in effect for any properties already zoned MIX-CGA or CUP-CGA
- MIX-CGA provisions revised to require sidewalks on both sides of new streets

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

**A ORDINANCE READOPTING THE CITY OF SOUTH FULTON ZONING
RESOLUTION AS APPENDIX C TO THE CITY CODE OF ORDINANCES AND FOR
OTHER LAWFUL PURPOSES**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof (“City Council”);

WHEREAS, the City has been vested with the power and authority to regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace and the general welfare of the City;

WHEREAS, the City Council, as a part of planning, zoning and growth management, is in process of assessing the City’s zoning regulations and studying the type of development which could be anticipated within the City;

WHEREAS, the City Council has conducted a properly advertised public hearing in accordance with the Georgia Zoning Procedures Act prior to adoption of this ordinance; and

WHEREAS, the City Council finds this Ordinance to be in the best interests of the health, safety, and general welfare of the City.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON
HEREBY ORDAINS** as follows:

Section 1:

- a. **Adoption.** The City hereby adopts the City of South Fulton Zoning Resolution attached hereto, which shall be Appendix C to the City’s Code of Ordinances.
- b. **Instruction to City Clerk.** The City Clerk is hereby directed to forward a copy of this ordinance to the City Department of Community Development and Regulatory Affairs, Planning Commission and Zoning Board of Appeals.

Section 2. It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the City Clerk.

Section 5. The City Police Chief, and/or his designee, in conjunction with the City Attorney, shall be authorized to make forms for applications and the issuance of permits consistent with the terms of this Ordinance and as permitted by State law.

Section 6. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

The foregoing Ordinance No. 2020-xxx was moved for approval by Councilmember _____ . The motion was seconded by Councilmember _____ , and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE so adopted this _____ day of _____ 2020. **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

CORY E. ADAMS, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY