

1 STATE OF GEORGIA  
2 COUNTY OF FULTON  
3 CITY OF SOUTH FULTON  
4

5 RESOLUTION NO. 2019-010

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7 A RESOLUTION OF THE CITY OF SOUTH FULTON OPPOSING HOUSE BILL 302,  
8 PREEMPTION OF LOCAL BUILDING DESIGN STANDARDS AND SENATE BILL  
9 172, BUILDINGS AND HOUSING AND LOCAL GOVERNMENT AND FOR OTHER  
10 LAWFUL PURPOSES  
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12 (Sponsored by Councilpersons Willis and Gumbs)

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

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

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19 WHEREAS, SB 172 and HB 302, which would prohibit local governments from  
20 regulating "building design elements" in single or double family dwellings, will both likely  
21 negatively impact economic development efforts and harm competitiveness;

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23 WHEREAS, appropriate local design standards and land use policies create a  
24 diverse, stable, profitable and sustainable residential development landscape;

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26 WHEREAS, HB 302 is a bill that would undermine self-determination of citizens  
27 to establish community standards as illustrated by the following:

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- 29 • Municipal and county officials are elected in part to make decisions about the  
30 look and feel of their communities, which fosters economic development,  
31 preserves the character of communities; and
  - 32 • Municipalities and counties use design standards to ensure that the property  
33 values of surrounding property owners remain protected from incompatible  
34 development; and
  - 35 • HB 302 would severely erode the ability of all 538 Georgia cities and 159  
36 counties to address unique and community-specific quality of life issues.

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38 WHEREAS, county and municipal governments use building design standards to  
39 protect property values, attract high quality builders, and block incompatible  
40 development;

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42 WHEREAS, building design standards assure residents and business owners  
43 that their investments will be protected, and that others who come behind them will be  
44 equally committed to quality;

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46       **WHEREAS**, local governments spend a large amount of resources studying,  
47 surveying, crafting, and defining their vision and development strategies, and design  
48 standards are an integral part of those endeavors to attract residents, businesses, and  
49 the much-coveted trained workforce;

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51       **WHEREAS**, development and redevelopment efforts should reflect the  
52 community and its vision while simultaneously creating a sense of place;

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54       **WHEREAS**, county and municipal government officials are elected to make  
55 decisions about the look and feel of their communities, and HB 302 would transfer that  
56 power from duly-elected local leaders to outside groups with little to no stake in the  
57 future or success of Georgia's municipalities, including real estate developers and  
58 homebuilders;

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60       **WHEREAS**, building design standards neither discourage nor favor affordable  
61 housing, nor prevent the availability of certain housing types, as supporters of HB 302  
62 purport;

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64       **WHEREAS**, local governments should have the ability to provide more affordable  
65 housing options without sacrificing their unique character or threatening economic  
66 growth;

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68       **WHEREAS**, although historic districts are protected in HB 302, which indicates  
69 an understanding that standards do in fact make sense, downtown overlays or other  
70 similar special zoning districts are not;

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72       **WHEREAS**, local governments should be empowered to enforce building design  
73 standards to make today's thriving downtown tomorrow's historic district;

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75       **WHEREAS**, by limiting local governments' ability to enforce building design  
76 standards in single/double family dwellings, HB 302 negatively impact's quality-of-life  
77 issues, including economic growth and the safety and welfare of Georgia citizens; and  
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79       **WHEREAS**, this Resolution in opposition to HB 302 and SB 172, is in the best  
80 interests of the health and general welfare of the City, its residents and general public.

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82       **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL** as  
83 follows:

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85       **Section 1.** **THE CITY COUNCIL HEREBY VOICES ITS OPPOSITION TO:**

- 86       **a. HB 302, PREEMPTION OF LOCAL BUILDING DESIGN STANDARDS; and**  
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88       **b. SB 172, BUILDINGS AND HOUSING AND LOCAL GOVERNMENT.**

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**Section 2.** It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution 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, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution 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 Resolution.

**Section 3.** All Resolutions and parts of Resolutions in conflict herewith are hereby expressly repealed.

**Section 4.** The effective date of this Resolution shall be the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

**Section 5. Instruction to City Clerk and City Communications Director.** The City Clerk is hereby instructed to provide a copy of this Resolution to the City Communications Director. The City Communications Director shall cause for it to be delivered to members of the South Fulton Local Delegation and made available for distribution to the public and the press.

134 The foregoing **RESOLUTION No. 2019-010**, adopted on **February 26, 2019** was  
135 offered by Councilmember **Willis**, who moved its approval. The motion was seconded  
136 by Councilmember **Rowell**, and being put to a vote, the result was as follows:

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NAY

William "Bill" Edwards, Mayor

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Mark Baker, Mayor Pro Tem

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Catherine Foster Rowell

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Carmalitha Lizandra Gumbs

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Helen Zenobia Willis

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Gertrude Naeema Gilyard

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Rosie Jackson

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151 THIS RESOLUTION adopted this 26<sup>th</sup> day of February 2019. CITY OF SOUTH  
152 FULTON, GEORGIA.  
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160 WILLIAM "BILL" EDWARDS, MAYOR  
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167 ATTEST:

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170 S. DIANE WHITE, CITY CLERK  
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174 ITEM# Res 2019-010 DATE 2/26/2019  
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178 APPROVED AS TO FORM:

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181 EMILIA C. WALKER, CITY ATTORNEY  
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