

**AN ORDINANCE TO AMEND CHAPTER 80, ZONING, IN ORDER TO ADD ARTICLE XVI SPECIAL EVENT VENUE, SECTION 80-497 THROUGH SECTION 80-502; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

**Whereas**, zoning ordinance amendments are important in order to continue the realization of the vision, goal and policies set forth by Staff and the community in the most recent Comprehensive Land Use Plan update;

**Whereas**, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing on the text amendment to the zoning ordinance was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 8th of November, 2021; and

**Whereas**, in accordance with the requirements of the Zoning Ordinance, the Planning and Zoning Commission of the City of Fairburn has forwarded its recommendation to the Mayor and City Council that the amendment to Chapter 80, in order to add Article XVI Special Event Venue – Section 80-497 through Section 80-502, be approved to allow special event venues within specific zoning districts, including the commercial and agricultural zoning districts; and

**Whereas**, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, the Mayor and Council of the City of Fairburn have conducted a properly advertised hearing on the proposed amendment to the Zoning Ordinance of the City of Fairburn, Georgia; and

**Whereas**, after the aforementioned public hearing, the Mayor and Council have determined that adoption of the amendment to Chapter 80, in order to add Article XVI – Special Event Venue, Section 80-497 through Section 80-502, is necessary in order to provide a permitting process and regulation of Special Event venues within the City of Fairburn; and

**Whereas**, the Mayor and Council of the City of Fairburn have determined that adoption of the amendment to Chapter 80, in order to add Article XVI – Special Event Venue, Section 80-497 through Section 80-502 would be in the best interests of the residents, property owners, businesses and citizens of the City of Fairburn; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and City Council of the City of Fairburn, Georgia, and it is hereby ordained by the authority of same that Chapter 80. Zoning in order to add Article XVI Special Event Venue, Section 80-497 through

**Section 80-502 be amended in the Fairburn Zoning Ordinance as depicted in Exhibit A attached hereto:**

Section 1. Adoption of the following attached as Exhibit A.

**1. Article XVI – Special Event Venue, Section 80- 497 – Section 80-502**

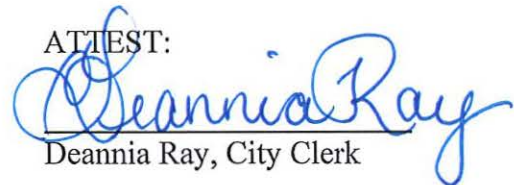
Section 2. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section. 3. This Ordinance shall become effective on the 8th day of November, 2021.

Section 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

APPROVED this 8th day of November, 2021, by the Mayor and Council of the City of Fairburn, Georgia.

  
Elizabeth Carr-Hurst, Mayor

ATTEST:  
  
Deannia Ray, City Clerk

APPROVED AS TO FORM:

  
William R. (Randy) Turner, City Attorney

## **ARTICLE XVI SPECIAL EVENT VENUES**

**Sec. 80-497. Intent.** This section establishes a permit process and standards for the development and operation of special event venues. These provisions are necessary to reduce impacts to surrounding properties so that special event facilities do not result in incompatible land use.

### **Sec. 80-498. Definition.**

Special Event Venue - A special event venue is a place of public assembly used for commercial events. Special event venues are subject to a use agreement between a private group or individual and the venue owner. The venue owner may or may not charge a fee for the use of the venue. Venues may operate entirely within a structure, outside of a structure, or both inside and outside a structure.

**Sec. 80-499 Applicability.** Special event venues are permitted in the following districts: AG (Agriculture), O&I (Office Institutional), C-2 (General Commercial), M-1 (Light Industrial), and M-2 (Heavy Industrial). This section does not apply to the special event permit process provided in Sec. 80-179.

- (a) Special event venues can be a principal or accessory use. Special event venues in an agricultural district that are accessory to the site's principal use shall not substantially change the character of the primary use of the property.

**Sec. 80-500. Permit Process.** All special event venues as described under this section require the approval of a special event venue permit by the Planning and Zoning Director or his/her designee.

- (a) The special event permit application shall include a site plan, description of all uses, an exhibit map showing the location and distance of the venue to the closest surrounding sensitive receptors such as single-family residences and other housing types, management plan, traffic plan and shall comply with the special event facility standards set forth.
- (b) Event Management Plan - Owner/operator shall maintain an event management plan that includes but is not limited to, a site plan, arrangements for emergency (fire, police, medical) services, arrangements for waste disposal services, name and contact information for the property owner and the event operator, and other information as may be required by the Planning and Zoning staff to ensure events are operated safely and with minimal impact on nearby property owners and uses. A copy of the event management plan shall be provided to the Planning and Zoning office and must always be available for an on-site inspection.
- (c) Traffic Plan - The special event permit application shall include a traffic management plan. The traffic management plan shall include the following requirements and standards:
  - (1) A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back-up or block

easements, City roads, intersections, or private driveways. All ingress/egress and parking areas shall be located in such a manner to minimize traffic hazards associated with entering and exiting the public roadway.

- (2) The location of all temporary directional signs on driveways entrance and within parking lots to ensure orderly flow of traffic. Temporary directional signs shall be placed prior to the event and removed at least three hours at the conclusion of the event. Signs should not be placed in the right-of-way.
- (3) Adequate ingress and egress shall be provided for all emergency vehicles to the satisfaction of the Fairburn Fire and Police Department [Article II Sec.56-26, Temporary and emergency parking restrictions]. Temporary or emergency parking restrictions may be established and posted by order of the City Engineer, Fire Chief, or Police Chief. Violations of such restrictions shall be subject to the enforcement and impoundment provisions of Sec.56-25: Impounding of Vehicles.

**Sec. 80-501. Standards.** Special event venues shall follow the operation and development standards at all times.

- (a) Noise Control - Noise standards shall be regulated in accordance with Article XI -Noise. For evaluating conformance with the standards of this section, noise levels shall be measured in accordance with Article XI- Noise.

- (b) Setbacks - The following setbacks shall be maintained at all times:

- (1) If an adjoining parcel has a residence, then all structures or activities associated with the special event shall be located at least 75 feet from the property line that adjoins a residence.
- (2) All temporary structures such as tents, stages, and dance floors shall abide by all setbacks, and their use must be identified in the management plan.

- (c) Parking requirements - On-site parking shall be provided according with the Section 80-337 Off-street parking requirements (the larger of 1 space for each 4 seats, one space for each 25 square feet of floor area available for chairs in the largest assembly room, or one space for every 150 square feet of gross floor area. Parking shall also comply with Article IX. Off Street-parking, Loading and Landscape Requirement, Sections 80-326 to 80-364.

- (d) Music/Entertainment - Music or entertainment shall not be the primary purpose of the special event and always shall be secondary and customary to the primary purpose of the Special Event. For example, music and dancing may be secondary to a wedding reception, but a concert, play, or stage performance is not permitted.

- (e) Lighting - All lighting shall comply with the following requirements:

- (1) All outdoor lighting associated with the special event shall be turned off within 2 hours after the special event ends.

(2) Outdoor lighting shall be located, shielded, and directed such that no direct light falls outside the property line or into the public right-of-way.

(f) Signage - All signs shall conform to the requirements in Article XII – Sign Regulations.

(g) Neighborhood Notification – Special event facilities shall post a schedule of future events to their website, or an annual/seasonal schedule of future events shall be mailed to all neighbors within 1,200 feet at least two weeks prior to the beginning of the event year or season. The schedule shall show days planned for events, hours of operation, and include a phone number for inquiries.

(h) Structures - Structures shall meet Fire Code standards and shall be inspected by the Fire Marshall and Building Inspector prior to occupancy.

(i) Alcohol Beverages - The consumption of alcoholic beverages on premises is subject to Sec. 8-21 Permitted locations for private functions at which alcoholic beverages are served; sales prohibited.

**Sec. 80-502 Permit Revocation or Modification.** The permit for a special event venue may be revoked or can be subject to approval with conditions. The City of Fairburn Police Department, in its discretion, may stop an event that has been issued a permit and/or may issue citations where event staff or participants violate other City ordinances, terms, or conditions specified in the application, and including but not limited to traffic rules and regulations, disturbing the peace, public nuisance, failure to disperse, trespass, or other health and safety regulations.