
MEMORANDUM



TO: Planning Commission

FROM: Jason Thompson, Director
Department of Planning & Development

DATE: April 26, 2016

CASE NO.: #ZOA 16-01

RE: Zoning Ordinance Text Amendment for Consumer Fireworks Retail Sales Facilities and Consumer Fireworks Retail Sales Stands

On January 25, 2016 the Mayor and Council approved RES 2016-01 to provide for a moratorium on the acceptance of applications or issuance of any permits involving the sale or distribution of consumer fireworks in the City to await the changes to the State's Consumer Fireworks ordinance and to allow the Planning Department to conduct a study to investigate necessary changes to the Municipal Code of Snellville and Zoning Ordinance. On April 11th the Mayor and Council approved RES 2016-04 extending the moratorium until June 30, 2016. The Mayor and Council is expected to consider the proposed amendment on May 9th (1st reading) and May 23rd for public hearing and adoption.

HB 727 has been approved by both sides of the Georgia Assembly and is awaiting Governor Deal's signature. HB 727 is amending the previous consumer fireworks legislation that became law in 2015.

In an effort to allow distributors of consumer fireworks sufficient time to prepare for the upcoming July 4th Holiday, Planning Department staff has prepared a Zoning Ordinance text amendment to regulate the location of these uses including standards for certain locations. The proposed text amendment includes prohibiting consumer fireworks retail sales facilities, but not consumer fireworks retail sales stands, within the Town Center Overlay District.

Any person, firm, corporation, association or partnership seeking a permit from the City for a consumer fireworks retail sales facility or consumer fireworks retail sales stand must first obtain a license from the Safety Fire Commissioner of the State of Georgia.

After review of HB 727, we have modified the zoning ordinance to obtain common definitions used by the State for these types of facilities. The proposed text amendment affects several sections of the Zoning Ordinance, which are highlighted below:

- Definitions added that are consistent with State regulations.
- Consumer fireworks retail sales facilities (standalone and those within multi-tenant centers) are prohibited within the Town Center Overlay District. However, consumer fireworks retail sales stands shall be allowed in the Town Center Overlay District as a temporary use, subject to the Temporary Use Permit requirements of Sec. 9.9(1)(D) of the Zoning Ordinance.

MEMORANDUM (cont.)

RE: #ZOA 16-01

April 26, 2016

Page 2

- Consumer fireworks retail sales stands shall be allowed as a temporary use within the zoning districts that allowed the retail fireworks tent sales in the past. HB 727 prohibits consumer fireworks retail sales from any tent, canopy, or membrane structure; therefore, these temporary sales events will now be in stands as defined by NFPA 1124.
- Single-tenant/user standalone consumer firework retail sales facilities shall be allowed as a principal permitted use in the BG (General Business) District, but only within the Corridor Overlay District provided:
 - (a) Property is located within the Corridor Overlay District boundary.
 - (1) Exception may be made as a Special Use upon receiving Special Use Permit approval by the Mayor and Council, after receiving recommendations by the Planning Department and Planning Commission, and after a public hearing.
 - (b) Not to exceed more than one (1) location per State licensed distributor within the City.
 - (c) No consumer fireworks retail sales facility (in a single-tenant/user standalone building) shall be permitted or operated within 1,500 feet of any standalone consumer fireworks retail sales facility. For purposes of this requirement, distance shall be measured by the most direct route of travel on ground and shall be measured in the following manner:
 - (1) From the main entrance of the proposed consumer fireworks retail sales facility (located in a single-tenant/user standalone building);
 - (2) In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - (3) Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - (4) To the main entrance of the existing establishment identified above.
- And, consumer fireworks retail sales facilities shall be allowed as a principal permitted use in the BG (General Business) District within multi-tenant shopping centers containing three or more tenant spaces provided:
 - a. The leased tenant space for the consumer fireworks retail sales facility does not exceed 5,000 sq. ft.
 - b. The property shall meet the City's off-street parking requirements for all existing and new uses.
 - c. Applicant must permit conforming non-temporary wall signage for the building storefront for the duration of the lease period.

MEMORANDUM (cont.)

RE: #ZOA 16-01

April 26, 2016

Page 3

The proposed text amendment will allow these uses the opportunity to occupy some of the vacant buildings and tenant spaces that exist today along the Highway 78 commercial corridor, while offering protection within the Town Center Overlay District.

And, by limiting the size of tenant spaces to not exceed 5,000 sq. ft., this will eliminate any negative effect of having this type of use in a traditional shopping center with three or more total tenants. The temporary sales of consumer fireworks will continue as before with the temporary use permit requirements regulating seasonal sales.

Attachments:

- House Bill 727 (as passed by the Georgia House and Senate and awaiting the Governor's signature)
- RES 2016-01, Fireworks Moratorium
- RES 2016-04, Fireworks Moratorium (extension)
- Proposed Amendments:
 - Sec. 6.2, Definitions
 - Sec. 7.1, Accessory Uses
 - Sec. 9.2, Uses Common to All Residential Districts
 - Sec. 9.7, CI (Civic Institution) District
 - Sec. 9.9, BN (Neighborhood Business) District
 - Sec. 9.10, BG (General Business) District
 - Sec. 9.15, Town Center Overlay District