

STAFF REPORT-Text Amendment

Planning Commission

Public Hearing Date: November 16, 2023

City Council Meeting: December 4, 2023

Case: TA-2023-05

Proposed Request: Text Amendment to Article A: Definitions and Article B: Zoning Districts, Overly Districts, and Design Guidelines Established;

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

Staff Recommendation: Approval to amend Zoning Ordinance

PROPOSED TEXT AMENDMENTS

1. The Planning & Community Development Department is proposing multiple text amendments to the Zoning Ordinance related to transportation services and uses. Case TA-2023-05 includes an amendment providing an addition to Sec. 8-3-3 Definitions, and amendments to permitted and conditional use permits in Section 8-8-40 (General Commercial); Section 8-8-44 (Light Industrial); and Section 8-8-84 (Limitations on Certain Businesses).

BACKGROUND

The Planning & Community Development Department has discovered that Title 8, Section 8 of the current Zoning Ordinance does not adequately address the use of certain transportation businesses, such as taxi and limousine services, taxi and limousine dispatch and storage service, and ambulance services. The requested 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 are proposed:

2. An amendment to Section 8-3-3 Definitions, adding Ambulance, Ambulance Services, Driver, Taxicab, Taxicab Service, limousine, limousine service, Taxi, and limousine dispatcher.
3. An amendment to Section 8-8-40 General Commercial Zoning District to add ambulance, ambulance services, driver, taxicab, taxicab services, limousine, limousine service and taxi and limousine dispatch & storage as a conditional use.
4. An amendment to Section 8-8-44 (Light Industrial) to add ambulance, ambulance services, taxi, taxi services, limousine, limousine service3s and taxi and limousine dispatch & storage as permitted uses.
5. An amendment to Section 8-8-84 (g) to include ambulance services, taxicab services, limousine services, taxicab, and limousine dispatch as businesses with space limitations.
6. An amendment to Section 8-8-84 to add two new subsections, (N) and (O) to provide limitations on the number of vehicles such businesses may have on site and vehicle storage of such businesses in light industrial districts.

The current zoning ordinance was very vague in where such businesses were allowed per the zoning districts. This update creates better clarity of where such businesses are allowed in the city. Any applicant will still have to adhere to all licensing and regulations as required in state law (O.C.G.A. § 40-1-190 et. seq.).

Section 8-3-3 Definitions

1. **Ambulance** is a vehicle specially equipped for taking sick or injured people to and from the hospital, especially in emergencies.
2. **Ambulance services**-services provided by a licensed ambulance provider on the ground or air transportation of a sick or injured person in a specially designed and equipped vehicle which includes a trained ambulance attendant who is licensed or certified as required by state law.
3. **Driver** means the operator of a taxicab.
4. **Limousine** a large, chauffeur-driven luxury vehicle usually with a partition between the driver compartment and the passenger compartment used to transport passengers in return for payment, typically more luxurious than a taxicab and without a taximeter.
5. **Limousine dispatcher**-schedules and dispatch workers and service workers for conveyance of passengers, while providing exceptional customer service for external and internal customers.
6. **Limousine Service** shall mean a service whereby a vehicle is held out for hire, including the services of the driver of said vehicle, for purposes of traveling from one destination to another for a specified fee, or is contracted for or engaged on an hourly basis.
7. **Taxicab** is hereby defined to be a motor vehicle or similar vehicle operated for hire, used to transport passengers, uses a taximeter, and is authorized to provide taxicab services pursuant to this chapter.
8. **Taxi Dispatcher**- is a person designated to send cabs off to customers and keep records of all road-service calls. They may stay in touch with the drivers by phone, computer, or two-way radio, and help drivers with problems and answer their questions.
9. **Taxicab services** means the act of picking up passengers in the incorporated limits of the city, and accepting or soliciting any consideration, charge or fee which is determined by agreement, by mileage, by the length of time the vehicle is used or by contract for the use of any taxicab.

In an effort to clearly define the use of noted transportation businesses in zoning districts in the city, ambulance services, taxicab services, limousine service, and taxicab and limousine dispatch will be allowed as a Conditional Use in the General Commercial (GC) District as follows.

Section 8-8-40 General Commercial (GC) District

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.

The provisions that regulate this land use district should promote an appropriate mixture of retail, personal service, dining, and entertainment uses that will allow for improved vehicular circulation and pedestrian movements.

The following uses shall be permitted as a Conditional Use in the General Commercial District

Permitted Uses

Retail and Business Uses

- Any use permitted in the institutional commercial (IC) district
- Antique shops, provided that there is no outdoor display or storage

- Automobile broker
- Automobile gasoline sales
- Automobile rental and leasing facilities
- Automobile sales (new dealerships)
- Automobile minor service/repair
- Automobile wash/wax centers
- Building and lumber supply establishments, providing that there is not outside storage of materials or equipment
- Catering establishments
- Colleges, universities, and vocational technical schools
- Commercial parking garages and lots
- Commuter transit, such as bus and train
- Fitness centers, gyms, yoga studios, and similar group instruction
- Funeral home/mortuary establishments
- Furniture sales and showrooms
- Hotels
- Indoor recreation, including bowling alleys, pool rooms, electronic gaming machines, and other similar activities
- Museums and art galleries
- Mystic/spiritual readings and shops
- Night club, dance club, tavern, and similar establishments
- Package stores
- Palm readers/psychics/fortune tellers
- Pet shops having no outside kennels
- Private school K-12
- Professional/business schools and colleges or other private schools offered for profit
- Restaurants and other dining establishments with or without a drive-through configuration
- Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
- Sporting field and complexes
- Stationary, office supply, and equipment stores
- Tattoo parlors and piercing studios
- Theaters, assembly halls, concert hall, or similar places of assembly when conducted completely within enclosed building
- Trade shops, including electrical plumbing, heating/cooling, and roofing/siding, having no outside storage
- Vape and tobacco shops
- Veterinary clinics

Public/Institutional

- Municipal, county, state or federal buildings
- Public school K-12

Conditional Uses

Retail and Business Uses

- Ambulance Services (* vehicle limitation)
- Auction galleries

- Automobile sales (used dealerships)
- Flea Market
- Limousine services (*vehicle limitation)
- Outdoor amusement enterprises, including carnivals, bazaars, miniature golf, and batting cages
- Mini-warehouses and storage buildings
- Night club, dance club, tavern and similar establishments
- Pawn shop
- Places of assembly
- Places of Worship
- Secondhand stores, including apparel, music, movies, gaming, and books
- Taxicab services (*vehicle limitation)
- Taxicab and limousine dispatch (without vehicle storage)

In an effort to clearly define the use of noted transportation businesses in zoning districts in the city, ambulance services, taxicab services, limousine service, and taxicab and dispatch shall be allowed as a Permitted Use in Light Industrial (LI) District as follows.

Section 8-8-44 Light Industrial (LI) District

The intent of the LI district is to allow a land use category for assembly, warehousing, wholesale activities, and other industrial operations. The provisions that regulate this land use district should make the district compatible with Hartsfield-Jackson Atlanta International Airport, the State Farmers Market, the City's Commercial Districts, and environmentally sensitive areas.

This district should be used in combination with the GC district in areas with convenient access to the interstates and other major transportation routes.

Permitted Uses

Industrial and Warehousing

- Agricultural implementation and equipment establishments
- Ambulance Services
- Auto engine, body repair, and undercoating shops when completely enclosed
- Automobile rental and leasing facilities
- Automobile, truck, or trailer repair facilities
- Breweries and distilleries
- Building materials and lumber supply establishments
- Commercial parking garages and lots
- Computer and data processing services
- Gasoline service stations and truck stops
- Greenhouses and nurseries, including landscaping services
- Limousine services
- Manufacturing, compounding, processing, or assembling food or consumer goods
- Mini-warehouses and storage
- Newspaper and printing plants
- Nonprofit fraternal organizations and clubs
- Offices and administrative facilities

- Public utilities such as electric substations, storage of materials and trucks, repair facilities, offices and electric.
generating plants
- Recreational vehicle/boat sales and service
- Repair, reconditioning, and manufacturing
- Research, experimental, testing laboratories, blood plasma centers, blood banks, similar blood products and/or donation centers
- Taxicab services
- Taxicab and limousine dispatch (with vehicle storage)
- Truck, trailer, tractor sales and service
- Towing, wrecking, and impound service
- Tractor and trailer parking and storage
- Trade shops, including electrical, plumbing, heating/cooling, and roofing
- Trade/industrial/vocational schools
- Wholesale business, warehouse, distribution, trucking terminal, and similar non processing storage and
distribution uses

Public/Institutional

- Municipal, county, state, or federal buildings

Communications/Utilities

- Utility substation
- Water tower

Conditional Uses

Retail and Business Uses

- Bowling alley, billiard hall, indoor archery and firearm range, indoor tennis courts, indoor skating rink, or similar
forms of indoor commercial recreation
- Automobile sales
- Places of assembly
- Places of worship

Communications/Utilities

- Wireless telecommunications
- #### Accessory Uses

- Gate and security buildings
- Outdoor storage

To avoid an over-concentration of ambulance service, limousine services, taxicab services, and limousine and taxicab service dispatch, it is necessary to establish spacing requirements to the list of businesses currently in Section 8-8-84 (G).

Section 8-8-84 Limitations on Certain Businesses

Amend Section 8-8-84 (G) Spacing. This code section shall apply to the following types of businesses:

(g) Spacing. This Code section shall apply to the following types of businesses:

- (1) Hair salons and barbershops;
- (2) Nail salons;
- (3) Tire shops;
- (4) Pawn, title lending and cash for title shops;
- (5) Vapor shops and smoke shops;
- (6) Thrift stores and consignment shops;
- (7) Auto and truck repair shops (except that the spacing limitations shall not apply to such shops within the light industrial or heavy industrial zoning districts);
- (8) Appliances shops;
- (9) Tattoo shops;
- (10) Ambulance services;
- (11) Taxicab Services;
- (12) Limousine services;
- (13) Taxicab and limousine dispatch; and
- (14) Small box discount stores as defined in section 8-8-84(i).

Add new subsections (N) and (O) to Section 8-8-84 as follows.

(N) Ambulance services, limousine services, and taxicab services shall have no more than three (3) business vehicles on the premises of the business during hours of operation. Vehicles should be parked behind or on the side of the business facility when vehicles are not in use.

(O) Taxicab and limousine dispatch with vehicle storage is only allowed in Light Industrial districts, and vehicles should be parked in an orderly manner in secured, fenced area.

Staff recommends **Approval** of the proposed text amendment to the identified code sections of the Zoning Ordinance.