

**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.