



**CITY OF FOREST PARK
PLANNING COMMISSION MEETING**

Thursday, July 20, 2023 at 6:00 PM
Environmental Courtroom- Planning & Community Development Building

Website: www.forestparkga.gov
Phone Number: (404) 366-4720

PLANNING & COMMUNITY DEVELOPMENT
785 Forest Parkway
Forest Park, GA 30297

AGENDA

BOARD MEMBERS: Andy Porter, Azfar Haque, Michael Clinkscales, Roderick Jackson, Donald Williams

CALL TO ORDER/WELCOME:

ROLL CALL:

APPROVAL OF MINUTES:

1. Approval of June 15, 2023 Meeting Minutes

OLD BUSINESS:

NEW BUSINESS:

2. Case# VAR-2023-09-Variance for 540 Perkins Dr., Parcel# 13078B A019 Forest Park, Georgia. The applicant, Juan Carlos Mendoza, is requesting a variance to decrease the minimum lot width from 80 ft. to 75 ft.
3. Case# VAR-2023-10-Variance for 532 Perkins Dr., Parcel# 13078B A017 Forest Park, Georgia. The applicant, Juan Carlos Mendoza, is requesting a variance to decrease the minimum lot width from 80 ft. to 75 ft.
4. Text Amendment to Title 8, Chapter 3, Signs. Sec. 8-3-3 Definitions; 8-3-14 Prohibited Signs; and Sec. 8-3-23 Restrictions Based on Location of the City of Forest Park Code of Ordinances to allow certain signs in designated zoning districts.
5. Text Amendment to Article F. Boards and Commissions. Sec. 8-8-158 Urban Design Review Board; and Sec. 8-8-161 Design Approval Procedures (b) Application Review. This amendment within the City of Forest Park Code of Ordinances is to provide an update to the application submittal process by providing an application submittal deadline and provide a scheduled calendar date for formal meetings scheduled.

6. Text Amendment to Article B. Zoning Districts, Overlay Districts, and Design Guidelines Established, to include a new Section 8-8-55. Arts and Entertainment Overlay District.

ADJOURNMENT:



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MINUTES

BOARD MEMBERS: Andy Porter, Azfar Haque, Michael Clinkscales, Roderick Jackson, Donald Williams

CALL TO ORDER/WELCOME: Chairman Andy Porter called the meeting on June 15, 2023, to order at 6:01pm.

ROLL CALL:

Present: Andy Porter, Azfar Haque, Michael Clinkscales, Roderick Jackson, Donald Williams

Absent:

Others Present: Lashawn Gardiner, Planning & Community Development Director; SaVaughn Irons, City Planner; Latonya Turner, Planning & Community Development Administrative Supervisor

APPROVAL OF MINUTES:

1. Approval of May 18, 2023, Meeting Minutes

Azfar Haque made a motion to approve the May 18, 2023, meeting minutes. Michael Clinkscales seconded the motion. Motion approved unanimously.

OLD BUSINESS:

NEW BUSINESS:

LaShawn Gardiner made a request for Agenda Item 8, Text Amendments, to be postponed. Azfar Haque made a motion to postpone Agenda Item 8. Michael Clinkscales seconded the motion. Motion approved unanimously.

2. **VAR-2023-08- Variance for 732 Kennesaw Dr., Parcel # 13018A E015 Forest Park, Georgia.** The applicant, Juan Lopez, is requesting a variance to Increase Accessory Structure Total Square Footage.

SaVaughn Irons stated that the subject property is a residential home located on approximately 0.25 +/- acres. The home was built in 1962 with a total building area square footage of 1,487. The applicant is requesting a variance for the constructed accessory structure to allow the overage of the maximum square footage to be increased by 24.5

square feet. The applicant has constructed the accessory structure without knowledge of the square footage maximum requirements. Per Sec. 8-8-75 - Accessory use/structures standard (5)(b) The combined size of accessory structures on any one (1) lot may not exceed an amount equal to fifty (50) percent of the finished floor area of the primary structure on that lot. Currently, the total square foot of the accessory structure is measuring 768 square feet. per the City of Forest Park Ordinance, the applicant accessory structure cannot exceed 743.5 Square feet. This variance will allow the applicant to keep his constructed accessory structure. The Planning Commission may grant a variance from the development standards of this chapter where permitted under this chapter, if, after a public hearing, it makes findings of facts in writing, that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community, per Sec. 8-8-193. (a) (1) of the Code of Ordinances.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner per Sec. 8-8-193. (a) (2) of the Code of Ordinances; and
3. The strict application of the terms of this ordinance will result in practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain, per Sec. 8-8-193. (a) (3) of the Code of Ordinances.

Staff recommends approval of Variance Request to Increase Accessory Structure Total Square Footage. This approval allows the previously constructed accessory structure to remain on said property. The requested variance will not be injurious to the public health, safety, morals, and general welfare of the community, and the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

- Andy Porter commented that the floor plan looked a lot like a living space. Azfar Haque asked if the structure was permitted. Ms. Irons answered no, and that Code Enforcement was awaiting the outcome of this hearing before citing Mr. Lopez. Jose Rodriguez, translating on behalf of applicant Juan Lopez, stated that the structure would be used for storage only and that Mr. Lopez would be obtaining a permit. Andy Porter closed the floor to public comments.
 - Azfar Haque made a motion to approve the variance with the condition that the structure be used only for storage and not as a living space. Michael Clinkscales seconded the motion. Motion approved unanimously.
- 3. **CUP- 2023-05 - Conditional Use for 4140 Jonesboro Rd., Parcel #13015D C007 Forest Park, Georgia.** The applicant, Gerald Tirella, is requesting a Conditional Use Permit to allow a 6,152-sf renovation of the rear of the International Discount Mall to build self-storage units, to be rented by existing mall tenants and the general public.

SaVaughn Irons stated that the applicant is requesting a Conditional Use Permit to allow a 6,152-square foot renovation of the rear of the International Discount Mall to build self-storage units in the rear of the facility to be rented by existing mall tenants and general public. Presently, the space is utilized as an International Discount Mall at 4140 Jonesboro Rd. This property is currently zoned General Commercial (GC). The intent of the GC district is to provide a land use category for a diversity of commercial uses that provide products and services on a regional level. Per Sec 8-8-40 General Commercial District (GC) mini-warehouses and storage buildings are only permitted under a conditional use permit. West of the arterial street is Scott Rd. The street frontage for this parcel is Jonesboro Rd; North, West and South of the parcel are commercial/retail businesses and east of the parcel is outside the city limits.

1. **Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals, and objectives?** The proposed use is compatible and consistent with the City's land use and development goals and objectives. The new interior addition to the existing discount mall will be built as self-storage for mall tenants. There will not be any renovations to the exterior of building.
2. **Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?** The proposal will not cause a significant impact on the transportation infrastructure.
3. **Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?** The proposed use will not have an increase, decrease of the relationship to safety from fire and other dangers if event space attendee numbers are minimized.
4. **Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the City?** The proposed development does not appear to be a detriment to the public health, safety, morals, or general welfare if the Conditional Use Permit is granted.
5. **Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?** The proposed use will not increase, decrease, or have any influence on the adequacy of light and air.
6. **Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?** No.
7. **Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the City, thus creating any area so dense in population as to adversely affect the health, safety, and general welfare of the City?** The proposed use will not increase the population or density as to adversely affect the health, safety, and general welfare of the City.
8. **Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?** The proposed use will not cause any additional impact on the water/sewer and other utilities or other public services.
9. **Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?** The subject property value has no existing zoning restriction that would diminish the value and enjoyment of surrounding properties.
10. **Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?** Granting a Conditional Use Permit would not diminish the future uses of the property and surrounding area.
11. **Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?** The use appears suitable for the nearby properties. The applicant has advised that the updates made to said property will be internal only. There is no indication of any potential detrimental causes that would decrease the property value of surrounding or adjacent property.
12. **Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?** The Conditional Use Permit would not create an isolated district.

Staff recommends approval of a conditional use permit to allow a self-storage addition in the rear of the International Discount Mall within the General Commercial District (GC) with the following conditions:

1. The applicant must obtain a building permit for interior renovations.
 2. The applicant will provide a letter of approval/consent from the property owner.
 3. The applicant will provide detail rendering of what proposed addition will look like
 4. The applicant will provide storage policies for owners.
 5. The applicant will provide a Circulation plan for entry and exit of location for self-storage.
- The applicant, Gerald Tirella, stated that this request was made in response to tenants of the discount mall wanting to have storage. He said that it all would be inside with no addition but that a ramp may have to be added to the back door. Mr. Tirella stated that they would do a set of construction drawings and that he, along with the Fire Marshal, had already walked the building. He said that a sprinkler head would be installed in every unit. Andy Porter closed the floor to public comments.
 - Michael Clinkscales asked if all the tenants are in agreement for storage to be built. Mr. Tirella answered that he did not know how many tenants wanted storage. He stated that they may have to built in phases with just 20 units to start. Roderick Jackson asked if any provisions would be made for storing chemicals. Mr. Tirella answered that he had already discussed that with the Fire Marshal and that it would be included in the literature. He stated that nothing would be stored 18 inches down from the ceiling and that each unit would have its own sprinkler.
 - Azfar Haque made a motion to approve the variance with the conditions listed in the staff report. Michael Clinkscales seconded the motion. Motion approved unanimously.
- Mr. Tirella asked if the conditions would be emailed to him and SaVaughn Irons answered yes.

4. **CUP-2023-04 - Conditional Use for 5370 Ash St., Parcel # 13079D G010 Forest Park, Georgia.** The applicant, Cynthia Waters, is requesting a Conditional Use Permit to allow a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic, and an adult education program in a church within the Single-Family Residential District (RS).

SaVaughn Irons stated that the applicant is requesting a Conditional Use Permit to operate a youth performing arts facility, rehabilitation group home for teens, summer camp, health clinic and an adult education program at 5370 Ash St. This property is located within the Single-Family Residential District (RS). Per Section 8-8-28 Single Family Residential District (RS), Places of worship, private school and daycare centers require conditional use permits to operate in the Single-Family Residential District. Currently, the property houses a historic church.

1. **Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals, and objectives?** The proposed use is compatible and consistent with the City's land use and development goals and objectives.
2. **Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?** The proposal will not have a significant impact on the transportation infrastructure.
3. **Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?** The proposed use will not have an increase, decrease of the relationship to safety from fire and other dangers if event space attendee numbers are minimized.
4. **Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the City?** The proposed development does not appear to be

- a detriment to the public health, safety, morals, or general welfare if the Conditional Use Permit is granted.
5. **Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?** The proposed use will not increase, decrease, or have any influence on the adequacy of light and air.
 6. **Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?** No.
 7. **Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the city, thus creating any area so dense in population as to adversely affect the health, safety, and general welfare of the City?** The proposed use will not increase the population or density as to adversely affect the health, safety, and general welfare of the city.
 8. **Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?** The proposed use will not cause any additional impact on the water/sewer and other utilities or other public services.
 9. **Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?** The subject property value has no existing zoning restriction that would diminish the value and enjoyment of surrounding properties.
 10. **Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?** Granting a Conditional Use Permit would not diminish the future uses of the property and surrounding area.
 11. **Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?** The use appears suitable for the nearby properties. There is no indication of any potential detrimental causes that would decrease the property value of surrounding or adjacent property.
 12. **Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?** The Conditional Use Permit would not create an isolated district.

Staff recommends denial of a conditional use permit based on the potential liability of having children and a mixture of adult activities that include clinics, recovering alcoholics and offenders. The following combination would not be allowed as a combined use.

- Pastor James Summers, speaking on behalf of applicant Cynthia Waters, stated that there was a school and daycare located inside the church prior to them purchasing the building. He stated that they had already went through the Fire Marshal and that they have everything ready to start this assignment. He stated they just want an opportunity to make a difference in the lives of the young people in Forest Park. Andy Porter closed the floor to public comments.
- Azfar Haque stated that he agreed with staff recommendation that having children mixed with adults and recovering alcoholics is not a good mix. Michael Clinkscales asked Pastor Summers to explain his vision further. Pastor Summers answered that the AA group will only meet on Tuesday nights and that the group will not mix with the children at all. Mr. Porter stated that the difficulty is in the combination of the proposed uses which include a youth performing arts facility, a rehabilitation

group home for teens, summer camp, health clinic, and an adult education program. He stated that staff recommendation says that the city doesn't have a zoning category that allows that combination and therein lies the problem. SaVaughn Irons stated that that is correct. Mr. Porter stated that by right each proposed use would probably need to have its own special use permit. Pastor Summers asked if they could be allowed to just do the school and daycare. Mr. Porter answered that the Board could only consider the application before them and that he would need to restate his plan and come back before the Board. Ms. Irons stated that if applicant Cynthia Waters had provided staff with one specific use to complete their analysis based on the zoning ordinance it would be a different story. She stated the letter of intent provided with all of the different uses is the reason staff came up with their recommendation. Mr. Haque stated the applicant needed to reapply for just the daycare and facility type. Ms. Irons stated that this is only a recommending body and that Mayor and Council have the final say. Michael Clinkscales recommended to Pastor Summers that he reapply and narrow his vision down.

- Kelvin Waters stated that he completed the application and that he didn't list all of the uses Ms. Irons and the Board stated. He stated he only listed a daycare and school. He stated that he never put anything on the application related to alcohol or rehab. He stated he only listed the names of the daycare and the school and that someone else must have added the other uses. Ms. Irons presented the application and read aloud the letter of intent which states:

"In detail, provide a summary of the proposed project in the space provided below. Include the proposed use of each existing or proposed building, and the proposed land use.

Life Christian Academy is a private performing arts school geared towards under-privileged students needing specialized education. We follow the STEM learning curriculum to prepare and develop our students for college. LCA plans to bring a youth performing arts facility, a rehabilitation group home for teens, AA meetings for court mandated residents, summer camp, health clinics, and much more to Forest Park, GA. Our church Restoration & Deliverance COGIC will have weekly food drives for anyone in the Clayton County area in need of assistance, youth empowerment summer camps, and much more to support the community outreach program. LCA & R&D partnered with a daycare provider to bring their services to 5370 Ash Street in efforts to aid low income working families as an extension of our community development. Our main building has office spaces that can help build small entrepreneurs by offering a professional space to conduct business which correspond with our adult education and reclamation program. The office spaces would only be offered to regular general tax classification businesses. Our overall goal is to provide services that are essential to rebuilding our community, our city, and most importantly our youth because they are the future!"

- Pastor Summers stated that that is the old application from when they applied before. Ms. Irons stated this is the application she received in her hand from Ms. Waters. Pastor Summers asked if the Board would clarify if the church could be used as a school and daycare. Mr. Porter recommended to him that he sit down with staff and go over the restricted uses and the avenue for him to apply.
 - Roderick Jackson made a motion to follow the staff recommendation and deny the request. Azfar Haque seconded the motion. Motion approved unanimously.

5. **RZ-2023-01-Rezoning for Parcel # 13015C A006, 0 Scott Road, Forest Park, Georgia.** The applicant, Divine Dream Homes ATL, LLC, is requesting to rezone 1.69 acres from RS (Single-Family Residential) to RM (Multi-Family Residential) to build townhomes.

LaShawn Gardiner stated that the subject property is located at 0 Scott Road. The parcel number is 13015C A006 and is currently zoned RS (Single-Family Residential). The property is currently wooded and undeveloped. The

applicant's request is to rezone the property from RS (Single-Family Residential) to MF (Multi-family Residential). The parcel is 1.60 acres. The subject property is currently zoned RS (Single-Family Residential). The applicant is requesting to rezone the property from RS (Single-family residential) to RM (Multi-family residential) with the intent to build 19-townhomes. The applicant came before the Planning Commission on August 18, 2022, and requested a variance to reduce the minimum lot area, minimum lot width and rear yard setbacks to build single-family homes with the intent to build an eleven- lot subdivision. The variance request was denied, due to the request not meeting several minimum standards of the zoning code and the request was self-imposed and too significant. The future land use designates the subject property as industrial use.

Would the proposed amendment be consistent and compatible with the city's land use and development, plans, goals, and objectives: **Yes** **No** *The subject property is flanked by industrial zoned property to the west and north and residential zoned property south and east.*

Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets? **Increase** **Decrease** **No Impact** *Currently, there are only 3 homes on Scott Road. If additional homes are constructed traffic will be increased.*

Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers? **Increase** **Decrease** **No Relationship** *Safety would be a concern for fire due to design of roadway and traffic circulation in and out of the property.*

Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city? **Promote** **Diminish** **No Influence**

Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air? **Promote** **Diminish** **No Influence**

Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land? **Cause** **Prevent** **No Influence** **The proposed amendment could potentially cause overcrowding on the property. Currently only _____ units per acre are allowed in MF zoned districts.**

Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the city, thus creating any area as dense in population as to adversely affect the health, safety, and general welfare of the city? **Cause** **Prevent** **No Relationship**

Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?
 Impede **Facilitate** **No Impact**

Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties? **Yes** **No** *There are no known contributing factors that will affect the value, use and enjoyment of surrounding properties.*

Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?
 Promote **Diminish** **No Influence**

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent

property? Yes No

Would the proposed amendment create an isolated district, unrelated to adjacent and nearby districts?

Yes No *While the subject property is adjacent to two residentially zoned areas, several commercial and industrial zoned properties exists east and south of the subject property.. The proposed zoning is commensurate with the previous and existing use of the property.*

The following departments/divisions had no issues or concerns regarding the requested rezoning:

- Public Works, Police, and Building Inspector. The fire department expressed concern about the design based on water availability, road width and accessibility.

Planning staff recognizes that the property.

The requested rezoning from RS (Single-Family Residential) to GC (General Commercial) zoning category would allow for the current use of the property, although it would not meet the use of the property as an institutional use per the future land use. If the property is rezoned to commercial use, it would not be out of character of current, surrounding zoned uses in the area. The proposed amendment will not cause an adverse impact on the surrounding community. Staff recommends approval of the rezoning request along with the following conditions:

1. Reduce the Front setback from 25 ft. to 14.62 ft.
 2. Reduce the side setback from 10 ft. to 2.50 ft.
 3. Reduce the rear setback from 30 ft. to 12.42 ft.
- Lorenzo Kendrick, representative of Divine Dream Homes, stated that they want to build up to 35 townhomes between both sides. He stated that they would update the streets which be an upgrade to the city. Mr. Kendrick stated they have a workforce program for the homes and that they will offer government employees \$5000 downpayments and \$7500 for police and fire. He stated they are trying to put people in townhomes, that will make Forest Park safe and better.
 - Frank Holtzclaw of 738 Scott Rd spoke in opposition. Mr. Holtzclaw spoke about the increase in noise, traffic, and loss of trees and filtered air they provide. He read a letter from Perry and Priscilla Ayala of 746 Scott Rd stating their opposition to the project due to the negative impact it would have on their enjoyment of their property and quality of life. Kay Holtzclaw of 738 Scott Rd restated her husband's objection to the increased noise, traffic, crime, and removal of trees. Alice Hummel of 730 Scott Rd stated her objection citing her health and the previous objections raised by Mr. and Mrs. Holtzclaw. Andy Porter closed the floor to public comments.
 - Azfar Haque asked Mr. Kendrick to elaborate on the improvements to the streets he mentioned. Mr. Kendrick answers they would widen the road in a joint operation with the city. He stated the neighborhood would be built in a square in an effort to shield the current residents from some of the noise, debris, and fumes. He stated they are leaving a natural buffer of trees. He stated the homes will be 1,600 sq feet each, upstairs and downstairs, and potentially priced at \$325,000.00 each. Roderick Jackson asked what would be done to prevent erosion and water run-off with JB Hunt. Mr. Kendrick answered they would work with JB Hunt regarding water run-off and retention and that a playground would be built on each side, and a dog park added as well. He stated they want to include the current residents and not box them out. He stated that each unit will have a privacy fence. Andy Porter asked Mr. Kendrick if he would entertain a motion to restrict the number of for rent units. Mr. Kendrick answered yes and that they would leave a 15 ft natural vegetation buffer per the code.

- Azfar Haque made a motion to approve the rezoning with the condition that the subdivision contains a total of only 9 rental units, 5 on the first side and 4 on the second side, and they be located in separate buildings. Roderick Jackson seconded the motion. Motion approved unanimously.
- 6. RZ-2023-02-Rezoning for Parcels # 13015C A003, 13015C A009, and 13015C A002, 0 Scott Road, Forest Park, Georgia.** The applicant, Divine Dream Homes ATL, LLC, is requesting to rezone 1.628 acres from RS (Single-Family Residential) to RM (Multi-Family Residential) to build townhomes.

LaShawn Gardiner stated that the next case is RZ-2023-02-Rezoning for Parcels # 13015C A003, 13015C A009, and 13015C A002. Ms. Gardiner stated that this is a tract of property that is across the street from the prior property, is 1.628 acres of property, and that the request is to rezone from RS to RM. She stated that she won't read the entire report because it's similar to the first one and the staff recommendation is basically the same. Ms. Gardiner stated that staff recommends approval of the rezoning request along with the following conditions:

1. Scott Road shall be improved to city standards prior to development.
 2. All buildings shall be constructed of brick, stone, wood, stucco, or any combination thereof.
 3. There shall be differential architectural features between units, no adjacent units shall have the same design characteristics or features or identical.
 4. Each unit shall provide 2-car garages.
 5. Adhere to the buffer standards as specified in the current code between industrial and residential development.
 6. Any deviations from the conditions shall be approved by the Planning Commission.
- Azfar Haque made a motion to approve the rezoning with the condition that the subdivision contain a total of only 9 rental units, 5 on the first side and 4 on the second side, and they be located in separate buildings. Roderick Jackson seconded the motion. Motion approved unanimously.
- 7. RZ-2023-03-Rezoning for 4233 Thurmond Rd., Parcel # 13017A B014, Forest Park, Georgia.** The applicant, KINH Enterprises Inc., is requesting to rezone 0.287 acres from RS (Single-Family Residential) to GC (General Commercial) to rebuild a convenience store.

LaShawn Gardiner stated that the subject property is located at 4233 Thurman Road. The parcel number is 1317A B014 and is currently zoned RS (Single-Family Residential). The property is currently a small, vacant triangular piece of land with a paved parking lot and a few bricks, blocks, and wood remnants of what remained of the previous convenience store building. The applicant's request is to rezone the property from RS (Single-Family Residential) to GC (General Commercial). The parcel is 0.287 acre.

Records show that the previous structure was built in 1965. The property most recently operated as the In-N-Out Groceries convenience store since 2014. A fire destroyed the building in 2022. General commercial and industrial zoned uses are located east and south of the property. Properties west (Calvary Refuge Center) and north (unincorporated Clayton County) of the subject property are zoned residential. The convenience store and structure prior to its destruction was a pre-existing non-conforming use. Zoning Code Sec. 8-8-112 Nonconforming structures states the following:

Where a lawful structure exists at the effective date of adoption that could not be built under the terms of this chapter by reasons of restriction on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it is and remains otherwise lawful subject to the following provisions:

- (1) *No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity; but any structure or portion thereof may be enlarged or altered if the degree of its nonconformity remains the same or is decreased, provided such structure is used for a permitted use.*
- (2) *One- and two-family residential structures. Should such nonconforming one- or two-family residential structure be destroyed, by any means, in whole or in part, it may be reconstructed in the same location and upon its previous foundation and to its previously existing height, provided said reconstruction does not increase the previously existing degree of nonconformity and further provided that said reconstructed structure is used for a permitted use.*
- (3) **All other structures. Should such nonconforming multifamily residential, commercial, or industrial structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this article.**
- (4) *Accessory structures. When nonconforming, accessory structure be destroyed by any means, in whole or in part, it shall be subject to the same provisions as govern the primary structure to which they are an accessory use.*
- (5) *Moving. Where a nonconforming structure is moved off its previous lot, it shall thereafter conform to the regulations for the district in which it is located after it is moved.*
- (6) *Public purposes. In cases where land is taken for public purposes from legal lots of record at the time of such taking in such manner as to reduce yards previously provided in relation to a portion of a structure below yard requirements generally applicable within the district, the portion of the structure involved shall be construed to be nonconforming.*

The subject property was operated as a non-conforming, commercial use, and therefore would have to conform to the current zoning standards of the General Commercial zoned district, per Sec. 8-8-112 (3), underlined above, if the rezoning is approved. The purpose of the request to amend the zoning of the subject property from RS (Single-family Residential) to GC (General Commercial) zoning category is to bring the use into conformance of the current zoning ordinance. Convenience/grocery stores are permitted uses in the general commercial zoning district, and it is the applicant's intent to rebuild the store.

Would the proposed amendment be consistent and compatible with the city's land use and development, plans, goals, and objectives? Yes No *The subject property is flanked by commercial and industrial zoned properties to the east and south. Although, the future land use map designation is Institutional, due to the size, shape, and location of the property, it would be difficult to develop the subject property for institutional use.*

Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets? Increase Decrease No Impact *We do not anticipate an increase in traffic congestion or detriment to traffic safety as a result of this rezoning.*

Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers? Increase Decrease No Relationship

Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city? Promote Diminish No Influence

Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air? Promote Diminish No Influence

Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?

Cause Prevent No Influence

Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the city, thus creating any area as dense in population as to adversely affect the health, safety, and general welfare of the city? Cause Prevent No Relationship

Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?

Impede Facilitate No Impact

Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties? Yes No *There are no known contributing factors that will affect the value, use and enjoyment of surrounding properties.*

Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?

Promote Diminish No Influence

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property? Yes No

Would the proposed amendment create an isolated district, unrelated to adjacent and nearby districts?

Yes No *While the subject property is adjacent to two residentially zoned areas, several commercial and industrial zoned properties exist east and south of the subject property. The proposed zoning is commensurate with the previous and existing use of the property.*

The following city departments/divisions had no issues or concerns regarding the requested rezoning:

- Public Works, Police, Fire, and Building Inspector

Planning staff recognizes that the property is 0.287 acres or 12, 501.72 square feet, and is a small, triangular shape. The current General Commercial (GC) zoning district requires the following minimum front, side, and rear setbacks if rezoning is approved:

Front: 25 ft.

Side: 10 ft.

Rear: 30 ft.

- Newton Galloway, speaking on behalf of applicant Namrah Qureshi, stated the applicant is fine with the conditions Ms. Gardiner's report recommended. Andy Porter closed the floor to public comments.
- Azfar Haque stated that the new building will add value to the neighborhood. Roderick Jackson stated the building has been an eyesore since it burned down and that this will be a good thing.
 - Azfar Haque made a motion to approve the rezoning with the conditions proposed by the staff. Michael Clinkscales seconded the motion. Motion approved unanimously.

- 8. POSTPONED-Text Amendment to Title 8, Chapter 3, Signs. Sec. 8-3-3 Definitions; 8-3-14 Prohibited Signs; and Sec 8-3-23 Restrictions Based on Location of the City of Forest Park Code of Ordinances to provide for codification to provide for severability; to repeal conflicting ordinances; to provide and adoption date; to provide an effective date; and for other purposes allowed by law.**

ADJOURNMENT: Azfar Haque made a motion to adjourn the meeting. Michael Clinkscales seconded the motion. Motion approved unanimously. The meeting adjourned at 7:27pm.



CITY OF FOREST PARK

Item #2.

Planning & Community Development Department
 785 Forest Parkway
 Forest Park, Georgia 30297
 (404) 608-2300 Fax: (404) 608-2306

Staff Report – Variance

Public Hearing Date: July 20, 2023

Case: VAR-2023-09

Current Zoning: RS – Single Family Residential District

Proposed Request: Variance Request to decrease the minimum lot width from 80 feet to 75 feet and reduce the side yard setback from 10 feet to 5 feet.

Staff Report Compiled By: SaVaughn Irons, City Planner

Staff Recommendation: Approval of Variance

APPLICANT INFORMATION

<p>Owner of Record: Name: Juan Carlos Mendoza 540 Perkins Dr. Forest Park, GA 30297</p>	<p>Applicant: Juan Carlos Mendoza 540 Perkins Dr. Forest Park, GA 30297</p>
--	---

PROPERTY INFORMATION

Parcel Number: 13078B A019	Acreage: 0.17+/-
Address: 540 Perkins Dr, Forest Park, GA 30297	FLU: Parks/Open Space

ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

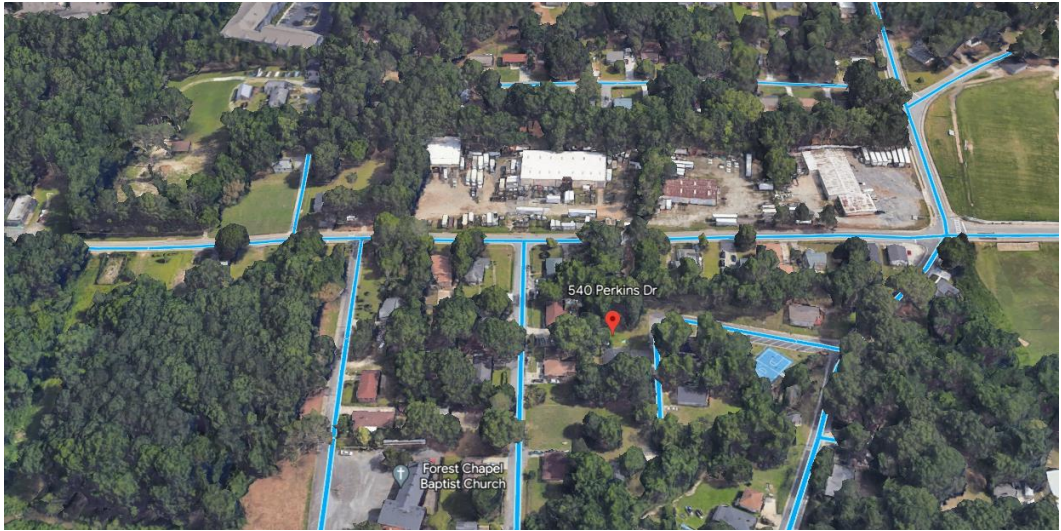
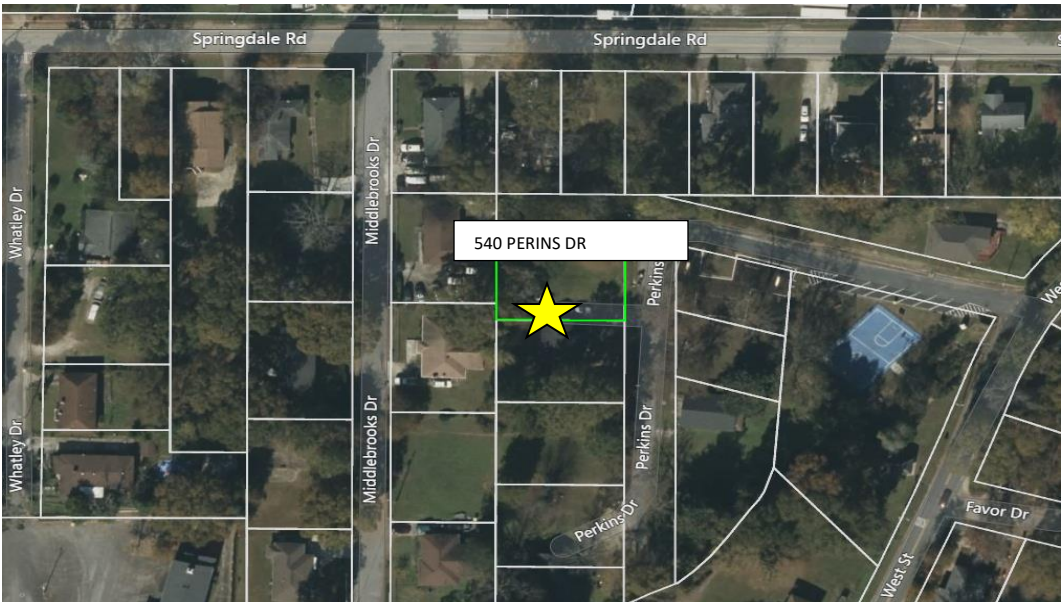
Direction	Zoning & Use	Direction	Zoning & Use
North	RS: Single Family Residential District	East	RS: Single Family Residential District
South	RS: Single Family Residential District	West	RS: Single Family Residential District

SUMMARY & BACKGROUND

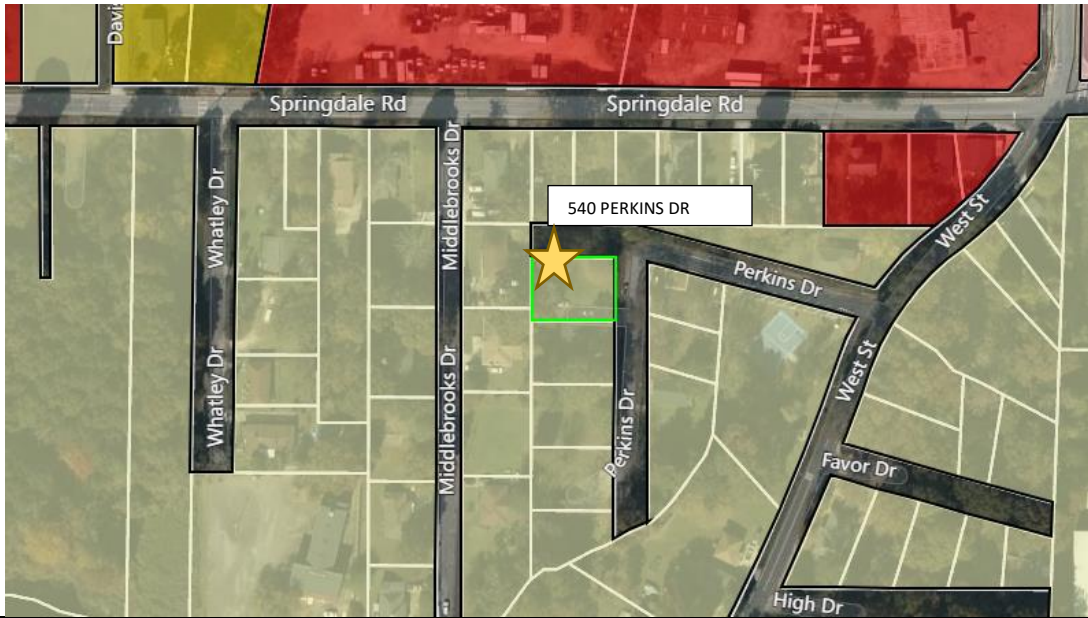
The subject property is currently a vacant lot within the Single-Family Residential District (RS) with 0.17 +/- acres and a total land area square footage of 7,487. The applicant is requesting a variance to decrease the minimum lot width from 80 feet to 75 feet and reduce the side yard setback from 10 feet to 5 feet. Per section 8-8-29 Single Family Residential

District (RS) Standards, the required minimum lot width is 80 feet. The reason for this request is due to the land parcel's peculiar shape and surrounding homes within the community being consistent with the similar lot dimensions, based on the subject property plot map. The applicant has advised that the peculiar shape of the lot was pre-existing prior to the update of the Unified development code standards for new construction single-family homes. Currently the Unified development code standards provides a hardship to meet the minimum lot area based on the lots peculiar shape and the city of Forest Park Zoning Ordinance. This variance will allow the applicant to construct a new development single-family home within the RS district on a smaller lot width and provide added value to the existing community for future esthetics and home ownership.

AERIAL MAP



ZONING MAP



SITE PLAN

PROPERTY INFORMATION

PROPERTY ADDRESS:
540 PERKINS DR,
FOREST PARK, GA 30297

OWNER:
24 HOUR CONTACT:
ERIC HODGE 404.454.6323

N.T.S.

NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

* L, E, G, E, N, D *

NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAN. AKA ALSO KNOWN AS AND AS FOR (C/D) N/P HOW OR FORMERLY NAL WAS FOUND

APP AS FOR PLAT PLAT (BOOK/PAGE)

BSL BUILDING (SETBACK) LINE P.O.B. POINT OF BEGINNING

CP COMPUTED POINT POC POINT OF COMMENCEMENT

C/P CORNER TOP PILE FOUND R/R RADIUS LENGTH

D/D DEED (BOOK/PAGE) R/W RIGHT-OF-WAY

D/W DRIVEWAY SRF SURFING BAR FOUND

EP EDGE OF PAVEMENT (1/2" UNO)

FF FINISH FLOOR ELEVATION SRS 1/2" REINFORCING BAR SET

F/A FORMERLY FOUND AS SW SIDEWALK

FF FORM PILE FOUND SSE SANITARY SEWER EASEMENT

L/LC LENGTH SSO SANITARY SEWER CLEANOUT

LL LAND LOT LINE FENCE LINE

N NEIGHBOR

W WALL

TRUNK	DIAMETER	TYPE
1	22"	HWD
2	20"	HWD
3	18"	HWD
4	24"	HWD

LAND AREA:
7484 SF
0.17 AC

ZONING: CUP LOT 12 PARCEL ID: 13078B A019

HD3 DESIGN ENGINEERING

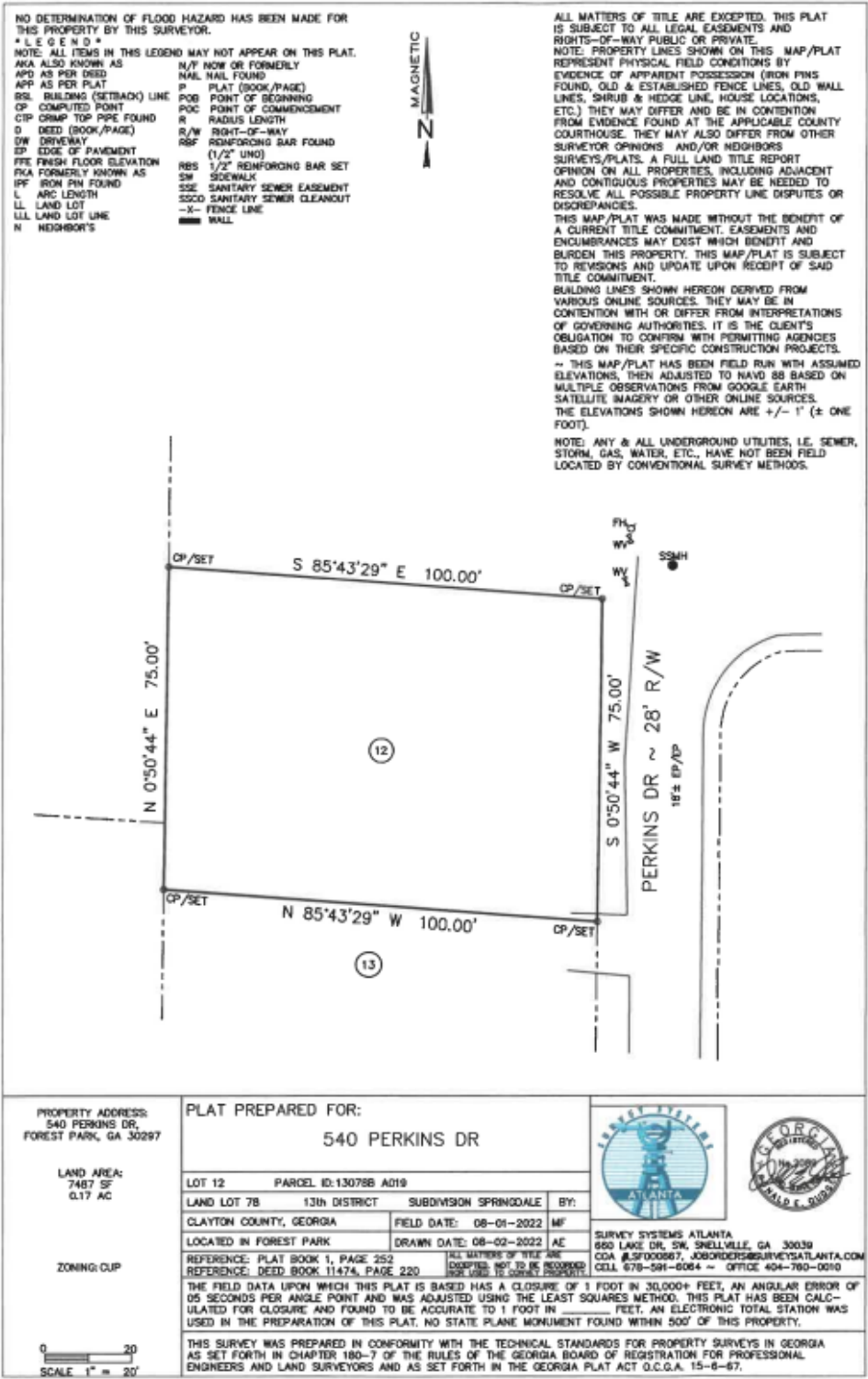
578 US STREET
ATLANTA GA 30308
ERIC HODGE
404.454.6323
ERIC@HODGEPARTNERS.COM

PROPERTY ADDRESS:
540 PERKINS DR,
FOREST PARK, GA 30297

SITE PLAN		RELEASED FOR CONSTRUCTION	
No.	Version	Date	By
1	1	2022.12.08	

Drawn: Author
Checked: Checker
Scale: As indicated

LAND LOT 78
13th DISTRICT
CLAYTON COUNTY
FOREST PARK



PROPERTY ADDRESS: 540 PERKINS DR, FOREST PARK, GA 30297	PLAT PREPARED FOR: 540 PERKINS DR	
LAND AREA: 7487 SF 0.17 AC	LOT 12 PARCEL ID: 130788 A019 LAND LOT 7B 13th DISTRICT SUBDIVISION SPRINGDALE BY: CLAYTON COUNTY, GEORGIA FIELD DATE: 08-01-2022 MF LOCATED IN FOREST PARK DRAWN DATE: 08-02-2022 AE	SURVEY SYSTEMS ATLANTA 660 LAKE DR, SW, SNELLVILLE, GA 30039 CDA #LSF000567, JOBORDERS@SURVEYSATLANTA.COM CELL 678-591-6064 ~ OFFICE 404-760-0050
ZONING/CUP	REFERENCE: PLAT BOOK 1, PAGE 252 ALL MATTERS OF TITLE ARE REFERENCE: DEED BOOK 11474, PAGE 220 COPIES: NOT TO BE RECORDED NOT USED TO CORRECT PREVIOUS	THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 06 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN _____ FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.
SCALE 1" = 20'	THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 160-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-8-67.	

SITE PHOTOS





VARIANCE JUSTIFICATION

The Planning Commission may grant a variance from the development standards of this chapter were permitted under this chapter, if, after a public hearing, it makes findings of facts in writing, that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community, per Sec. 8-8-193. (a) (1) of the Code of Ordinances.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner per Sec. 8-8-193. (a) (2) of the Code of Ordinances; and
3. The strict application of the terms of this ordinance will result in practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain, per Sec. 8-8-193. (a) (3) of the Code of Ordinances.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a variance to allow a minimum lot width of seventy-five (75) feet instead of the required eighty (80) feet and a minimum side yard setback of five (5) feet instead of the required minimum side yard setback of ten (10) feet. This approval allows the applicant to construct a newly developed home on the peculiarly shaped lot. The requested variance will not be injurious to the public health, safety, morals, and general welfare of the community, and the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Attachments Included

- Justification Letter
- Letter of Consent from Adjacent Property Owner



Planning & Community Development Department
 785 Forest Parkway
 Forest Park, Georgia 30297
 (404) 608-2300 Fax: (404) 608-2306

Staff Report – Variance

Public Hearing Date: July 20, 2023

Case: VAR-2023-10

Current Zoning: RS – Single Family Residential District

Proposed Request: Variance Request to decrease the minim lot width from 80 feet to 75 feet and reduce the side yard set back from 10 feet to 5 feet.

Staff Report Compiled By: SaVaughn Irons, City Planner

Staff Recommendation: Approval of Variance

APPLICANT INFORMATION

<p>Owner of Record: Name: Juan Carlos Mendoza 532 Perkins Dr. Forest Park, GA 30297</p>	<p>Applicant: Juan Carlos Mendoza 532 Perkins Dr. Forest Park, GA 30297</p>
--	---

PROPERTY INFORMATION

Parcel Number: 13078B A017	Acreage: 0.17+/-
Address: 532 Perkins Dr, Forest Park, GA 30297	FLU: S.F. Residential

ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

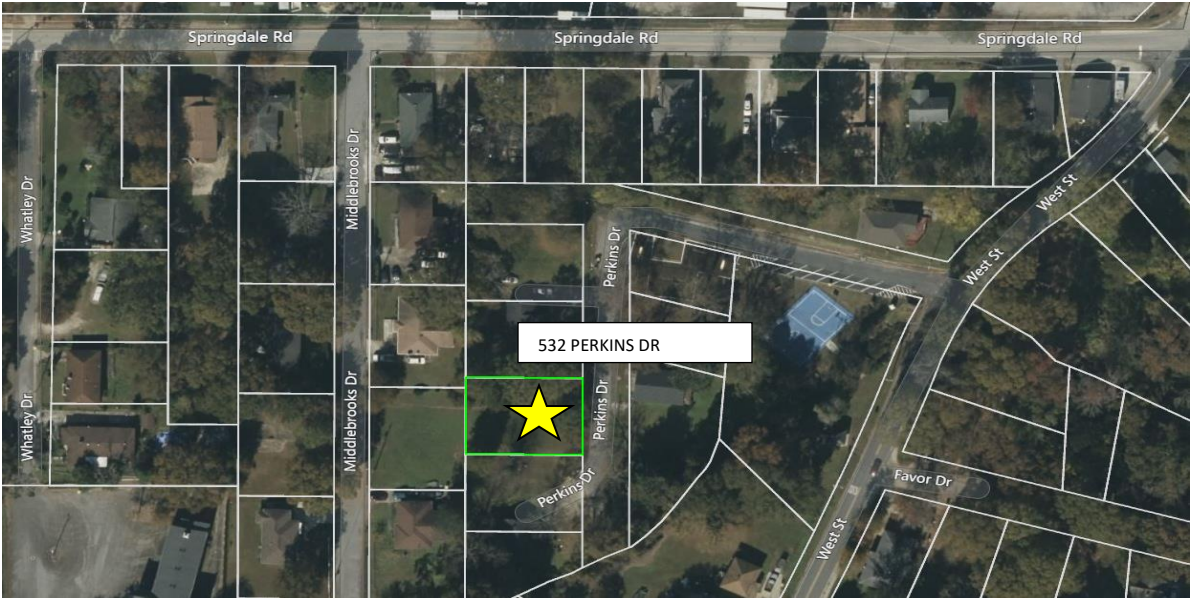
Direction	Zoning & Use	Direction	Zoning & Use
North	RS: Single Family Residential District	East	RS: Single Family Residential District
South	RS: Single Family Residential District	West	RS: Single Family Residential District

SUMMARY & BACKGROUND

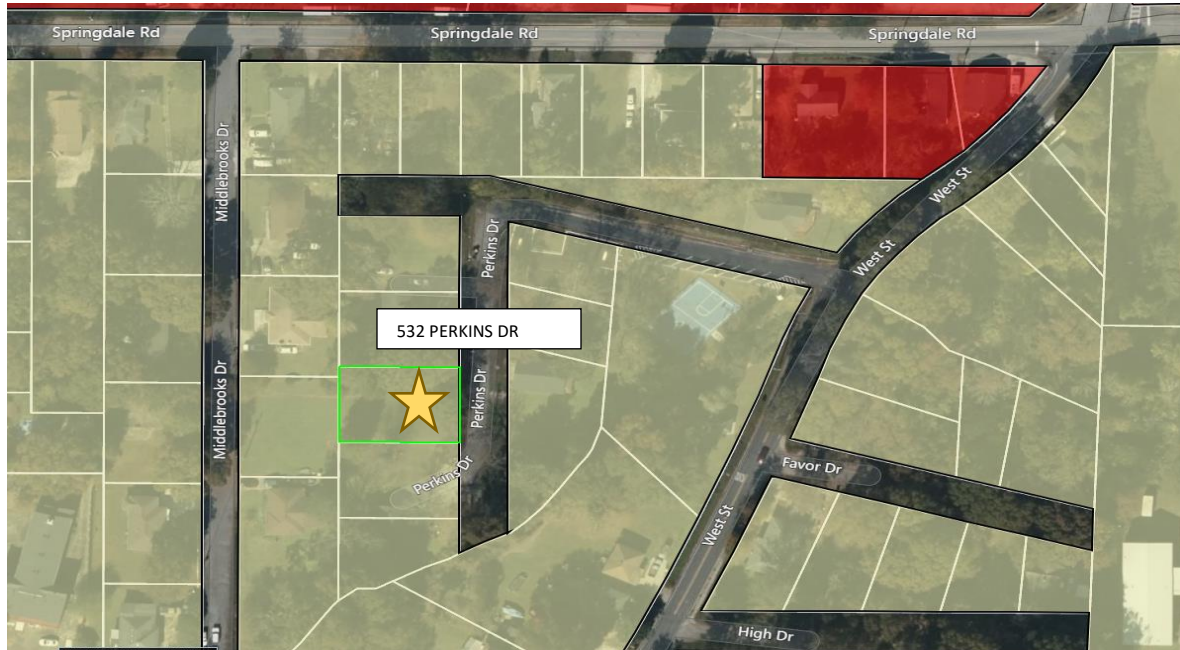
The subject property is currently a vacant lot within the Single-Family Residential District (RS) with 0.17 +/- acres and a total land area square footage of 7,487. The applicant is requesting a variance to decrease the minimum lot width from 80 feet to 75 feet and reduce the side yard setback from 10 feet to 5 feet. Per section 8-8-29 Single Family Residential

District (RS) Standards, the required minimum lot width is 80 feet. The reason for this request is due to the land parcel's peculiar shape and surrounding homes within the community being consistent with the similar lot dimensions, based on the subject property plot map. The applicant has advised that the peculiar shape of the lot was pre-existing prior to the update of the Unified development code standards for new construction single-family homes. Currently the Unified development code standards provides a hardship to meet the minimum lot area based on the lots peculiar shape and the city of Forest Park Zoning Ordinance. This variance will allow the applicant to construct a new development single-family home within the RS district on a smaller lot width and provide added value to the existing community for future esthetics and home ownership.

AERIAL MAP



ZONING MAP



SITE PLAN

PROPERTY INFORMATION

PROPERTY ADDRESS:
532 PERKINS DR.
FOREST PARK, GA 30297

OWNER:
24 HOUR CONTACT:
PARCEL ID:
ERIC HODGE 404.454.6323

N.T.S.

NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THE SURVEYOR.

ALL NOTES IN THIS LEGEND APPLY TO THIS PLAN UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO EXTERIOR UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO INTERIOR UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO EXTERIOR UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO INTERIOR UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO EXTERIOR UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO INTERIOR UNLESS OTHERWISE NOTED.

TRAIL	DIMENSION	TYPE
1	6'0" x 11'	HWY
2	3'	HWY
3	3'	HWY
4	3'	HWY
5	11'0"	HWY
6	3'	HWY
7	3'	HWY
8	3'	HWY
9	3'	HWY

SITE DATA

FRONT SETBACK 25'
 REAR SETBACK 30'
 SIDE SETBACK 10'
 VARIANCE SIDE SETBACK 5'

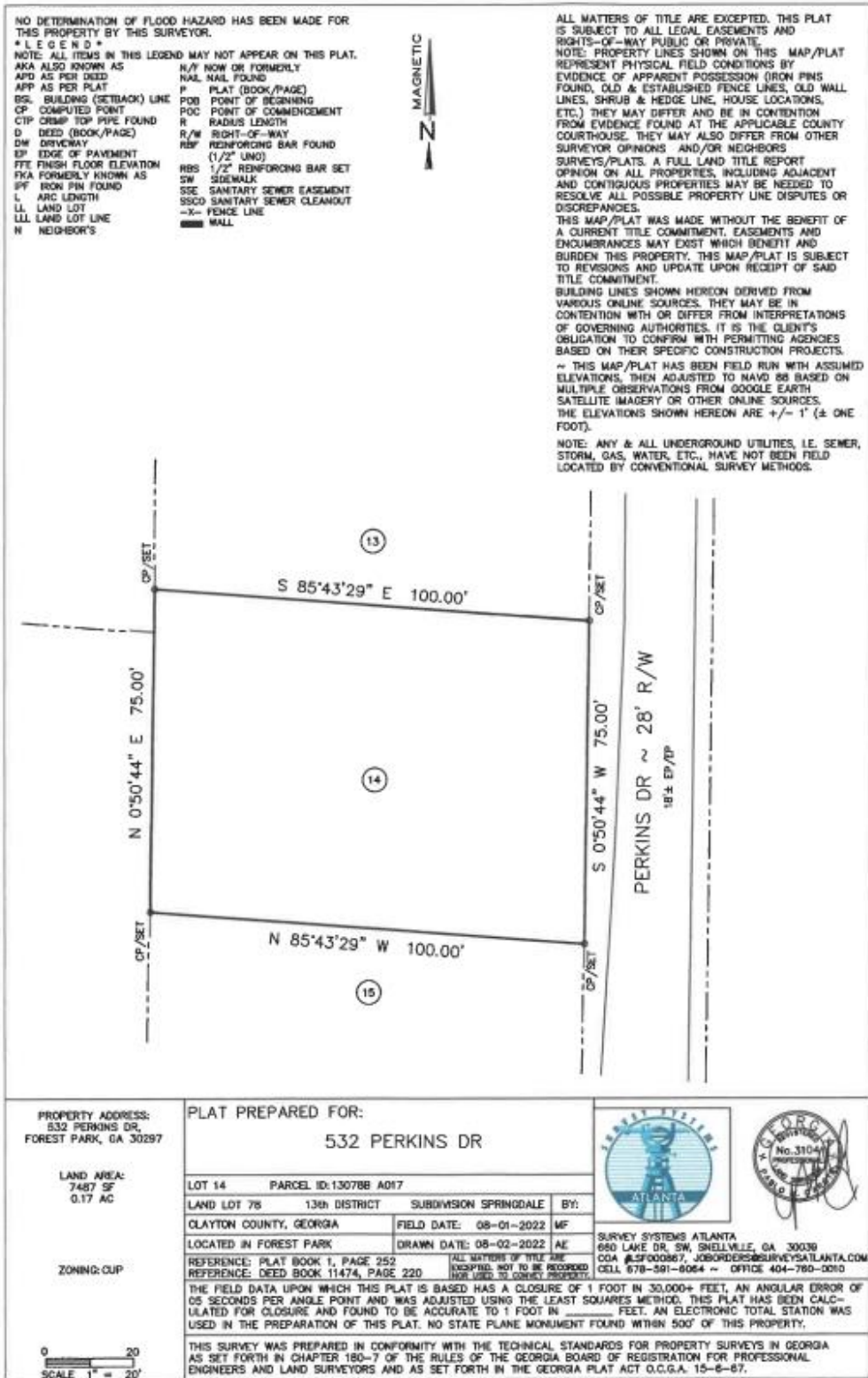
LAND AREA:
 7487 SF
 0.17 AC

ZONING: CUP LOT 14 PARCEL ID: 13078B A017

PROPERTY ADDRESS:
 532 PERKINS DR,
 FOREST PARK, GA 30297

SITE PLAN		RELEASER FOR CONSTRUCTION	
DATE	AUTHOR	NO.	SIGNATURE
	C1		

LAND LOT 78
 13th DISTRICT
 CLAYTON COUNTY
 FOREST PARK



SITE PHOTOS





VARIANCE JUSTIFICATION

The Planning Commission may grant a variance from the development standards of this chapter where permitted under this chapter, if, after a public hearing, it makes findings of facts in writing, that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community, per Sec. 8-8-193. (a) (1) of the Code of Ordinances.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner per Sec. 8-8-193. (a) (2) of the Code of Ordinances; and
3. The strict application of the terms of this ordinance will result in practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain, per Sec. 8-8-193. (a) (3) of the Code of Ordinances.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of variance to allow a minimum lot width of seventy-five (75) feet instead of the required eighty (80) feet and a minimum side yard setback of five (5) feet instead of the required minimum side yard setback of ten (10) feet. This approval allows the applicant to construct a newly developed home on the peculiarly shaped lot. The requested variance will not be injurious to the public health, safety, morals, and general welfare of the community, and the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Attachments Included

- Justification Letter
- Letter of Consent from Adjacent Property Owner

STAFF REPORT – Text Amendment
 Planning Commission
 Public Hearing Date: July 20, 2023
 City Council Meeting: August 7, 2023

Case: TA-2023-02

Proposed Request: Text Amendments to the City of Forest Park Sign Ordinance

Staff Report Compiled By: LaShawn Gardiner, Director-Planning & Community Development

Staff Recommendation: Approval to amend the Sign Ordinance

PROPOSED TEXT AMENDMENTS

1. The Planning & Community Development Department is proposing three text amendments to the Sign Ordinance. Case #TA-2023-02 includes an amendment providing an addition to Sec. 8-3-3 Definitions, an amendment eliminating language from Sec. 8-3-14 Prohibited Signs and Devices, and an amendment adding standards to Sec. 8-3-23 Restrictions Based on Location.

BACKGROUND

The Planning & Community Development Department has discovered an area of the Sign Ordinance that needs to be amended. The requested text amendments will not be injurious to the public health, safety, morals, and general welfare of the community. The use will not be affected in a substantial, adverse manner.

The following text amendments have been proposed:

2. An amendment to Section 8-3-3 Definitions, adding Changeable Copy, Message Board, and Reader Board.
3. An amendment to Section 8-3-14 Prohibited Signs, eliminating the word changeable copy signs.
4. An amendment to Section 8-3-23 Restrictions Based on Location.

The update creates a standard for the type of signs allowed in said zoning districts. The current sign ordinance limits the ability of establishments such as theaters, auditoriums, and cultural arts venues to advertise and promote performances. This update will clarify the requirements.

ARTICLE A. GENERAL PROVISIONS

Sec. 8-3-3. Definitions-The addition of New Definitions

Changeable Copy Sign-- A sign which allows characters, letters, or illustrations to be changed without altering the sign.

Message Board Sign-- a board or sign on which messages or notices are displayed.

Reader Board Sign-- Reader board means a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign.

Sec. 8-3-14. Prohibited signs and devices.

The following types of signs are prohibited in the city:

- (1) *Balloons, pennants, streamers.* Balloons, except as explicitly allowed herein, pennants, streamers, feather signs, or air or gas filled figures.
- (2) *String lights.* Signs consisting in whole or in part of a series, line, or row of lights, whether supported or connected by cables or wires or other physical means, within one hundred fifty (150) feet of a street and visible therefrom. Notwithstanding the foregoing, white string lights shall be exempted from this section and colored string lights and decorations displayed during the months of November, December and January shall be exempted from this section. At no time may string lights be used to outline building elements such as roofs, windows, archways, or doors.
- (3) *Beacons, search lights, laser.* Promotional beacons, search lights or laser lights or images.
- (4) *Audible signs.* Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.
- (5) *Signs in right-of-way.* Signs in a public right-of-way, other than those belonging to a government, public service agency, or railroad.
- (6) *Signs on tree or utility pole.* Signs mounted or located on a tree, utility pole, or other similar structure.
- (7) *Roof signs.* Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall that is visible to adjacent property owners.
- (8) *Portable signs.* Portable signs (except sidewalk/sandwich signs), including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of way.
- (9) *Obscene signs.* Signs which depict obscene material.
- (10) *Illegal activity signs.* Signs which advertise an activity which is illegal under federal, state, or local laws.
- (11) *Signs not maintained.* Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.
- (12) *Abandoned signs.* Abandoned signs.
- (13) *Animated; flashing; electronic.* Animated signs, flashing signs, electronic signs, and **changeable-copy signs** (except as explicitly allowed herein).
- (14) *Imitation traffic signs.* Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.

Sec. 8-3-23. Restrictions based on location.

If not otherwise stated, any sign not specifically allowed in a zoning district as provided under this section shall be prohibited in that district, except as otherwise provided for under this chapter. The following standards govern signs within specific zoning districts.

- (1) RS—Single family residential district.

- a. *Entry feature sign/freestanding sign.* One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.
1. One (1) maximum thirty-two (32) square foot, freestanding monument sign or two (2) single-faced freestanding monument signs not to exceed sixteen (16) square feet for each side of a platted single-family subdivision entrance shall be permitted for each street on which the subdivision has an entrance. If developed with a mixture of detached and attached dwellings in separate pods or phases, an additional sixteen (16) square foot sign shall be permitted for the attached dwelling phase.
 2. Entry feature signs shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.
 3. Entry feature signs may be attached to a subdivision entrance wall, provided the wall is no more than eight (8) feet in height, and so long as the top of the sign panel is no more than six (6) feet in height.
- (2) RT—Two family residential district.
- a. *Entry feature sign/freestanding sign.*
1. One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.
 2. One (1) maximum thirty-two (32) square foot, freestanding monument sign or two (2) single-faced freestanding monument signs not to exceed sixteen (16) square feet for each side of a platted single-family subdivision entrance shall be permitted for each street on which the subdivision has an entrance. If developed with a mixture of detached and attached dwellings in separate pods or phases, an additional sixteen (16) square foot sign shall be permitted for the attached dwelling phase.
 3. Entry feature signs shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.
 4. Entry feature signs may be attached to a subdivision entrance wall, provided the wall is no more than eight (8) feet in height, and so long as the top of the sign panel is no more than six (6) feet in height.
- (3) RM—Multiple family residential district.
- a. *Entry feature sign/freestanding sign.*
1. One (1) maximum thirty-two (32) square foot freestanding monument sign shall be permitted for each street on which the multi-family lot has frontage. The sign shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.
 2. One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.
- (4) MH—Mobile home park district.
- a. *Entry feature sign/freestanding sign.*

1. One (1) maximum thirty-two (32) square foot freestanding monument sign shall be permitted for each street on which the multi-family lot has frontage. The sign shall have a maximum height of six (6) feet, may be externally illuminated, and shall not have changeable copy.
 2. One (1) maximum thirty-two (32) square foot, freestanding monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage. The sign may have sign panels.
- (5) IC—Institutional commercial district.
- a. Freestanding signs.
 1. One (1) maximum thirty-two (32) square foot, freestanding monument sign per street frontage shall be permitted for each lot which contains less than fifteen (15) acres.
 2. For lots that contain more than fifteen (15) acres, one (1) maximum sixty-four (64) square foot, freestanding monument sign for the primary frontage and one (1) thirty-two (32) square foot, freestanding monument sign for each street on which the lot has secondary frontage. If the primary frontage of the lot is five hundred (500) linear feet or more and if the lot has two (2) or more entrances on the street on which it has primary frontage, the one (1) maximum sixty-four (64) square foot sign may be substituted by two (2) single-faced freestanding monument signs not to exceed thirty-two (32) square feet. The sign shall have a maximum height of six (6) feet if thirty-two (32) square feet or less and eight (8) feet if sixty-four (64) square feet or less.
 3. All freestanding monument signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by this section. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate directory sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.
 - b. Changeable copy, message board, or reader board wall signs.
 1. One (1) changeable copy, message board, or reader board sign shall be permitted for the following establishments:
 - Theaters
 - Auditoriums
 - Performing Arts Centers
 - Museums (Art, music)
 - Community Centers/Dinner Club offering theatrical/cultural performances/plays
 - Art Galleries (offering occasional art showcases)
 2. The changeable copy, message board, or reader board wall sign shall be considered the primary sign of the building and shall face a major street.
 3. If the business location is on a corner of a building or corner lot, a secondary business wall sign is permitted, but it cannot be a changeable copy, reader board or message board sign.

4. Changeable copy, reader board, message board wall signs shall be in an enclosed case so that letters and other characters are not blown onto the property during inclement weather or other activities or events which would cause letters to be blown off.
5. Such signs shall be mounted to the wall or façade of the building.
6. Current Wall Sign standards shall apply, refer to Sec. 8-3-24 (g) Wall Signs.
7. Signs may be illuminated during evening /normal dark hours only.
8. Sign face shall only spell out the business name when there are no events/shows being advertised.
9. Letters or copy shall be one color.
10. Illumination of sign face shall not be designed to blink or cause any type of movement; illuminated sign face shall be static at all times.

(6) GC—General commercial district.

a. *Freestanding signs.*

1. One (1) maximum thirty-two (32) square foot per street frontage for each lot which contains less than fifteen (15) acres. The freestanding monument sign shall have a maximum height of six (6) feet.
2. For lots that contain more than fifteen (15) acres, one (1) maximum sixty-four (64) square foot, freestanding monument sign for the primary frontage and one thirty-two (32) square foot, freestanding monument sign for each street on which the lot has secondary frontage. If the primary frontage of the lot is five hundred (500) linear feet or more and if the lot has two (2) or more entrances on the street on which it has primary frontage, the one (1) maximum sixty-four (64) square foot monument sign may be substituted by two (2) single-faced freestanding monument signs not to exceed thirty-two (32) square feet. The sign shall have a maximum height of six (6) feet if thirty-two (32) square feet or less and eight (8) feet if sixty-four (64) square feet or less.
3. All freestanding signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by this section. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate directory sign. The freestanding monument sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.

(7) **DM- Downtown Mainstreet District.**

A. Streetscape Signage.

1. Streetscape Signage design shall be compatible in scale, style, and composition with the building and storefront as a whole.
2. Durable materials and quality construction shall be evident in all streetscape signage.

3. Projecting Sign. Any sign which is suspended or projected from the wall, eave, or soffit of the building. Projection signs shall be located a minimum of 12 inches below the second story windowsill or top of the building, whichever is lower. Corner buildings may place projecting signage on their corner.

4. Blade signs. Shall be mounted to provide an eight-foot clearance under the lowest part of the sign and shall not extend more than five (5) feet into the right-of-way; all right-of-way encroachments shall require an encroachment permit.

5. Channel letters, silhouette signage, and individualized letter signs may be located in a signage band above the storefront windows.

6. Awning Signs. Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. Awnings may include signage.

7. Freestanding Signs. Freestanding signs are prohibited.

8. Neon Signs. Neon signs are prohibited.

B. General Provisions

1. Signs shall be located to fit the architectural elements such as in the lintel or sign frieze that separates the ground level from the upper façade, on the upper façade walls, or projecting from the face of the building.

2. Signs shall not obstruct the architectural elements and details of a building.

3. Wall signs shall be placed such that they align with other signs on the block.

4. Roof signs shall not be incorporated.

5. For buildings with multiple tenants, signs shall be located only on the portions of the building directly outside the area occupied by that tenant or contained within consolidated directories, as defined in the City Sign Ordinance.

6. Signs shall be illuminated by indirect lighting. Internally illuminated box-type plastic signs shall not be permitted, but signs composed of illuminated individual letters shall be permitted.

(8) UV—Urban village district.

a. Freestanding signs.

1. One (1) maximum thirty-two (32) square foot, freestanding monument sign per street frontage shall be permitted for each lot which contains less than fifteen (15) acres.
2. For lots that contain more than fifteen (15) acres, one (1) maximum sixty-four (64) square foot, freestanding monument sign for the primary frontage and one (1) thirty-

two (32) square foot, freestanding monument sign for each street on which the lot has secondary frontage. If the primary frontage of the lot is five hundred (500) linear feet or more and if the lot has two (2) or more entrances on the street on which it has primary frontage, the one (1) maximum sixty-four (64) square foot monument sign may be substituted by two (2) single-faced freestanding monument signs not to exceed thirty-two (32) square feet. The sign shall have a maximum height of six (6) feet if thirty-two (32) square feet or less and eight (8) feet if sixty-four (64) square feet or less.

(9) Industrial districts.

a. *Freestanding signs.*

1. One (1) maximum thirty-two (32) square foot, freestanding monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
2. One (1) maximum sixty-four (64) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
3. One (1) maximum seventy-two (72) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
4. One (1) maximum thirty-two (32) square foot, freestanding monument sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.
5. Freestanding monument signs on arterial streets may be ten (10) feet in height.
6. All freestanding signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by this section. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate directory sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.

(10) GZ Gillem zoning district.

- a. *Billboards.* Billboards are prohibited.
- b. *Freestanding.*

1. One (1) maximum thirty-two (32) square foot, freestanding monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
2. One (1) maximum sixty-four (64) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear

- square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
3. One (1) maximum seventy-two (72) square foot, freestanding monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception) and shall not have changeable copy.
 4. One (1) maximum thirty-two (32) square foot, freestanding sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.
 5. Freestanding signs on arterial streets may be ten (10) feet in height.
 6. All freestanding signs may be internally or externally lit. Each sign may have sign panels. If constructed as part of a brick or stone wall, at least thirty (30) feet in length, the sign face may double the allowable size, and sign panels may be measured separately rather than as part of a continuous polygon as required by Section 23 hereof. If the freestanding sign is constructed on a wall with the increased sign size allowance, the parcel shall not be permitted to construct a separate directory sign. The freestanding sign size may be increased by thirty-two (32) square feet if the owner of the parcel opts to not construct a separate directory sign.

Staff's recommendation is **Approval** of the proposed text amendment to the identified code sections of the sign ordinance.

STAFF REPORT – Text Amendments
Public Hearing Date: July 20, 2023
City Council Meeting: August 7, 2023

Case: TA-2023-03

Proposed Request: Text Amendments to The City of Forest Park Zoning Code of Ordinance

Staff Report Compiled By: SaVaughn Irons, City Planner

PROPOSED TEXT AMENDMENTS

1. The Planning & Community Development Department is proposing a text amendment to the Code of Ordinances. Case # TA-2023-03 includes an amendment to Article F. Boards and Commissions. Section. 8-8-161 Design approval procedures b) Application review.

BACKGROUND

The Planning & Community Development Department has discovered some areas of the Code of Ordinances that need to be amended for clarity and formal processes. The requested text amendments will not be injurious to the public health, safety, morals, and general welfare of the community, and the use will not be affected in a substantially adverse manner. The following text amendments have been proposed:

2. Article F. Boards and Commissions. Section. 8-8-161 Design approval procedures b) Application review process, adding an application deadline schedule and scheduled calendar date for scheduled meeting to occur based on application submittal deadline.

This update creates a standard monthly due date for applications to be submitted by the second Wednesday of each month as well as proposing the meeting date to occur on the third Friday of each month. The previous ordinance did not provide an organized process for when applications can be received, and did not provide an explicit timeline, leaving too much room for an unorganized process for both applicants and staff. This update will clarify application submittal deadlines, meeting dates and create a more fluid process for the urban design review board members, city staff and the applicant.

ARTICLE F. BOARDS AND COMMISSIONS

Sec. 8-8-161. Design approval procedures b) Application Review.

b) *Application Review.* A design plan application shall be submitted in triplicate to the planning and community development director for review to ensure compliance with provisions of this section and for transmission of two (2) copies to the urban design review board for review and final action. The architectural design plan application is to be submitted in completion by the second (2nd) Wednesday of each month by close of business to be reviewed

on the following month calendar. The chairman of the board shall call a formal meeting once each month on the third Friday of each month of the application's acceptance. Within seventy-two (72) hours after the date of the formal review meeting, the board shall take final action on the design plan application. If the board shall fail to take final action upon the application, the application shall be deemed to be approved. The board may extend this deadline by a majority vote of those members present. When circumstances necessitate, the board may defer action on an application until its next meeting.

STAFF REPORT –Text Amendments

Public Hearing Date: July 20, 2023

City Council Meeting: August 7, 2023

Case: TA-2023-04

Proposed Request: Text Amendments to the City of Forest Park Zoning Code of Ordinance

Staff Report Compiled By: LaShawn Gardiner, Director

Staff Recommendation: Staff Recommends Approval

PROPOSEED TEXT AMENDMENTS

1. The Planning and Community Development Department is proposing several text amendments to the Code of Ordinances. Case #TA-2023-04 includes an amendment providing an addition to Article A, Section 8-8-4 Definitions and Article B, to establish a new Section 8-8-55. Arts and Entertainment Overlay District.

BACKGROUND

In June 2021, the LCI Update listed several goals for Downtown Forest Park as follows:

- Provide a link to Main Street
- Historic Identity
- Walkable Community
- Diverse Development
- Connected Streets
- Inclusive Downtown and
- Quality of Life

In order to further the downtown vision and to implement and accomplish these goals it is necessary to amend the Zoning Ordinance to include a new Arts and Entertainment Overlay District. This district will create a sense of place, incorporate public art that celebrates the history of downtown Main Street and the city as a whole, and encourage a walkable, live, work and play community with diverse development, connectivity and activities that encourage inclusivity while supporting health and wellness.

The requested text amendments will not be injurious to the public health, safety, morals, and general welfare of the community, and the use will not be affected in a substantially adverse manner. The following text amendments are proposed:

2. An amendment to Section Article A, Section 8-8-4 Definitions, adding, Arts, Art/Artisan Gallery, Art Center, Art Use, Artist Studio, Artist, Drive-through, Entertainment (Live),

Food Truck, Food Truck Court, Food Truck Vendor, Makerspace, Microbrewery, Outdoor arts market, and Small Power Tools.

3. An amendment to establish a new Section 8-8-55. Arts and Entertainment Overlay District.

This update will provide definitions for retail and business uses that are currently permitted in several zoning districts, and further enhance the current Article I. Forest Park Entertainment District.

Article A, Section 8-8-4 Definitions- The Addition of New Definitions

Arts. The interpretation of imagination and creativity in a physical form or performance.

Art/Artisan Gallery. An establishment that engages in the sale, loan or display of paintings, sculptures, photographs, video art or other works of art. "Art gallery" does not include a cultural facility such as a library, museum or non-commercial gallery that may also display works of art or an arts studio.

Art Center. A facility whose mission is to promote the arts and make them available to the public. An arts center may host art exhibits and shows, provide studio space for the use of artists and engage in public education and exposure to the arts.

Art Use. Creation or assembly of visual art, including two- and three- dimensional works of fine art or craft, or other fine art objects created or assembled for purposes of sale, display, commission, or trade by artists or artisans. Art use may also include classes held for art instruction.

Artist Studio. An area in a building used for creation, production, rehearsal, study or teaching of any visual art or craft, including but not limited to painting, drawing, graphic design, photography, video, film, sculpture, and pottery; written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance, and theater. Arts studio may include performance space related to classes taught on-site and recording studios; a studio for artisan related crafts, such as small-scale metalworking, glassblowing, furniture making, pottery, leather craft and similar activities. Artist Studio may also include accessory sales of art produced on the premises.

Artist. A person who practices one of the fine arts, design, graphic, musical, literary, computer, or performing arts; or a person whose profession relies on application of these skills to produce a creative product. The term includes, but is not limited to, individuals who practice visual arts, such as painters, print makers, illustrators, sculptors, potters, jewelry makers, glass makers, craft artists and photographers; performing arts, such as musicians, composers, playwrights, choreographers and dancers; literary arts, such as creative writers and literary translators; architecture and design, such as architects, landscape architects, engineers, urban designers and planners, interior designers and decorators, industrial designers, graphic designers and fashion designers; and media arts, such as filmmakers, video and audio artists and web-based designers.

Artisan Shop. A shop in which goods are custom prepared, displayed, or sold in small quantities, that are often one-of-a-kind items. May also include the production, display, and sale of such goods or a place where a small number of persons are engaged in arts and crafts activities in a class or studio.

Drive-through. Any facility that may be accessed directly by means of a motor vehicle for transacting business.

Entertainment, live. Any musical act, including karaoke; theatrical act, including a play, revue or stand-up comedy; dance; magic act; disc jockey or similar activity performed live by one or more persons, whether or not for compensation or an admission charge.

Food Truck. A motorized vehicle or trailer drawn by a motorized vehicle used to prepare and sell food to the public directly from the vehicle or trailer.

Food Truck Court. An area designated in a private parking lot that is an accessory to a permitted use conducted in a building on the lot or a freestanding commercial parking lot.

Food Truck Vendor. Any person or entity that prepares and sells food from a Food Truck in a designated Food Truck Court.

Makerspace. An indoor or outdoor facility or both intended to be used by artists as studio and retail space. Makerspaces often combine production, equipment, community, and education for the purposes of enabling participating individuals to design, prototype, and create works that said individuals would have difficulty producing if working alone due to a lack of resources, tools, artistic input, and/or space. Such space may be in a residential, commercial, mixed use or a live/work building and often provides tools for community use. Makerspaces are characterized by consistent design elements, such as high ceilings, large windows, durable surfaces and wide entrances. These spaces are designed to accommodate and foster a variety of creative activities. Makerspaces may also include common space such as galleries, meeting rooms and open space -that encourages resident engagement and community involvement.

Microbrewery. Any establishment where malt beverages are produced or brewed, such as breweries and brewpubs.

Outdoor arts market. A temporary event held on private or public property where artwork is offered for sale.

Small power tools. Hand equipment driven by other than human means. Examples include circular saws, power drills, portable mitre saws, routers, electric belt sanders and wood lathes. Not defined as small power tools are chain saws, mounted mitre saws, band saws, jackhammers, and similar power tools.

ARTICLE B. ZONING DISTRICTS, OVERLAY DISTRICTS, AND DESIGN GUIDELINES ESTABLISHED

SEC. 8-8-55. Arts and Entertainment Overlay District.

There is hereby established an Arts and Entertainment Overlay District. The purpose of the Arts & Entertainment Overlay District is to facilitate the creation of an arts destination, sustain established arts and cultural uses and promote new arts and cultural uses. The Arts & Entertainment District Overlay seeks integration of the arts into the fabric of the community and is conceived as the location of art galleries and art studios forming the core of an arts district. A complementary mix of shops, restaurants and entertainment venues will support these uses. These elements are expected to generate interest in downtown Forest Park and attract arts and cultural events.

The Arts & Entertainment District Overlay features an expanded range of permitted uses focused on the arts while retaining all property rights established by the underlying zoning. The Arts & Entertainment District Overlay encourages adaptive reuse of historic buildings and new construction technologies, affording owners expanded development options. These measures will enhance the market attractiveness of the arts district.

Arts venues, community festivals, expanded arts uses and pedestrian character are expected to promote an arts district. Planned investment in public art, lighting, sidewalks, and off-street parking will leverage private investment and enhance public safety. This combination of public and private investment is expected to advance Forest Park's position in regional leadership in the arts and stimulate broad economic revitalization. Importantly, the Arts District Overlay features walkable distances from nearby neighborhoods to small-scale establishments and live entertainment venues accommodated by the Arts District Overlay and compatible with the neighborhood character.

Sec. 8-8-55.1. Applicability.

Unless expressly modified by regulations in this Article establishing the Arts & Entertainment District Overlay, the regulations governing the use of land and structures shall be as set forth in the underlying zoning districts and as regulated by other provisions of the Forest Park City Code. The Architectural Design Standards shall control development in the Arts & Entertainment District Overlay, unless an alternate provision is adopted in the Arts & Entertainment District Overlay. Where a conflict with other Forest Park City Code and ordinance provisions exists, the more permissive standard shall apply.

Sec. 8-8-55.2 Boundaries.

The Arts & Entertainment District Overlay radiates from the current Downtown Forest Park Entertainment District and the Downtown Main Street District running along Main Street (i.e. from Jonesboro Road west to West Street), and expanding to include properties south of Forest Parkway; Ash Street (from Forest Parkway to South Avenue) and Oak Street (i.e. from Forest Parkway, merging onto Lake Drive to South Avenue) to include Starr Park, City Government Buildings, and adjoining property). The District is more specifically identified in Exhibit A entitled "Forest Park Arts & Entertainment District Overlay Zone."

Sec. 8-8-55.3. Scale.

Downtown Forest Park and the Starr Park complex is the focus of the Arts & Entertainment District Overlay. Forest Park was established at a time when walking was the primary means of travel, and downtown is characterized by a pedestrian scale. This scale is preserved by height limits inherent in the development intensity assigned to downtown in the Zoning Ordinance as described in Sec. 8-8-54.8 Special Building Standards for Development Subareas in Downtown. A sense of place will be maintained by adherence to these height limits. Preservation of pedestrian scale is important as arts districts are typically designed to encourage walking to a variety of venues.

Sec. 8-8-55.4. Permitted and Encouraged Uses in the Arts & Entertainment District Overlay.

Uses permitted by the underlying zoning are unaffected by adoption of the Arts & Entertainment District Overlay; the following uses shall be specifically permitted in the Arts & Entertainment District Overlay:

Arts Uses

- Art gallery
- Artist studio
- Artist studio workspace
- Artist co-op to allow multiple artist spaces that are not bazaars, junk stores, specialty shops and flea markets, etc.
- Arts and crafts retail sales
- Arts center
- Arts related businesses and services such as craft shops, galleries, and studios within which is conducted the preparation, display, or sale of art products such as antiques, collectibles, custom apparel, jewelry, paintings, photography, picture framing, pottery, sculpture, stained glass and similar arts, crafts merchandise, and activities such as set design and restoration of artwork.
- Arts supply store
- Cabaret, concert hall or other performing arts space, dinner theater, legitimate theater or movie theater
- Craftsman or artisan shop
- Music store, Musical instruments store
- Performing arts ticket office or Booking agency
- Photographic studio
- Recording studios, provided appropriate soundproofing is installed
- Television and Radio broadcast studio
- Video and movie production

Retail Uses

- Farmers market
- Framing shop
- Pottery and ceramics shop
- Growler shop

Cultural and Entertainment Uses

- Brew pubs, including outdoor seating
- Microbreweries, subject to the provisions of Title 9-Licensing & Regulation, Chapter 2, "Alcoholic Beverages.
- City-sponsored and/or approved outdoor cultural events and performances that feature visual art, music, dance, theater, performance art, science, design, or cultural heritage
- Live entertainment, provided that all establishments hosting live entertainment shall comply with any and all applicable noise regulations and ordinances of the City of Forest Park.

Educational Uses

- Art school and other visual and performing arts instruction including school of dance, photography, filmmaking, music, writing, painting, sculpting and printmaking, but excluding adult entertainment and erotic dance.
- Educational or instructional activities, including training, vocational or craft schools, the arts and personal development
- Libraries
- Museums
- Social and philanthropic institutions
- Training studios, including martial arts studios, gymnastics and yoga

Permitted Accessory Uses

- Outdoor display of artwork and merchandise during hours of operation of the primary business or activity on the property.
- Power tools. The use of hand tools is encouraged; the use of small power tools is allowed. All tools shall be used in compliance with the noise regulations and ordinances of the City of Forest Park.
- Street performers
- Food Trucks, in designated Food Truck Courts only.
- Makerspaces.

Sec. 8-8-55.5. Uses Prohibited In the Arts & Entertainment District

The following uses shall be prohibited in the Arts & Entertainment District Overlay:

- Any drive-through facility, with the exception of restaurants which shall have no visible drive-through.
- Any outdoor storage of materials or any outdoor processing, fabricating or repair work, except for work performed with hand tools and small power tools
- Use of any structure primarily for storage (meaning no more than 25% of the total interior space of said structure may be used for storage of goods, materials, or equipment)
- Car wash
- Convenience Store with or without fuel sales
- Gas station
- Motor vehicle service or repair
- Tire stores
- Any use that involves the outdoor storage of materials or products. The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare or other objectionable effects shall also be prohibited.

Sec. 8-5-55.6. Public Art Placement

Placement or installation of outdoor sculpture and other art forms on private property intended to be viewed from a public right-of-way or other public property shall not be

subject to setback standards of the applicable zoning district and shall not require a permit, provided that:

- The art is not offered for sale.
- The art does not constitute an advertisement; and
- The placement does not impede the flow of pedestrian, bicycle or vehicle traffic or block motorist visibility at intersections, alleys, or driveways.

Sec. 8-8-55.7. Art & Entertainment District Use Specific Standards.

The following standards shall control the development and manner of operation of the following uses within the Arts & Entertainment District Overlay:

1. Food Truck Court.

A. Food Truck Courts may be established in free-standing commercial parking lots accessory to an operating, permitted use provided that (a) the lot has been designated for Food Truck Courts, (b) the property is zoned DM (Downtown Main Street) or IC (Institutional Commercial) and (c) parking supply exists in excess of that required by ordinance or code for uses or commercial space existing on the site and two (2) off-street parking spaces shall be reserved for the exclusive use of customers of each Food Truck Vendor. Such designation shall be subject to review and approval by the City Manager who shall maintain the following database:

- i. Property address and number of spaces designated as a "Food Truck Court."
- ii. Site sketch depicting the building, parking spaces and parking spaces so designated.
- iii. Dimensions and color photos (front, both sides and rear) of the dispensing vehicle. Include the make, model, vehicle identification number and license plan number of the vendor unit (if applicable).

iv. A copy of all lease agreements between the property owner and/or landlord and any Food Truck Vendor, including the specific space being leased which shall be marked on the ground.

v. Proof of compliance with all Clayton County Health Department regulations.

vi. An occupational tax permit issued by the City of Forest Park or other jurisdiction, which permit shall be posted in the front window of the Food Truck Vendor vehicle or trailer while in use.

vii. A vendor permit issued by the City.

viii. All permits or licenses as may be required by the State of Georgia, including Clayton County and the Department of Public Health.

B. Food Trucks shall not be permitted on the premises before 7:00 AM or after 10:00 PM.

C. Each Food Truck Vendor shall submit on an annual basis a written application for a vendor permit prior to operating in any area designated as a Food Truck Court.

D. No minimum or maximum number of Food Trucks shall be established; Food Truck Courts need not be contiguous and may be designated in several locations within a single lot.

E. No waste of any kind shall be discharged from a Food Truck. Trash receptacles shall be provided by the Food Truck Vendor for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. Such receptacles shall be located no more than ten (10) feet from the Food Truck. The Food Truck Vendor shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.

F. No LED strip lighting shall be used in conjunction with any Food Truck Court.

G. No loudspeakers shall be used for announcements or hawking of products in conjunction with any Food Truck Court.

H. The property owner and/or landlord may provide limited seating on the Food Truck Court to customers of the Food Truck Vendor(s). Canopies for the protection of customers from the elements may also be provided by the property owner and/or landlord or the Food Truck Vendor(s). Such canopies shall be temporary, located within three feet of the Food Truck, not to exceed an area of one hundred and forty-four (144) square feet and shall be subject to approval by the City Manager.

I. A minimum distance of one hundred (100) feet shall be maintained between any Food Truck and the entrance to any permanent restaurant building.

J. The Food Truck shall not be located within any required setback, any sight distance triangle or required buffer. Access aisles sufficient to provide emergency access to any Food Truck shall be provided subject to approval by the Fire Marshall.

K. Sales of articles other than food shall be prohibited.

2. Kilns.

A. The total volume of kiln space shall not exceed twenty-four (24) cubic feet and no individual kiln shall exceed eight (8) cubic feet.

B. Kilns may be located outside, preferably in the back of the business if applicable. Outside kilns shall be set back a minimum of twenty-five (25) feet from any boundary common to property zoned residential or in residential use.

3. Street performers.

A. Street performers shall obtain a permit from the City of Forest Park.

B. Performers shall operate only in designated areas.

C. No street performer shall impede movement along a public sidewalk; a minimum sidewalk width of five feet, independent of the performance area, shall be maintained throughout any performance.

Sec. 8-8-55.8. Signs in Art & Entertainment District.

Signs with lights and movable elements that contribute to the unique character of the district shall be permitted. However, signage located in the underlying DM (Downtown Main Street) District should adhere to the design standards established for the Downtown Main Street District. All signs in the Arts & Entertainment District shall be subject to approval by the Planning Director or his/her designee upon the submission of a sign application, and any applicable documents and fees.

The purpose of this amendment is to create an Arts & Entertainment District to facilitate creation of an arts destination, sustain established arts and cultural uses and promote new arts and cultural uses. Incorporating the arts into the current entertainment district and expanding this overlay district into Starr Park and adjacent properties connects the fabric of the community to provide for a walkable place to live, work, play and have a good quality of life while generating an interest in downtown Forest Park. **Staff recommends Approval** of this text amendment.