

**CITY OF SOUTH FULTON, GEORGIA**  
**VIRTUAL - SPECIAL CALLED MEETING**  
**Monday, December 19, 2022, 2:00 PM**



---

**The Honorable khalid kamau, Mayor**  
**The Honorable Catherine F. Rowell, District 1 Councilmember**  
**The Honorable Carmalitha Gumbs , District 2 Councilmember**  
**The Honorable Helen Z. Willis, District 3 Councilmember**  
**The Honorable Jaceey Sebastian, District 4 Councilmember**  
**The Honorable Corey A. Reeves, District 5 Councilmember**  
**The Honorable Natasha Williams, District 6 Councilmember**  
**Vacant, District 7 Councilmember**

**SPECIAL CALLED MEETING AGENDA**

1. Meeting Called to Order - Mayor khalid
2. Roll Call - Corey Adams, City Clerk
3. Agenda Items
  1. Second Read and Request Council Approval of An Ordinance Amendment to the 2021 Comprehensive Plan and Future Land Use Map to Correct Errors and Omissions in the City's Comprehensive Plan (CDRA)
  2. Second Read and Request Council Approval of A Zoning Ordinance Text Amendments to update Short Term Rental and Rooming Houses Regulations (CDRA)
  3. A Resolution Approving The Lease Of Real Property Located At Or Near 6095 Boatrock Boulevard (Public Works)
4. Executive Session concerning Real Estate

*When an Executive Session is Required, one will be called for the following issues:*  
*1) Personnel, 2) Litigation or 3) Real Estate*
5. Adjournment of Meeting



# CITY OF SOUTH FULTON



## COUNCIL AGENDA ITEM

### COUNCIL SPECIAL MEETING

**SUBJECT:**

Second Read and Request Council Approval of An Ordinance Amendment to the 2021 Comprehensive Plan and Future Land Use Map to Correct Errors and Omissions in the City's Comprehensive Plan

**DATE OF MEETING:** 12/19/2022

**DEPARTMENT:** Planning

---

**ATTACHMENTS:**

| Description                                                                                    | Type       | Upload Date |
|------------------------------------------------------------------------------------------------|------------|-------------|
| Various changes text amendment Ordinance                                                       | Cover Memo | 12/18/2022  |
| City Initiated Text Amendment_Zoning Ordinance_Corrections_11_14_22_final                      | Cover Memo | 12/18/2022  |
| City Initiated Corrections to Future Land Use Map_12_13_22                                     | Cover Memo | 12/18/2022  |
| COSF Memorandum FIS City Initiated Corrections to Future Land Use Map Text Amendment Ordinance | Cover Memo | 12/18/2022  |

STATE OF GEORGIA  
COUNTY OF FULTON  
CITY OF SOUTH FULTON

ORD2022-\_\_\_\_\_

**AN ORDINANCE TO AMEND THE CITY OF SOUTH FULTON CODE OF ORDINANCES AND THE CITY OF SOUTH FULTON ZONING ORDINANCE FOR THE PURPOSE OF REGULATIONS RELATED TO OVERLAY DISTRICTS AND OTHER VARIOUS REGULATIONS; AND FOR OTHER LAWFUL PURPOSES.**

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

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

**WHEREAS**, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

**WHEREAS**, the Mayor and City Council of the City of South Fulton finds that this text amendment to the City of South Fulton Zoning Ordinance is in the best interest of the public health, safety, and welfare.

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

**Section 1.** To amend Article 2 Use of Land Section 202.06 - Overlay Districts and add Red Oak Overlay District to the Zoning Ordinance, to read as follows:

**Sec. 202.06. - Overlay districts.**

- (a) Cascade Corridor (Cascade) Overlay District
- (b) Cedar Grove Overlay District
- (c) Cedar Grove Agricultural Overlay District
- (d) Cliftondale Overlay District
- (e) Fulton Industrial Business District Overlay District
- (f) Old National Highway Overlay District
- (g) Red Oak Overlay District
- (h) Sandtown Overlay District
- (i) South Fulton Parkway Overlay District

**Section 2.** To amend Short Term Rental Sec. 12-3006 to read as follows:

“All complete applications shall be reviewed within 30 days of filing. Applications shall be approved or denied by the city manager and/or his/~~her~~ designee and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.”

**Section 3.** To amend Sec. 5-6002. - Meetings of the board, to read as follows:

“The zoning board of appeals may adopt its rules of procedure, subject to confirmation by the city council, and determine its time of meetings. The date and time of each meeting shall be standardized and regular; provided, however, the zoning board of appeals may call for and have a specially called meeting subject to the requirements of Georgia law. In the case of a specially called meeting, at least 24 hours public notice shall be made available. Agenda items to be considered shall be publicized in the same manner as meetings of the mayor and council. A meeting may be canceled by the chairperson, secretary or community development director or ~~his~~ designee if there are no matters to be acted upon by the board.”

**Section 4.** To amend Sec. 14-5010. - Expansion of facilities, to read as follows:

“No additional equipment shall be installed, substituted, or operated without first submitting plans therefor to the director of ~~planning and~~ community development **and regulatory affairs department** for his approval or rejection.”

**Section 5.** To amend Sec. 14-5011. - Removal of spillage on public highway, to read as follows:

“Whenever the ~~planning and~~ community development **and regulatory affairs department...**”

**Section 6.** To amend Sec. 14-4035. - Construction and inspection, to read as follows:

“(a) Prior to approval of the stormwater management plan, the permittee shall submit a proposed staged inspection and construction control schedule, which the **community development and regulatory affairs department** ~~of development services~~ shall either approve, disapprove, or modify.(b)No stage of work, related to the construction of stormwater management facilities or BMPs, shall proceed until the next preceding stage of work is inspected and approved.(c)Any portion of the work that does not comply with this chapter or with the stormwater management plan shall be promptly corrected by the permittee.(d)The permittee shall notify the director of **community development and**

**regulatory affairs department** ~~director of development services department~~ or his/her designee before commencing any work and upon completion of the work.(e)After commencing initial stormwater management operations, the permittee shall provide for regular biweekly inspection reports to be certified by a registered professional engineer at construction stages and provided to the **community development and regulatory affairs department.** ~~department of development services.~~

**Section 7.** To amend Sec. 5-6005. – Secretary, to read as follows:

“The community development ~~services~~ director, or his or her designee within community development services department,…”

**Section 8.** To amend Sec. 14-9002. - Intent and purpose, to read as follows:

“The purpose and intent of this chapter is to protect the city's surface water and groundwater supplies and resources. The surface water and groundwater protection regulations shall be used in conjunction with the city's plumbing codes, Soil and Erosion Control Ordinance, and stormwater and septic tank regulations to provide protection and conservation of the city's surface water and groundwater supplies and resources.”

**Section 9.** To amend Sec. 14-9003. – Definitions, to read as follows:

“Aquifer means any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well. Director means the director or his/her designee of the city's ~~department of community development services.~~ **community development and regulatory affairs department.**”

**Section 10.** To amend Sec. 404.07. - SH senior housing district, to read as follows.

“...(5) ~~Senior housing shall be 100 percent occupied by persons who are 62 years of age or older which shall be verified per Housing and Urban Development (HUD) regulations regarding verification of occupancy.~~ This requirement is not an enforceable condition and should be removed from the ordinance.”

(6) Agreements, covenants, declarations and other contracts which govern the use, maintenance, and protection of a SH development among its owners' areas shall be part of the official zoning file, and changes thereto shall have no force and effect until a copy has been provided to the Director of Community Development and Regulatory Affairs.

~~All SH developments shall have a mandatory agreement, covenant or contractual requirement that all sales or transfers of the property to subsequent owners shall be subject to the 100 percent occupancy requirement by residents aged 62 or older. This requirement is not an enforceable condition and should be removed from the ordinance.~~

Further, staff will analyze the legality of establishing a Zoning District for Senior Housing only and advise Council if the zoning district can remain as outlined in the code or if it should be deleted from the Zoning Ordinance.”

**Section 11.** **Section 3.** Amendments are shown with strikethrough to denote text to be deleted and **bold underline** to denote text to be added. Where new sections or paragraphs are added that change the numbering of existing sections or paragraphs, all references throughout the Ordinance will be updated accordingly.

**Section 12.** It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

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

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

**Section 13.** All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

**Section 14.** The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

**Section 15.** The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

**[signatures and voting tabulations appear on the following page]**

# GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES

CITY MANAGER

DEREK R. HULL

COMMUNITY DEVELOPMENT AND REGULATORY AFFAIRS  
DIRECTOR



## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Planning Division

**SUBJECT:** City Initiated Zoning Ordinance Text Amendments for Corrections and Clarifications.

**MEETING DATE:** November 14, 2022

**CC:** Corey Adams, City Clerk

---

## BACKGROUND

The City of South Fulton enacted the official Zoning Ordinance on December 8, 2020. The Ordinance was developed out of the general principles of the Fulton County Zoning Ordinance. The Community Development and Regulatory Affairs Department will bring forward recommendations to amend the Zoning Ordinance through text amendments for clarifications, corrections, and additions to the ordinance. Many of the text amendments provide further clarification to conflicting and sometimes confusing land use restrictions and development standards and may address trends related to changes in lifestyle preferences and to comply with federal and state laws.

The ordinance contains several sections that require corrections and clarification. Listed below are some general categories that CDRA staff

- Article 2 Use of Land Section 202.06 - Overlay Districts;
- Gender Neutral Language referencing City Manager and Community Development and Regulatory Affairs Director within the Zoning Ordinance;

- General corrections to the language of the Zoning Ordinance;
- Sec. 404. - Requirements Specific to Certain Zoning Districts Sec. 404.07. - SH senior housing district.

## ANALYSIS

To address the corrections and clarifications required for the Zoning Ordinance, staff has red lined the various sections of the code:

1. Amend Article 2 Use of Land Section 202.06 - Overlay Districts and add Red Oak Overlay District to the Zoning Ordinance. The establishment on this Overlay District was approved by City Council in Dec. 2021, but the code was never amendment to include the update.

### **Sec. 202.06. - Overlay districts.**

- (a) Cascade Corridor (Cascade) Overlay District
- (b) Cedar Grove Overlay District
- (c) Cedar Grove Agricultural Overlay District
- (d) Cliftondale Overlay District
- (e) Fulton Industrial Business District Overlay District
- (f) Old National Highway Overlay District
- (g) Red Oak Overlay District
- (h) Sandtown Overlay District
- (i) South Fulton Parkway Overlay District
- Short Term Rental Sec. 12-3006. – (Grant or denial of application)  
related to City Manager and His/**Her** Designee
- Sec. 5-6002. - Meetings of the board

The zoning board of appeals may adopt its rules of procedure, subject to confirmation by the city council, and determine its time of meetings. The date and time of each meeting shall be standardized and regular; provided, however, the zoning board of appeals may call for and have a specially called meeting subject to the requirements of Georgia law. In the case of a specially called meeting, at least 24 hours public notice shall be made available. Agenda items to be considered shall be publicized in the same manner as meetings of the mayor and council. A meeting may be canceled by the chairperson, secretary or community development director or **his** designee if there are no matters to be acted upon by the board.

- Sec. 14-5010. - Expansion of facilities. No additional equipment shall be installed, substituted, or operated without first submitting plans therefor to the director of ~~planning and~~ community development ~~and regulatory affairs department~~ for ~~his~~ approval or rejection.
- Sec. 14-5011. - Removal of spillage on public highway Whenever the ~~planning-and~~ community development ~~and regulatory affairs~~ department.
- Sec. 14-4035. - Construction and inspection.(a)Prior to approval of the stormwater management plan, the permittee shall submit a proposed staged inspection and construction control schedule, which the ~~community development and regulatory affairs department~~ ~~department-of-development-services~~ shall either approve, disapprove, or modify.(b)No stage of work, related to the construction of stormwater management facilities or BMPs, shall proceed until the next preceding stage of work is inspected and approved.(c)Any portion of the work that does not comply with this chapter or with the stormwater management plan shall be promptly corrected by the permittee.(d)The permittee shall notify the director of ~~community development and regulatory affairs department~~ ~~director-of-development-services-department~~ or his/her designee before commencing any work and upon completion of the work.(e)After commencing initial stormwater management operations, the permittee shall provide for regular biweekly inspection reports to be certified by a registered professional engineer at construction stages and provided to the ~~community development and regulatory affairs department.~~ ~~department-of-development-services.~~
- Sec. 5-6005. – Secretary The community development ~~services~~-director, or his or her designee within community development services department,
- Sec. 14-9002. - Intent and purpose.

The purpose and intent of this chapter is to protect the city's surface water and groundwater supplies and resources. The surface water and groundwater protection regulations shall be used in conjunction with the city's plumbing codes, Soil and Erosion Control Ordinance, and stormwater and septic tank regulations to provide protection and conservation of the city's surface water and groundwater supplies and resources.

(Ord. No. 2018-050, § 1, 11-27-2018)

- Sec. 14-9002. - Intent and purpose.  
The purpose and intent of this chapter is to protect the city's surface water and groundwater supplies and resources. The surface water and groundwater protection regulations shall be used in conjunction with the city's plumbing codes, Soil and Erosion Control Ordinance, and stormwater and septic tank regulations to provide protection and conservation of the city's surface water and groundwater supplies and resources.(Ord. No. 2018-050, § 1, 11-27-2018)

Sec. 14-9003. - Definitions.

Aquifer means any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well. Director means the director or his/her designee of the city's ~~department-of-community-development-services.~~ ~~community development and regulatory affairs department.~~

Sec. 404.07. - SH senior housing district.

- (5) ~~Senior housing shall be 100 percent occupied by persons who are 62 years of age or older which shall be verified per Housing and Urban Development (HUD) regulations regarding verification of occupancy.~~ This requirement is not an enforceable condition and should be removed from the ordinance.
- (6) Agreements, covenants, declarations and other contracts which govern the use, maintenance, and protection of a SH development among its owners' areas shall be part of the official zoning file, and changes thereto shall have no force and effect until a copy has been provided to the Director of Community Development and Regulatory Affairs.

~~All SH developments shall have a mandatory agreement, covenant or contractual requirement that all sales or transfers of the property to subsequent owners shall be subject to the 100 percent occupancy requirement by residents aged 62 or older.~~ This requirement is not an enforceable condition and should be removed from the ordinance.

Further, staff will analyze the legality of establishing a Zoning District for Senior Housing only and advise Council if the zoning district can remain as outlined in the code or if it should be deleted from the Zoning Ordinance.

## **STAFF RECOMMENDATIONS**

Staff recommends that Council approve the proposed Zoning Ordinance Text Amendments for corrections and clarifications.

## **PLANNING COMMISSION RECOMMENDATIONS:**

CDRA staff provided a discussion to the Planning Commission at the Oct. 26, 2022 meeting. In accordance with the City of South Fulton Zoning Ordinance public notice requirement, staff submitted a public notice of the upcoming Public Hearings for Planning Commission and City Council that included proposed changes to the Zoning Ordinance.

The Planning Commission will hold a virtual meeting on November 14, 2022, at 6:00 p.m. to discuss these and other text amendments to the Zoning Ordinance.

CDRA staff will prepare a staff report addendum to summarize the comments from the Planning Commission meeting on Nov. 14, 2022, and provide to Mayor and Council for the City Council meeting on November 15, 2022.

# GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES

CITY MANAGER

DEREK R. HULL

COMMUNITY DEVELOPMENT AND REGULATORY AFFAIRS  
DIRECTOR



## MEMORANDUM

**TO:** Planning Commission

**FROM:** Derek R. Hull, CDRA Director

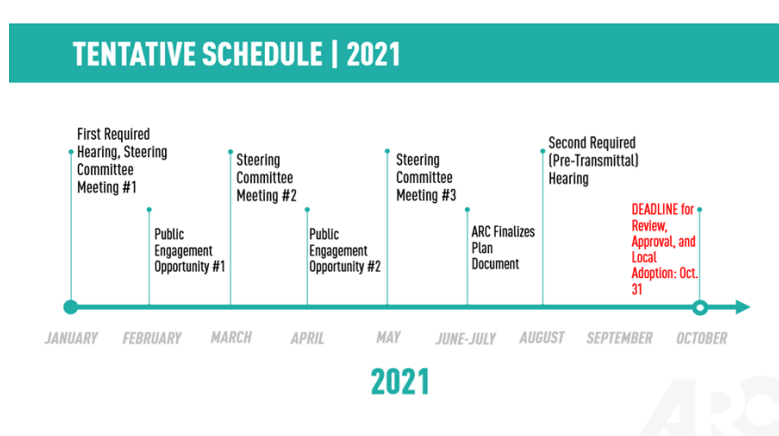
**SUBJECT:** City Initiated Corrections to Future Land Use Map in the City of South Fulton

**MEETING DATE:** December 13, 2022

**CC:** Corey Adams, City Clerk

## BACKGROUND

The City of South Fulton adopted the 2021 Comprehensive Plan in December 2021. The planning effort was led by the Atlanta Regional Commission (ARC) and afforded city stakeholders to participate in outreach events. The schedule below outlined the tentative Comp. Plan schedule.

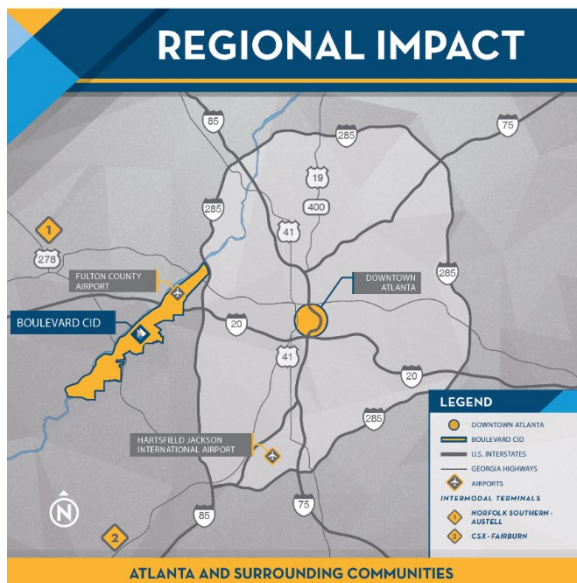


While the Comprehensive Plan was adopted by City Council, it has been determined that the Plan contained some errors, omissions, and incorrect land use designations that require reconsideration.

The Community Development and Regulatory Affairs Department will bring forward recommendations to amend the Comprehensive Plan language, policy recommendations and Land Use Map when it has been determined to be in error. The Commercial Center Land Use designation was done in error during the preparation of the Comprehensive Plan and staff has provided an analysis of the proposed revision of the Future Land Use map to correct the error.

## ANALYSIS

The Fulton Industrial Boulevard (FIB) corridor is considered one of the largest industrial and manufacturing areas in the United States. It is home to several Fortune 100 Companies (manufacturing and warehouse operations) and the area is considered a major employment center for metro Atlanta. Illustrations below highlight the significance of FIB to the area.



### The Largest Industrial District in the Eastern U.S.

The Fulton Industrial Boulevard area represents one of the largest concentrations of industrial space and employment in the Atlanta region. The major industrial employment sectors are Manufacturing, Wholesale Trade, Transportation/Warehousing and Food and Beverage industry cluster.

**\$2.4 Billion**

ANNUAL DISTRICT PAYROLL

**1,000**

BUSINESSES

**28,000**

EMPLOYEES

**4,800**

ACRES OF LAND

Source: Fulton Industrial Boulevard Improvement District

During the update to the Comprehensive Plan of 2021, most land use designations provided to areas along FIB respected existing industrial uses. The primary land use designation for FIB was Industrial Zone, particularly for parcels that display frontage along the boulevard itself; however, one area of particular interest that is located near Kendall Park Lane and FIB (Parcel ID# Parcel 14F01137 LL0184) was designated as **Commercial Center**.

The 2021 COSF Comprehensive Plan envisions Commercial Centers to provide opportunities for commercial development in areas that should not contain residential uses which would be recommended in the Live-Work Character areas. The Commercial Center Character Area is designed to be used as a buffer between residential and industrial uses. These areas should also provide neighborhood services such as health care, banks, and small shopping centers, including grocery stores. New developments within the Commercial Center Character Area should be

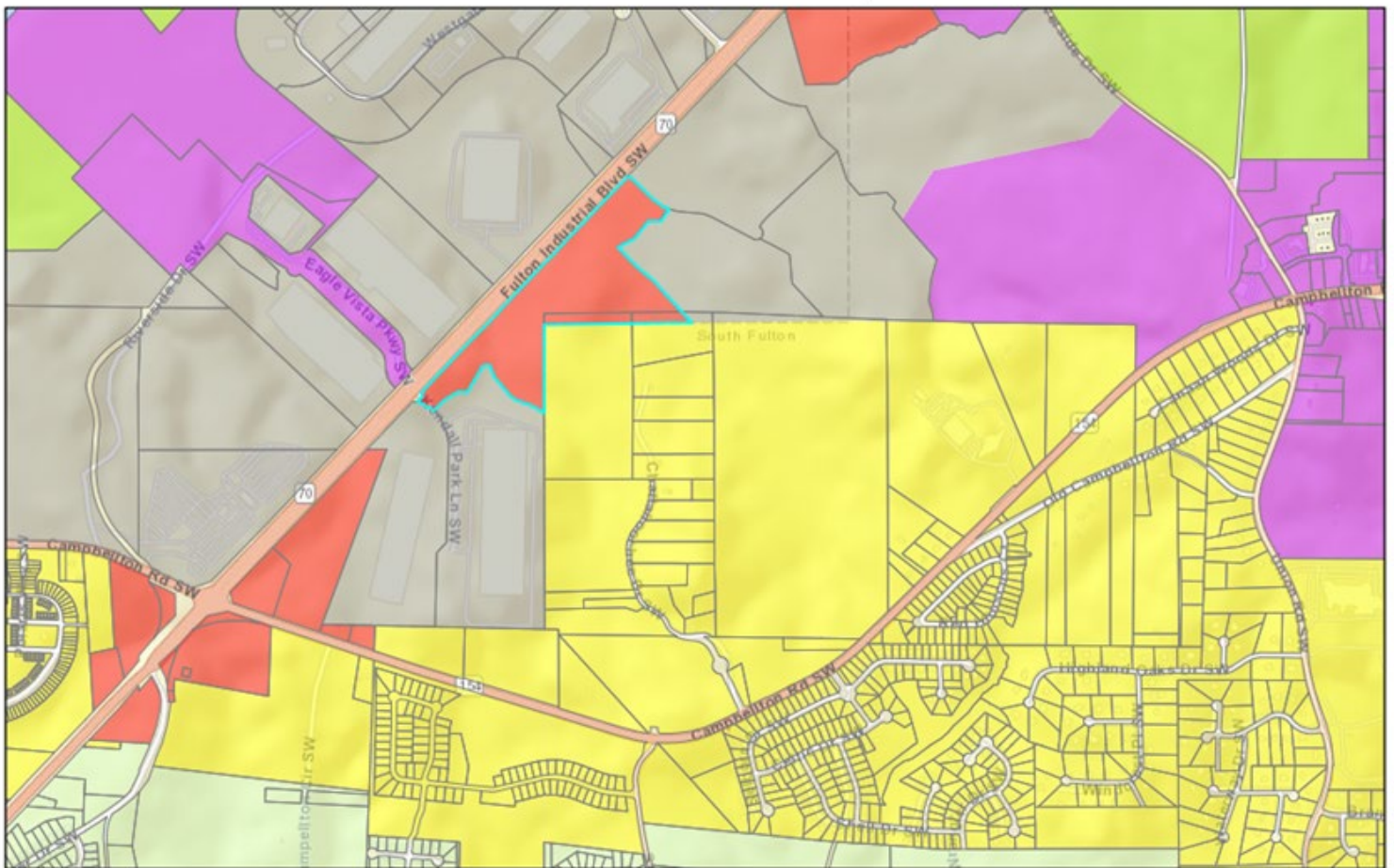
designed in a walkable nature with shared parking, and streetscapes, with multi-modal transportation options.

The parcels near Kendall Park Lane are surrounded by Industrial Zone Land Use designations to the north, south, east and west. It would be inconceivable to permit any use other than industrial uses given the heavy industrial activities near the parcels. Exhibit A highlights the current land use designation for this area of FIB.

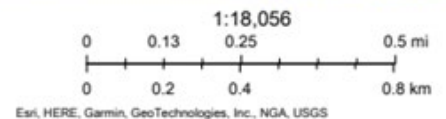
### Exhibit A

#### 2021 Comprehensive Plan Land Use Designation along FIB

#### COSF ArcGIS Web Map



8/19/2022, 10:36:03 AM



Web AppBuilder for ArcGIS  
City of South Fulton, GA

The areas highlighted in light grey were given Industrial Zone Land Use designations on each parcel. It is possible though highly unlikely that this area could support neighborhood services such as health care, banks, and small shopping centers, including grocery stores, but these uses are incompatible with existing heavy industrial uses surrounding the area. Within this area, the City has witnessed some residential uses encroaching too close to industrial uses and these conflicts illustrate the need to support traditional industrial uses and land use designations along FIB.

### **STAFF RECOMMENDATIONS**

Staff recommends updating the 2021 Comprehensive Plan Future Land Use Map for Parcel ID #-14F01137 LLo184 (located near Kendall Park Lane and FIB) from Commercial Center to Industrial Zone, given the location of heavy intensive industrial uses around the parcel. The Commercial Center Land Use designation was done in error during the preparation of the Comprehensive Plan.

### **PLANNING COMMISSION RECOMMENDATIONS**

Planning Commission considered the project at the December 7, 2022 meeting and approved the Change in the Future Land Use Map for the attached parcel.

# GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES  
CITY MANGER



Karen Slaton-Dixon  
FINANCE DIRECTOR

## MEMORANDUM

**TO:** Corey Adams, City Clerk

**FROM:** Karen Slaton-Dixon, Finance Director *KSD*

**DATE:** December 12, 2022

**SUBJECT:** City Initiated Corrections to Future Land Use Map Text Amendment Ordinance

### CONCLUSION

No direct funds are being requested nor have any direct funds been allocated in the FY23 budget to cover any known expenses.

### BACKGROUND

The city desires to amend the City of South Fulton Code of Ordinances and the City of South Fulton Zoning Ordinance for the purpose of regulations related to overlay districts and other various regulations.

### FINANCIAL IMPACT

The ordinance as written would not have a financial impact on the FY23 budget.



# CITY OF SOUTH FULTON



## COUNCIL AGENDA ITEM

### COUNCIL SPECIAL MEETING

**SUBJECT:** Second Read and Request Council Approval of A Zoning Ordinance Text Amendments to update Short Term Rental and Rooming Houses Regulations

**DATE OF MEETING:** 12/19/2022

**DEPARTMENT:** Planning

---

#### ATTACHMENTS:

| Description                                                             | Type       | Upload Date |
|-------------------------------------------------------------------------|------------|-------------|
| Short Term Rental Text Amendment Ordinance                              | Cover Memo | 12/18/2022  |
| City Initiated Text Amendment_Short_Term_Rental_Rooming Houses_12_13_22 | Cover Memo | 12/18/2022  |
| COSF Memorandum FIS Short Term Rental Text Amendment Ordinance          | Cover Memo | 12/18/2022  |

**AN ORDINANCE TO AMEND THE CITY OF SOUTH FULTON CITY CODE AND THE CITY OF SOUTH FULTON ZONING ORDINANCE FOR THE PURPOSE OF AMENDING VARIOUS REGULATIONS RELATED TO SHORT TERM RENTALS; AND FOR OTHER LAWFUL PURPOSES.**

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

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

**WHEREAS**, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

**WHEREAS**, the Mayor and City Council of the City of South Fulton finds that this text amendment to the City of South Fulton Zoning Ordinance is in the best interest of the public health, safety, and welfare.

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

**Section 1.** To amend Chapter 3. - SHORT-TERM RENTALS of Title 12 of the Code of Ordinances City of South Fulton, GA and add Rooming Houses to all sections and apply all applicable criteria and standards related to regulations and enforcement.

**Section 2.** To Allow Short-Term Rental uses in the following Zoning Districts: AG-1, R-1 and R-2 (larger lot coverage areas) and R-6, TR, A, A-L and CUP that are similar in character to Multifamily Rental Dwellings to regulate the number of occupants.

**Section 3.** To allow Rooming Housing uses in the following Zoning Districts: TR, A, A-L, and CUP that are similar in character to Multifamily Rental Dwellings to regulate the number of occupants.

**Section 4.** To require Special Use Permit for all Short-Term Rental and Rooming House uses to allow for the examination of potential impacts, assess and impose building and safety provisions for occupants, and provide conditions to mitigate impacts created by increased occupancy levels and allow for annual license renewal after obtaining an approved Special Use Permit.

**Section 5.** To require property inspections every two (2) years to ensure that appropriate development standards (fire safety provisions, business license permits, parking and other provisions) have been maintained and updated.

**Section 6.** To remove Sec. 12-3006 and Sec. 12-3007. G- SHORT-TERM RENTALS- of Title 12 of the Code of Ordinances City of South Fulton, GA, Grant or Denial of application, and require uses to be permitted with a Special Use Permit and all the applicable requirements that govern such permit as outlined in the City of Fulton Zoning Ordinance.

**Section 7.** To amend Chapter 3. - SHORT-TERM RENTALS of Title 12 of the Code of Ordinances City of South Fulton, GA, (d) Expiration and renewal, to include the revised language:

“All legally established and new Short-Term Rental and Rooming Housing uses that have been approved by a Special Use Permit, are permitted to renew licenses annually. shall expire on December 30 of the year approved, with the exception that original applications filed in 2018, upon approval, shall be valid through December 30, 2019. A request to renew a Short-Term Rental or Rooming House license shall be filed on renewal forms to be supplied by the city and accompanied by a \$200.00 nonrefundable renewal fee. A applicant Business Owner with a current license or an approved Special Use Permit who files a renewal application by December 15 of the year which the license is set to expire may continue operations until the renewal licensed is approved or denied.”

**Section 8.** It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

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

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

**Section 9.** All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

**Section 10.** The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

**Section 11.** The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

**[signatures and voting tabulations appear on the following page]**

# GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES

CITY MANAGER

DEREK R. HULL

COMMUNITY DEVELOPMENT AND REGULATORY AFFAIRS  
DIRECTOR



## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Planning Division

**SUBJECT:** City Initiated Zoning Ordinance Text Amendments for Short-Term Rental and Rooming Houses

**MEETING DATE:** December 13, 2022

**CC:** Corey Adams, City Clerk

---

## BACKGROUND

The City of South Fulton enacted the official Zoning Ordinance on December 8, 2020. The Ordinance was developed out of the general principles of the Fulton County Zoning Ordinance. The City, to its credit, has implemented several text amendments to ensure the ordinance addresses local land use conditions that may otherwise be overlooked at a county or regional level.

The Community Development and Regulatory Affairs Department will bring forward recommendations to amend the Zoning Ordinance through text amendments for clarifications, corrections, and additions to the ordinance. Many of the text amendments provide further clarification to conflicting and sometimes confusing land use restrictions and development standards and may address trends related to changes in lifestyle preferences and to comply with federal and state laws.

Due to the changing composition of housing units and with increasing concerns related to safety, compatibility and use intensity, the City has undertaken several text amendments to further regulate Short-Term Rental and Rooming Housing uses.

The COSF Zoning Ordinance offers the following definitions related to Short-Term Rental and Rooming Houses:

As defined in Title 12 Licenses, Permits and Business Regulation, Chapter 3, entitled Short-Term Rentals:

Sec. 12-3001. - Intent; purpose.

It is the purpose of this chapter to protect the public health, safety and general welfare of individuals and the city at-large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rental units; and to implement regulations to protect the integrity of the city's neighborhoods.

**Short-Term Rental** means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a **period of time not to exceed 30 consecutive days**. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude hotels/motels with the capacity to provide separately enclosed sleeping accommodations for more than 30 separate renters at a time, group residences and guest houses.

**Rooming Housing** is classified in Sec. 3-3003. - Multifamily rental housing Sec. 3-3003.1. – Definitions

*Multifamily rental dwelling* is any structure, building, or other facility containing four or so more multifamily rental units that is leased to a tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, **rooming houses**, group homes, and flats.

*Multifamily rental unit* means **any one area, room**, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease, or under terms of joint and severable liability.

A **Rooming House** as defined in ARTICLE 9. – GLOSSARY of the Codes of South Fulton Sec. 904.18. - R. is a residential use other than a hotel or motel in which lodging may be provided to **non-household members for periods of 30 days or longer**, and which does not include the provision of meals.

Within the City of South Fulton, Rooming Housing were only permitted in A-1 Apartment Dwelling Zoning District through a Special Use Permit (SUP). Although A-1 is no longer a valid Zoning District, the intent of permitting this use was to review each application through the lens of a multifamily dwelling. In short, Rooming Houses were treated like apartments based on occupancy load, where you could have a large number of residents living in one residence.

## ANALYSIS

A review of the current Zoning Ordinance Use Table Sec. 207.06. - allows for Short-Term Rental as a permitted use in all Residential Zoning Districts. Although the City has specific guidelines for regulating Short-Term Rental, the ordinance does not specify the maximum occupancy load and this can pose unintended consequences related to building classification type, safety, parking, neighborhood character, and enforcement. In this instance, single-family housing units can take

on the character of multifamily developments if the occupancy exceeds a certain level; moreover, with the turnover rate of residents based on the 30-day maximum occupancy provisions, Short-Term Rentals provide a constant flow of new occupants similar to that of a hotel and this might heighten concerns of safety in established neighborhoods.

Unlike Short-Term Rental, Rooming Housing uses allow for longer occupancies. The code allows for occupants of a Rooming House to reside for 30 days or longer. Currently the City does not have any Zoning Districts which permit Rooming Housing uses since the A-1 (Apartments) Zoning District has become inactive. This can and has potentially created a number of illegal uses across the City if the current ordinance is not updated to provide regulations and oversight to this popular “shared housing” concept. Additionally, Rooming Housing uses are hard to track because they appear to be single-family homes from the outside, but many properties have undergone extensive, interior remodeling to convert living areas (living rooms, dens, game rooms, and family rooms) into sleeping quarters. These new sleeping quarters are rented out to long-term tenants through lease agreements and memberships, increasing the occupancy load higher than what was anticipated at the time of permitting and issuance of the Certificate of Occupancy.

To address the growing interests in shared housing concepts, CDRA is offering the following text amendments to better regulate Short-Term Rental and Rooming Housing uses. The intent of the text amendments is to ensure the public health, safety and general welfare when considering these types of uses and to regulate such uses through long-term and enforceable conditions

#### **STAFF RECOMMENDATIONS**

- Amend Chapter 3. - SHORT-TERM RENTALS of Title 12 of the Code of Ordinances City of South Fulton, GA and add Rooming Houses to all sections and apply all applicable criteria and standards related to regulations and enforcement;
- Allow Short-Term Rental uses in the following Zoning Districts: AG-1, R-1 and R-2 (larger lot coverage areas) and R-6, TR, A, A-L and CUP that are similar in character to Multifamily Rental Dwellings to regulate the number of occupants;
- Allow Rooming Housing uses in the following Zoning Districts: TR, A, A-L, and CUP that are similar in character to Multifamily Rental Dwellings to regulate the number of occupants;
- Require Special Use Permit for all Short-Term Rental and Rooming House uses to allow for the examination of potential impacts, assess and impose building and safety provisions for occupants, and provide conditions to mitigate impacts created by increased occupancy levels and allow for annual license renewal after obtaining an approved Special Use Permit;
- Require property inspections every two (2) years to ensure that appropriate development standards (fire safety provisions, business license permits, parking and other provisions) have been maintained and updated;
- Remove Sec. 12-3006 and Sec. 12-3007. G- SHORT-TERM RENTALS- of Title 12 of the Code of Ordinances City of South Fulton, GA **Grant or Denial** of application and require uses to be permitted with a Special Use Permit and all the applicable requirements that govern such permit as outlined in the City of Fulton Zoning Ordinance.

- Amend Chapter 3. - SHORT-TERM RENTALS of Title 12 of the Code of Ordinances City of South Fulton, GA (d)Expiration and renewal to include the revised language: All legally established and new Short-Term Rental and Rooming Housing uses that have been approved by a Special Use Permit, are permitted to renew licenses annually. ~~shall expire on December 30 of the year approved, with the exception that original applications filed in 2018, upon approval, shall be valid through December 30, 2019.~~ A request to renew a Short-Term Rental or Rooming House license shall be filed on renewal forms to be supplied by the city and accompanied by a \$200.00 nonrefundable renewal fee. A ~~applicant~~ Business Owner with a current license or an approved Special Use Permit who files a renewal application by December 15 of the year which the license is set to expire may continue operations until the renewal licensed is approved or denied.

#### **PLANNING COMMISSION RECOMMENDATIONS:**

CDRA staff provided a discussion to the Planning Commission at the Oct. 26, 2022 meeting. In accordance with the City of South Fulton Zoning Ordinance public notice requirement, staff submitted a public notice of the upcoming Public Hearings at Planning Commission and City Council that included proposed changes for Short-Term Rental and Rooming Houses.

The Planning Commission held a virtual meeting on December 7, 2022 at 6:00 p.m. to discuss the proposed text amendments to the Zoning Ordinance.

# GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES  
CITY MANGER



Karen Slaton-Dixon  
FINANCE DIRECTOR

## MEMORANDUM

**TO:** Corey Adams, City Clerk  
**FROM:** Karen Slaton-Dixon, Finance Director *KSD*  
**DATE:** December 12, 2022  
**SUBJECT:** Short Term Rental Text Amendment Ordinance

---

### CONCLUSION

No direct funds are being requested nor have any direct funds been allocated in the FY23 budget to cover any known expenses.

### BACKGROUND

The city desires to amend the City of South Fulton City Code and the City of South Fulton Zoning Ordinance for the purpose of amending various regulations related to Short Term Rentals.

### FINANCIAL IMPACT

The ordinance as written would potential have a positive financial impact on the FY23 budget, with a minimal increase in revenue.



# CITY OF SOUTH FULTON



## COUNCIL AGENDA ITEM

### COUNCIL SPECIAL MEETING

**SUBJECT:** A Resolution Approving The Lease Of Real Property Located At Or Near  
6095 Boatrock Boulevard

**DATE OF MEETING:** 12/19/2022

**DEPARTMENT:** City Manager

---

#### ATTACHMENTS:

| Description                                                            | Type       | Upload Date |
|------------------------------------------------------------------------|------------|-------------|
| Res2022 Resolution Approving Lease of Real Property<br>(Boatrock Road) | Cover Memo | 12/18/2022  |

STATE OF GEORGIA  
COUNTY OF FULTON  
CITY OF SOUTH FULTON

RES2022-XXX

**A RESOLUTION APPROVING THE LEASE OF REAL PROPERTY LOCATED AT OR  
NEAR 6095 BOATROCK BOULEVARD, AND FOR OTHER PURPOSES**

**WHEREAS**, the City of South Fulton, Georgia ("City") is a municipal corporation duly organized and existing under its Charter and the laws of the State of Georgia, and

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

**WHEREAS**, the City is authorized to acquire, hold, or lease any real, personal, or mixed property in fee simple or lesser interest (See § 1.12 (b)(7) and (21)); and

**WHEREAS**, the city manager is the chief administrative officer of the city with the responsibility of administering all of the city affairs placed in the city manager's charge by or under the Charter - § 3.25; and

**WHEREAS**, the City desires to lease real property (i.e., warehouse space) consisting of approximately 33,123 rentable square feet located at or near 6095 Boatrock Blvd, Atlanta, GA 30336 (the subject "Premises"); and

**WHEREAS**, the City, pursuant to Section 3.22 (b) (4), authorizes the Mayor to sign and execute all written and approved contracts, ordinances, resolutions, and other instruments on behalf of the City. The City Council, however, may also delegate contract signing authority to the city manager to the extent allowed by law; and

**WHEREAS**, this Resolution is in the best interests of the general welfare of the City and its employees and residents.

**THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES**  
as follows:

**Section 1.** The City finds that the attached lease of the subject Premises would be in furtherance of legitimate governmental purposes by providing necessary space for government operations, personnel and/or equipment.

**Section 2.** The City Manager is authorized to do all things necessary or appropriate to effectuate the purposes and intent of this Resolution, that is, to facilitate, implement and/or execute all necessary documents to effectuate the least between the City and Landlord, which may include, but is not limited to the assistance or input from any department head, employee and/or City Attorney, as deemed necessary.

**Section 3.** The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing, codification, and supplementation purposes.

**Section 4.** All resolutions, or parts thereof, that conflict with this Resolution are, to the extent of such conflict, hereby repealed.

**Section 5.** Severability. To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

**Section 6.** The effective date of this Resolution shall be from the date of adoption, unless provided otherwise by the City Charter or state and/or federal law.

**[signatures and voting tabulations appear on the following page]**