

Mayor and Council Work Session

700 Doug Davis Drive
Hapeville, GA 30354

July 16, 2019 6:00PM

Agenda

1. Call To Order

2. Roll Call

Mayor Alan Hallman
Alderman Mike Rast
Councilman at Large Travis Horsley
Councilman Ward I Mark Adams
Councilman Ward II Chloe Alexander

3. Welcome

4. Presentations

4.I. Recognition Of Baseball And Softball Teams By Tod Nichols

Background:

In recognition of our six teams that competed in the championship games of their respective baseball and softball leagues. We finished with three champions and three runner ups. We also had a 12 year old baseball team that finished third in the Georgia Recreation and Parks Association State Tournament.

4.II. Volta Charging Stations Presentation By Tiffany Foxx

Background:

Volta is an advertisement-based free-for-end-user electric car charging station. It is the world's only network to offer free charger installation while delivering free miles to drivers. Councilman Horsley has invited Volta to present their innovative model and explore potential locations in the downtown corridor.

5. Public Hearing

5.I. Consideration On Rezoning Request For The Property Located At 0 Porsche Drive

Background:

Porsche Cars North America, Inc. is requesting approval to rezone the properties located at 0 Porsche Drive on land lot 96 of the 14th District, Parcel Identification Numbers 14 0096 LL 0593, 14 0096 LL0601, 14 0096 LL0619 from U-V, Urban Village to B-P, Business Park for the purpose of constructing an auto service center and future development.

The Planning Commission considered this item on July 9, 2019 and recommended the Mayor and Council approve the rezoning request. Staff supported their recommendation.

Staff Comments:

Applicant Comments:

Public Comments:

Documents:

[0 PORSCHE DRIVE - REZONING APPLICATION.PDF](#)
[PLANNERS REPORT 0 PORSCHE REZONING_ \(002\).PDF](#)
[SUMMARY MINUTES - 07-09-2019.PDF](#)

5.II. Consideration On Zoning Map Text Amendment - 1st Reading
Background:

The City is initiating a zoning map amendment for Parcel ID 14 0096 LL0627, owned by the Development Authority of the City of Hapeville and 14 0096 LL0544, owned by the City of Atlanta, from U-V, Urban Village to B-P, Business Park. The land is presently a hotel (2 Porsche Drive) and vacant land (0 Porsche Drive).

The Planning Commission considered this item on July 9, 2019 and recommended the Mayor and Council approve the zoning map amendment. Staff supported their recommendation.

Staff Comments:

Applicant Comments:

Public Comments:

Documents:

[ORDINANCE TO AMEND ZONING MAP.PDF](#)
[PLANNERS REPORT B-P REZONING CITY INITIATED.PDF](#)
[PROPOSED - HAPEVILLE ZONING MAP AMENDMENT.PDF](#)

5.III. Consideration On U-V Text Amendment - 1st Reading

Background:

Consideration to amend Chapter 93 (Zoning), Section 93-11.2-3 (Permitted uses) to update the U-V Zone permitted uses.

The Planning Commission considered this item on June 13, 2019 and recommended the Mayor and Council approve the text amendment. Staff supported their recommendation.

Staff Comments:

Applicant Comments:

Public Comments:

Documents:

[ORDINANCE TO AMEND U-V ZONE \(RESEARCH AND DEVELOPMENT FACILITIES\).PDF](#)
[PLANNERS REPORT TEXT AMENDMENT U-V ZONING RESEARCH AND DEVELOPMENT.PDF](#)
[MINUTES 6-13-2019.PDF](#)

5.IV. Consideration And Action On Accessory Dwelling Unit Text Amendment - 2nd Reading

Background:

Consideration and action to amend Chapter 93 (Zoning), Section 93-2-5 (Accessory uses) for the purpose of creating Chapter 93 (Zoning), Section 93-2-26 (Accessory Dwelling Units).

The Planning Commission considered this item on April 9, 2019 and recommended the Mayor and Council approve the text amendment with proposed changes. Staff supported their recommendation.

Staff Comments:
Applicant Comments:
Public Comments:

Documents:

[ORDINANCE - TEXT AMENDMENT ADU.PDF](#)
[MINUTES - 4-9-2019.PDF](#)
[PLANNERS REPORT ACCESSORY DWELLING UNIT CODE SECTIONS.PDF](#)

5.V. Consideration And Action On Zoning Hearing Procedure Ordinance Amendment - 2nd Reading

Background:

Consideration and action to amend Chapter 93 (Zoning), Section 93-25-8 (Amendment to Conditions) for procedures for removing or modifying any conditional requirement of an approved rezoning matter, a non-text amendment, special use permit, or special exception to allow for a streamlined process.

Staff Comments:
Applicant Comments:
Public Comments:

Documents:

[ORDINANCE TO AMEND ZONING HEARING PROCEDURE.PDF](#)

6. Questions On Agenda Items

The public is encouraged to communicate their questions, concerns, and suggestions during Public Comments. The Council does listen to your concerns and will have Staff follow-up on any questions you raise. Any and all comments should be addressed to the Governing Body, not to the general public and delivered in a civil manner in keeping with common courtesy and decorum.

7. Old Business

7.I. Consideration And Action On Transient Merchant Ordinance - 2nd Reading

Background:

Attached is the Transient Merchant Ordinance for a second reading and action. This ordinance focuses on the person or entity who sets up or displays merchandise for sale outside of a building on any lot where the person or entity does not also lawfully conduct business regularly in a building located on that lot.

Documents:

[ORDINANCE - TRANSIENT MERCHANT.PDF](#)

7.II. Consideration And Action On Rules And Procedures Of Mayor And Council Text Amendment - 2nd Reading

Background:

Consideration and action on an amendment to Chapter 2 (Administration), Section 2-2-5 (Rules and Procedures of Mayor and Council) for the regulation of City Council meetings.

Documents:

[ORDINANCE - RULES FOR ORDER AMENDMENT FOR ZONING.PDF](#)

7.III. Consideration And Action On Hotel Occupancy Tax Ordinance Amendment - 2nd Reading

Background:

After legal review of the City's Hotel Occupancy Tax ordinance, there was an issue with a reference to law. The state law referenced under the "tax" definition only allows for the City to collect a 7% excise tax. Legal has changed the reference to reflect the 8% tax that the City currently collects.

Attached is the revised ordinance for a second reading and action.

Documents:

[ORDINANCE - HOTEL OCCUPANCY TAX.PDF](#)

7.IV. Consideration And Action On City Manager Signing Authority Ordinance - 2nd Reading
Background:

On June 18, Council discussed increasing the City Manager's signing authority up to \$10,000. Attached is the ordinance for a second reading and Council's consideration and action.

Documents:

[ORDINANCE - CITY MANAGER SIGNING AUTHORITY.PDF](#)

8. New Business

8.I. Consideration And Action On Sale Of Municipal Property Ordinance - 1st Reading
Background:

Attached for Council's consideration is an ordinance to allow the City of Hapeville sell and convey parcels of narrow strips of land pursuant to O.C.G.A. 36-37-6(g) by creating section 66-1-12 (conveyance of narrow strips of land).

Staff respectfully requests Council to waive first reading.

Documents:

[ORDINANCE - SALE OF MUNICIPAL PROPERTY.PDF](#)

8.II. Consideration On Designation Of Traffic Engineer And ResponsibilitiesText Amendment - 1st Reading

Background:

Consideration to amend Chapter 41 (Traffic and Motor Vehicles), Section 41-1-6 (Designation of traffic engineer; responsibilities) of the City Code of Ordinances to update the language to allow for an alternate decision-making body for matters relating to the traffic engineer. The City Manager is suggesting to modify the current ordinance to allow for Council to make decisions regarding traffic and motor vehicles, if need be, and to allow for consistency with decisions that may be made by Council in the future.

Attached for consideration and discussion is the draft ordinance.

Documents:

[ORDINANCE - TRAFFIC ENGINEER.PDF](#)

8.III. Consideration And Action On Approving An Amount Not To Exceed \$ 14,500 For Paving Of The School Student Loading Area On Scout Street.

Background:

The section of pavement on Scout Street that is used as the pick zone for school children is failing and needs new asphalt. We have received one bid from Mullins Brothers in the amount of \$ 14,500. The other bids have not been received at this time. Upon receipt of other bids, staff requests permission to award lowest responsible bid to complete paving. Funding for this will come from TSPLOST.

9. City Manager Report

10. Public Comments

Members of the public wishing to speak shall sign in with the City Clerk prior to the start of the meeting. Time limitations for Registered Comments are three (3) minutes per person. The total Registered Comment session shall not last more than fifteen (15) minutes unless extended by Council. Each member of the public, who fails to sign up with the City Clerk prior to the start of the meeting, wishing to address Mayor and Council shall have a total of two (2) minutes. The entire general comment session for Unregistered Comments shall not last more than ten (10) minutes unless extended by Council.

11. Mayor And Council Comments

12. Executive Session

When Executive Session is Required one will be called for the following issues: 1) Litigation O.C.G.A. §50-14-2; 2) Real Estate O.C.G.A. §50-14-3(b)(1); or 3) Personnel O.C.G.A. §50-14-3(b)(2).

13. Adjourn

Public involvement and citizen engagement is welcome as Hapeville operates a very open, accessible and transparent government. We do however remind our attendees/residents that there are times allocated for public comments on the agenda. In order for council to conduct their necessary business at each meeting, we respectfully ask that side-bar conversations and comments be reserved for the appropriate time during the meeting. This will allow the City Council to conduct the business at hand and afford our meeting attendees ample time for comments at the appropriate time during the meeting.

19-PC-07-15

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
REZONING APPLICATION**

Name of Applicant Porsche Cars North America, Inc.

Mailing Address c/o The Galloway Law Group, 3500 Lenox Rd., Suite 760, Atlanta GA

Telephone 404-965-3680 Mobile# _____

Email laurel@glawgp.com

Property Owner (s) Porsche Cars North America, Inc. c/o Paula Kelly

Mailing Address 1 Porsche Drive, Atlanta, Georgia 30354

Telephone 770-290-3833 Mobile# _____

Address/Location of Property: 0 X Porsche Drive

Parcel ID #: 14 0096 LL0593, LL0601, LL0619

Square Foot of Property approx 1,457,299 sf Acres approx 33.455 acres

Present Zoning Classification U-V Proposed Zoning Classification B-P

Present Land Use undeveloped

Proposed Land Use auto service center and future development area

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

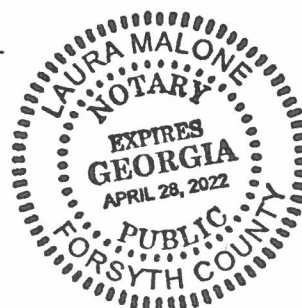
Paula Campbell Kelly
Applicant's signature

Date: June 12, 2019

Sworn to and subscribed before me

This 12th day of June, 2019.

Laura Malone
Notary Public



CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
REZONING APPLICATION

LETTER OF INTENT

In detail, provide a summary of the proposed project in the space provided below. Include the proposed use of each existing or proposed building, and the proposed land use.

Porsche proposes to rezone the Subject Property to Business Park, which is more in keeping with the proposed and potential future development in support of Porsche's national headquarters. As part of the rezoning, Porsche proposes a state of the art auto service center and repair facility on a portion of the Subject Property. The proposed facility will be associated with Porsche's adjacent office headquarters, which is greater than 200,000 square feet and is part of Porsche's corporate campus concept. Although located in another jurisdiction (City of Atlanta), the office is immediately adjacent to the proposed B-P zoning district. The proposed service center and repair facility will be operated as a joint venture by two reputable and regionally recognized automotive companies. Future development plans for the remainder of the Subject Property have not yet been finalized but will support Porsche's corporate campus and will be compatible with adjacent and nearby land uses.

What are the reasons the property cannot be used in accordance with the existing regulations?

The existing zoning of U-V contemplated a mixed-use village of various retail, restaurant, multifamily, office, hotel and other uses. The vision for the future development of the Subject Property changed when Porsche relocated its North American Headquarters to approximately 20 acres of adjacent property within the Atlanta city limits. Future development will be more in keeping with a corporate business park rather than a mixed-use project with residential uses. Therefore, the rezoning of the Subject Property to B-P is appropriate.

Will the proposed zoning change create an isolated zoning district that is unrelated to adjacent and nearby districts? Yes _____ No NO

If so, why should this property be placed in a different zoning district than all adjoining property?

Adjoining properties are related to the Subject Property as they together form Porsche's corporate campus. Although, the Subject Property will be zoned to a different district than these adjoining properties, the proposed uses will be related to and compatible with adjacent and nearby office and other uses.

How would the proposed zoning change impact on public facilities and services?

The use of the Subject Property as proposed will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools. It will not overly burden the water or sewer system or any other utilities that serve the site. In addition, the proposed rezoning is compatible with development that is allowed by FAA regulations that pertain to the Subject Property.

What environmental impacts would the proposed project have?

The Applicant is unaware of any potential environmental impacts. The proposed use will meet all local, state and federal environmental protection regulations that pertain to auto service and repair facilities.

Describe the effect the proposed zoning request will have on the adjacent properties and how it will impact the character of the neighborhood.

The proposed rezoning area is in close proximity to the expanded airport runways. As a result, allowed uses are limited by FAA regulations. The proposed corporate campus is not only an ideal use for the Subject Property, but it will have a positive impact on economic development in the City of Hapeville.

Are there any proffered conditions you would like to apply to and be made part of this application for rezoning? Yes_____No NO

Please list any written proffered conditions below.

Any development and site plans or other demonstrative materials presented as proffered conditions shall be referenced below and attached to this application as follows: (Please include a date or other identifiable information of each piece of material attached)

N/A

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
REZONING APPLICATION**

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I HAVE THE AUTHORITY TO SIGN ON BEHALF OF THE OWNER OF:

☒ Porsche Drive (tax parcel numbers 14 0096 LL0593, LL0601, LL0619)

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF A REZONING FOR THE PROPERTY.

Name of Applicant Porsche Cars North America, Inc. c/o The Galloway Law Group

Address of Applicant 1 Porsche Drive, Atlanta, Georgia 30354

Telephone of Applicant 404-965-3680

Paula Campbell Kelly

Signature of Owner

PAULA CAMPBELL KELLY, ASS'T SECRETARY

Print Name of Owner

on behalf of Porsche Cars North America, Inc.

Personally Appeared Before Me this 12 day of June, 2019.

Laura Malone
Notary Public



CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
REZONING APPLICATION

Date _____

AUTHORIZATION OF ATTORNEY

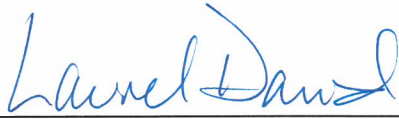
THIS SERVES TO CERTIFY THAT AS AN ATTORNEY-AT-LAW, I HAVE BEEN AUTHORIZED BY THE OWNER(S) TO FILE THE ATTACHED APPLICATION FOR REZONING OF THE PROPERTY LOCATED AT:

0 Porsche Drive (tax parcel numbers 14 0096 LL0593, LL0601, LL0619)

City of Hapeville, County of Fulton, State of Georgia

Name of Attorney
Laurel David (bar no. 206505)

William Woodson Galloway (bar no. 283080)

 **Bar No.**

Address
The Galloway Law Group, 3500 Lenox Rd., Suite 760

Atlanta, GA 30326

Telephone
404-965-3680

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
REZONING APPLICATION**

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS & GIFTS

Application filed on _____, 20____ for action by the City Council on the following requested rezoning: from U-V to B-P

Address to be rezoned: 01 Porsche Drive (tax parcel numbers 14 0096 LL0593, LL0601, LL0619)

All individuals, business entities or other organizations having a property or other interest in said property that is subject of this application are as follows:

The undersigned below, making application for Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided.

Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250 or more to a member of the Hapeville City Council? ____Yes ____No

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date of Contribution (Within last 2 years)

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

PORSCHE CARS NORTH AMERICA, INC.
Signature of Applicant

PAULA CAMPBELL KELLY
Type or Print Name and Title

Paula Campbell Kelly
Signature of Applicant's Representative

ASSISTANT SECRETARY
Type or Print Name and Title

Laura Malone 6-12-19
Signature of Notary Public Date



CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
REZONING APPLICATION

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS & GIFTS

Application filed on _____, 20____for action by the City Council on the following requested rezoning: _____
from U-V to B-P

Address to be rezoned: 9 Porsche Drive (tax parcel numbers 14 0096 LL0593, LL0601, LL0619)

All individuals, business entities or other organizations having a property or other interest in said property that is subject of this application are as follows:
Porsche Cars North America, Inc.

The undersigned below, making application for Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on this form as provided.

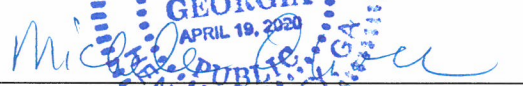
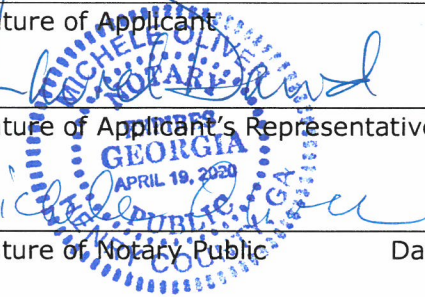
Have you as applicant or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250 or more to a member of the Hapeville City Council? ____Yes ____NO No

If YES, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date of Contribution (Within last 2 years)

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

NA
Signature of Applicant

Signature of Applicant's Representative

Signature of Notary Public _____ Date _____


N/A
Type or Print Name and Title
Laurel David (bar no. 206505)
Type or Print Name and Title
for The Galloway Law Group, LLC
(Affix Raised Seal Here)

PORSCHÉ TRACT III

ALL THAT TRACT OF LAND LYING AND BEING IN LAND LOT 96 OF THE 14TH DISTRICT, FULTON COUNTY (CITY OF HAPEVILLE), GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A NAIL SET ON THE SOUTHWESTERLY RIGHT OF WAY OF PORSCHÉ AVENUE (FORMERLY KNOWN AS HENRY FORD II AVENUE AND HAVING A VARIABLE WIDTH RIGHT OF WAY) AT ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF PORSCHÉ DRIVE (HAVING A VARIABLE WIDTH RIGHT OF WAY); THENCE RUNNING ALONG THE SOUTHWESTERLY RIGHT OF WAY OF PORSCHÉ AVENUE THE FOLLOWING COURSES AND DISTANCES: ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 606.88 FEET (SAID CURVE HAVING A RADIUS OF 2437.76 FEET, BEING SUBTENDED BY A CHORD BEARING NORTH 61 DEGREES 38 MINUTES 35 SECONDS WEST, A CHORD DISTANCE OF 605.32 FEET) TO A POINT; THENCE NORTH 53 DEGREES 39 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 539.41 FEET TO A 1/2" IRON PIN FOUND; THENCE TURNING AND LEAVING THE SOUTHWESTERLY RIGHT OF WAY OF PORSCHÉ AVENUE (VARIABLE WIDTH RIGHT OF WAY) AND RUNNING SOUTH 32 DEGREES 25 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 22.59 FEET TO A 1/2" IRON PIN FOUND; THENCE SOUTH 35 DEGREES 19 MINUTES 11 SECONDS WEST A DISTANCE OF 379.13 FEET TO A 1/2" IRON PIN FOUND; THENCE SOUTH 00 DEGREES 24 MINUTES 44 SECONDS WEST A DISTANCE OF 1012.49 FEET TO A 1/2" IRON PIN FOUND, SAID 1/2" IRON PIN FOUND ALSO BEING THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING AS THUS ESTABLISHED, RUN NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 605.17 FEET TO A 1/2" IRON PIN SET; THENCE NORTH 03 DEGREES 54 MINUTES 50 SECONDS WEST A DISTANCE OF 11.58 FEET TO A 1/2" IRON PIN SET; THENCE NORTH 00 DEGREES 20 MINUTES 55 SECONDS EAST A DISTANCE OF 496.19 FEET TO A 1/2" IRON PIN SET; THENCE SOUTH 89 DEGREES 35 MINUTES 16 SECONDS EAST A DISTANCE OF 606.58 FEET TO A 1/2" IRON PIN SET; THENCE SOUTH 00 DEGREES 24 MINUTES 44 SECONDS WEST A DISTANCE OF 503.38 FEET TO A 1/2" IRON PIN FOUND, SAID 1/2" IRON PIN FOUND ALSO BEING THE POINT OF BEGINNING.

SAID TRACT CONTAINS 7.04 ACRES (306,516 SQUARE FEET).

Option Tract

All that tract or parcel of land lying and being in land lot 96 of the 14th District, City of Hapeville, Fulton County, Georgia and being more particularly described as follows:

Commence at the intersection of the line common to land lots 11 and 12, 13th District, Clayton County, Georgia, and the South boundary line of Land Lot 65, 14th District, Fulton County, Georgia, said Point of Commencement being located North 88 degrees 49 minutes 32 seconds West a distance of 307.92 feet as measured from a concrete monument found at the intersection of said county line and the northwesterly right-of-way of Interstate Highway I-75 (having a varied right-of-way); thence run North 08 degrees 10 minutes 25 seconds West a distance of 1064.55 feet to an iron pin set said iron pin set also being THE TRUE POINT OF BEGINNING;

From THE TRUE POINT OF BEGINNING as thus established run North 90 degrees 00 minutes 00 seconds West a distance of 1257.63 feet to an iron pin set, Thence run North 00 degrees 24 minutes 44 seconds East a distance of 1226.35 feet to an iron pin set, said iron pin set being located on the southeasterly right-of-way of South Street (public road having a variable width right-of-way); thence run along the said southeasterly right-of-way of South Street North 35 degrees 19 minutes 11 seconds East a distance of 185.37 feet to an iron pin set; thence continue to run along the said southeasterly right-of-way of South Street North 32 degrees 25 minutes 35 seconds East a distance of 26.92 feet to an iron pin set, said iron pin set being located on the southwesterly right-of-way of Henry Ford II Avenue (public road having a variable width right-of-way); thence leave the said southeasterly right-of-way of South Street and run along the said southwesterly right-of-way of Henry Ford II Avenue South 53 degrees 39 minutes 04 seconds East a distance of 639.64 feet to a point; thence run along the said southwesterly right-of-way of Henry Ford II Avenue along a curve to the left an arc distance of 606.89 feet (said arc having a radius of 2437.76 feet and being subtended by a chord 605.32 feet in length and bearing North 61 degrees 38 minutes 35 seconds West) to a point; thence continue to run along the said southwesterly right-of-way of Henry Ford II Avenue South 63 degrees 35 minutes 46 seconds East a distance of 94.14 feet to a nail set; thence leave the said southwesterly right-of-way of Henry Ford II Avenue and run South 00 degrees 24 minutes 44 seconds West a distance of 691.82 feet to an iron pin set, said iron pin set also being THE TRUE POINT OF BEGINNING.

Said tract contains 30.002 acres (1,306,884 square feet).

Tract E - Land Lot 96, 14th District, City of Hapeville, Fulton County, Georgia

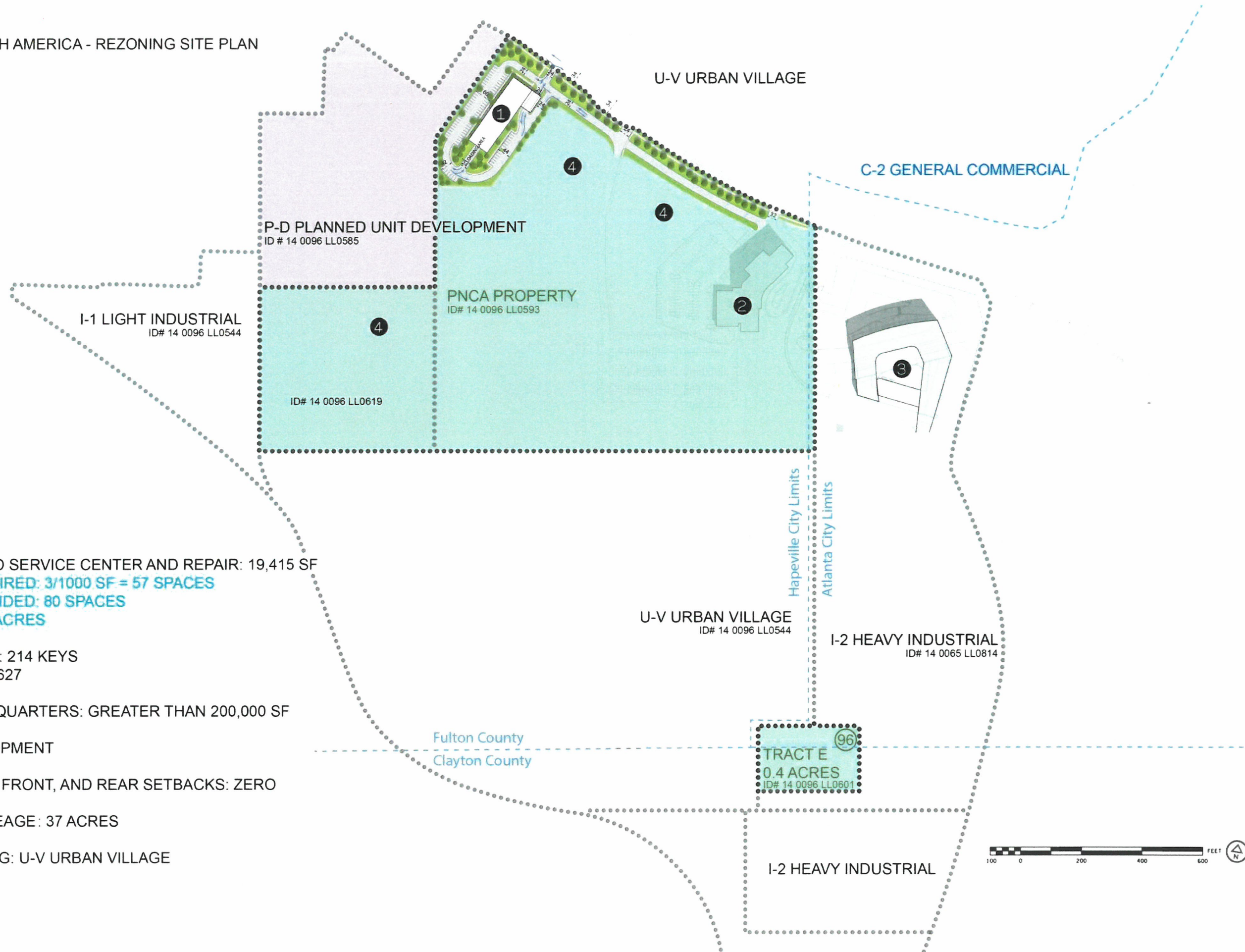
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Commence at the intersection of the line common to land lots 11 and 12, 13th District, Clayton County, Georgia, and the South boundary line of Land Lot 65, 14th District, Fulton County, Georgia, said Point of Commencement being located North 88 degrees 49 minutes 32 seconds West a distance of 307.92 feet as measured from a concrete monument found at the intersection of said county line and the northwesterly right-of-way of Interstate Highway I-75 (having a varied right-of-way); thence run along the said South boundary line of Land Lot 65 North 88 degrees 49 minutes 32 seconds West a distance of 158.94 feet to an iron pit set, said iron pin set also being THE TRUE POINT OF BEGINNING;

From THE TRUE POINT OF BEGINNING as thus established run North 88 degrees 49 minutes 32 seconds West for a distance of 164.76 feet to an iron pin set; thence run North 00 degrees 51 minutes 50 seconds East for a distance of 103.03 feet to an iron pin set; thence run South 89 degrees 35 minutes 09 seconds East for a distance of 163.93 feet to an iron pin set; thence run South 00 degrees 24 minutes 44 seconds West for a distance of 105.21 feet to an iron pin set, said iron pin set also being THE TRUE POINT OF BEGINNING.

Said property contains 17,111 square feet (0.393 acres)

PORSCHE CARS NORTH AMERICA - REZONING SITE PLAN



SITE DATA

- ① PROPOSED AUTO SERVICE CENTER AND REPAIR: 19,415 SF
PARKING REQUIRED: 3/1000 SF = 57 SPACES
PARKING PROVIDED: 80 SPACES
LOT SIZE: 2.53 ACRES
 - ② EXISTING HOTEL: 214 KEYS
ID #14 0096 LL0627
 - ③ PORSCHE HEADQUARTERS: GREATER THAN 200,000 SF
 - ④ FUTURE DEVELOPMENT
- REQUIRED SIDE, FRONT, AND REAR SETBACKS: ZERO
- TOTAL SITE ACREAGE: 37 ACRES
- CURRENT ZONING: U-V URBAN VILLAGE



PLANNER'S REPORT

TO: Adrienne Senter
 FROM: Lynn Patterson
 RE: Rezoning for 0 Porsche Drive Parcel IDs 14 0096 LL 0593, 14 0096 LL 0601, 14 0096 LL 0619
 DATE: July 2, 2019

BACKGROUND

The City received a rezoning application from Porsche Cars North America Inc. to rezone three properties totaling 33.455 acres (1,457,299 sf) located at 0 Porsche Drive (Parcel 14 0096 LL 0593, 14 0096 LL 0601, 14 0096 LL 0619) from U-V, Urban Village (Figure 1) to B-P Business Park. The land is presently vacant.

Per the application, the proposed land use is an auto service center and future development area. The applicant has stated:

Porsche proposes to rezone the Subject Property to Business Park, which is more in keeping with the proposed and potential future development in support of Porsche's national headquarters. As part of the rezoning, Porsche proposes a state of the art auto service center and repair facility on a portion of the Subject Property. The proposed facility will be associated with Porsche's adjacent office headquarters, which is greater than 200,000 square feet and is part of the Porsche's corporate campus concept. Although located in another jurisdiction (City of Atlanta), the office is immediately adjacent to the proposed B-P zoning district. The proposed service center and repair facility will be operated as a joint venture by two reputable and regionally recognized automotive companies. Future development plans for the remainder of the Subject Property have not yet been finalized but will support Porsche's corporate campus and will be compatible with adjacent and nearby land uses.

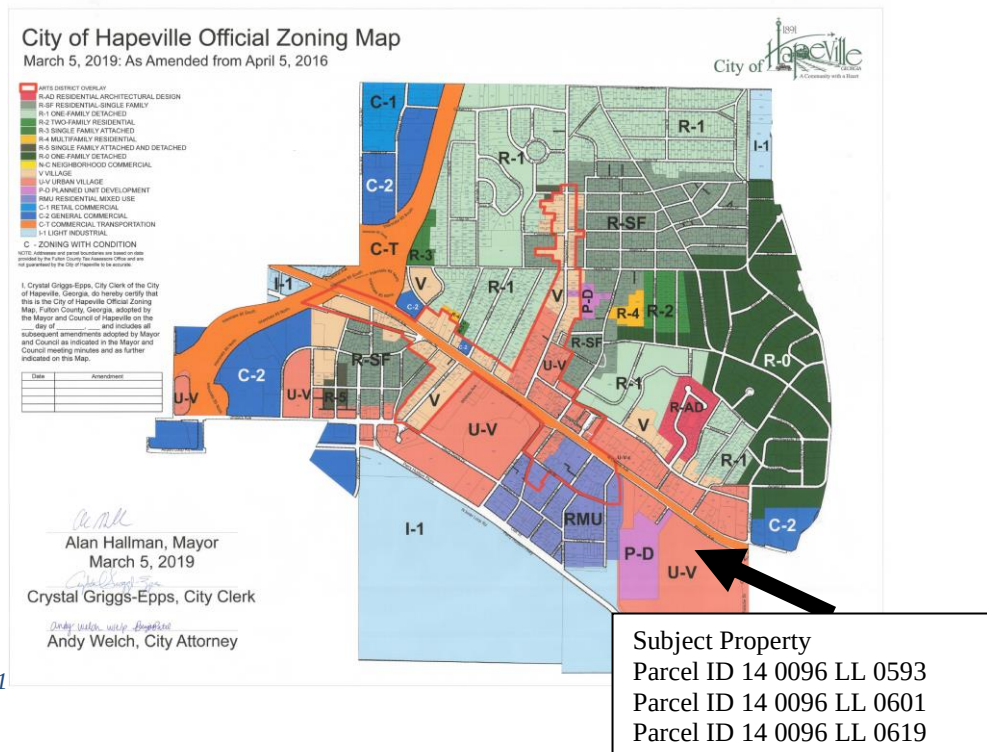


Figure 1

According to the City of Hapeville Future Land Use Map (Figure 2), the property is identified as High Intensity Mixed Use, consistent with the parcels to the East.

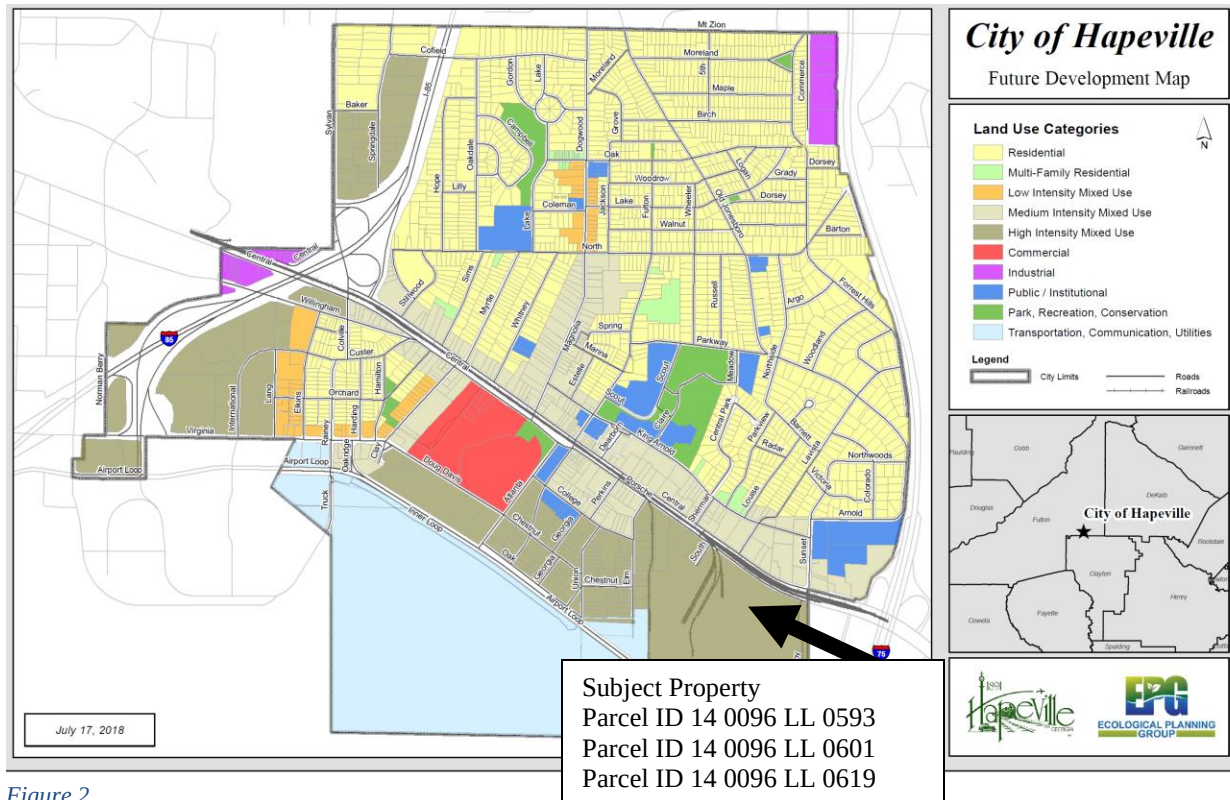


Figure 2

REVIEW OF APPLICATION

(1) The existing land use pattern;

The existing land use pattern is vacant/commercial.

(2) The possible creation of an isolated district unrelated to adjacent and nearby districts;

The adjacent areas are designated U-V which is a mixed-use designation and P-D intended for commercial (hotel and office use). The area is designated as high intensity mixed use in the Future Land Use Map and is part of the Eastern Gateway Corridor outlined in the 2017 Comprehensive Plan.

(3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;

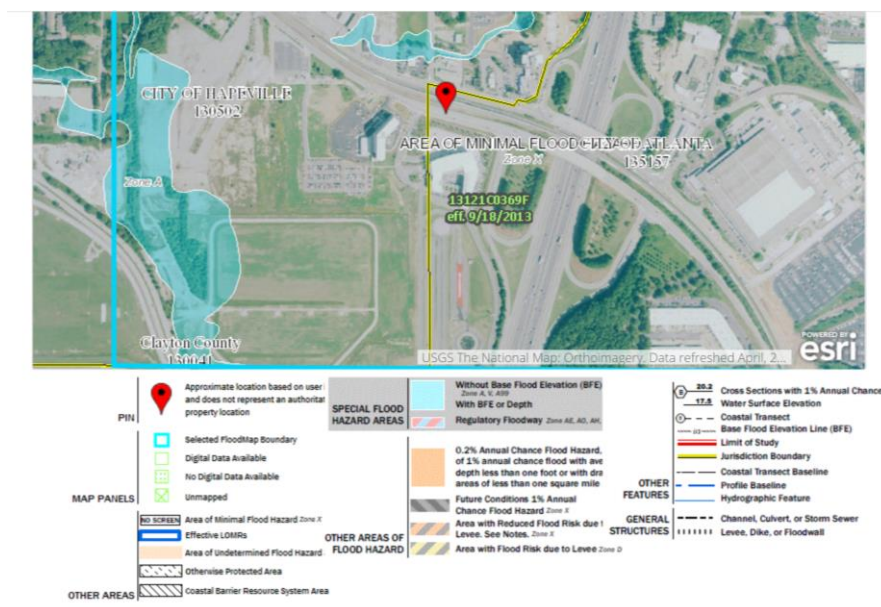
There is no foreseeable significant increase on public facilities such as schools, utilities or streets for the use proposed. The proposed site plan indicates internal circulation and utilization of existing curb cuts on Porsche Ave. There are no residential units on the plan so schools will not be impacted from increases in enrollment. Utility demands with the proposed uses are not expected to strain the system.

(4) The cost of the city and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

There is no foreseeable significant increase in providing, improving, increasing or maintaining public utilities, schools, streets, and other public safety measures.

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;

The proposed project is not located within Special Flood Zone Area (Flood Zone A) according to FEMA Flood Map 9/18/2013.



(6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

The change in zoning is not a deterrent to the value or improvement of adjacent property. The proposed amendment will allow for envisioned development of the corridor to support the Eastern Corridor with a corporate campus aesthetic and will attract visitors and jobs to Hapeville. Development of the vacant property may serve as a catalyst for adjacent property investment and development.

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

The U-V zoning district was originally designated for this property to create large mixed-use venue complete after the closing of the Hapeville Ford Plant. Development interests in the property have changed over the years and a campus to support a large corporate client is now desired. The B-P zoning district will allow for the integration of uses and corporate campus atmosphere far better than the U-V zoning district.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
The proposed zoning maintains the surrounding aesthetic by allowing for similar architectural design and site design as neighboring properties.

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;
The zoning amendment is consistent with the future land use map for high intensity mixed use.

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

The effects of the zoning map amendment would allow for the proposed development and have no adverse effect on the character of the zoning district or area.

(11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

The proposed zoning map amendment would support the purpose of the zoning regulations and zoning scheme of the Corridor.

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

A specific site plan was provided.

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

There are no adjacent residential neighborhoods.

(14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

N/A

RECOMMENDATION

The City recently adopted an updated Comprehensive Plan and conducted an LCI study which named this particular corridor as a gateway to the City. The proposed development plans would create substantial commercial development for the City in the gateway. The proposed project would bring jobs and visitors to the area while maintaining the aesthetic of the corporate corridor as it transitions to mixed use further along Porsche Ave.

Staff recommends this application for approval.



Planning Commission Meeting

700 Doug Davis Drive
Hapeville, Georgia 30354

July 9, 2019 6:00PM

SUMMARY MINUTES

1. Welcome and Introduction

Roll Call:

Brian Wismer, Chairman
Leah Davis
Lucy Dolan
Larry Martin
Jeanne Rast, absent
Charlotte Rentz
Cliff Thomas

2. Minutes of June 13, 2019

MOTION ITEM: Larry Martin made a motion, Charlotte Rentz seconded to approve the minutes of June 13, 2019 as submitted. Motion Carried: 5-0.

3. New Business

a. 0 Porsche Drive

Rezoning Request

Lee Galloway of Galloway Law Group and authorized representative of Porsche Cars North America, Inc. requested approval to rezone the properties located at 0 Porsche Drive on land lot 96 of the 14th District, Parcel Identification Number(s) 14 0096 LL0593, 14 0096 LL0601, 14 0096 LL0619 from U-V, Urban Village to B-P, Business Park for the purpose of constructing an auto service center and future development.

The applicant stated Porsche Cars North America, Inc. proposed to rezone the subject property to B-P, Business Park, which is more in keeping with the proposed and potential future development in support of Porsche's national headquarters. As part of the rezoning, Porsche proposed a state of the art auto service center and repair facility on a portion of the subject property. The proposed facility will be associated with Porsche's adjacent office headquarters, which is greater than 200,000 square feet and is part of the Porsche's corporate campus concept. Although located in another jurisdiction (City of Atlanta), the office is immediately adjacent to the proposed B-P zoning district. The proposed service center and repair facility will be operated as a joint venture by two reputable and regionally recognized automotive companies. Future development plans for the remainder of the subject property have not yet been finalized but will support Porsche's corporate campus and will be compatible with adjacent and nearby land uses.



Commissioner Rentz asked if the vehicles serviced would include the test track vehicles and fleet vehicles and if there would be inter parcel access. Mr. Galloway stated the test track vehicles are currently serviced at the Porsche headquarters and the plan includes access through the main gate and include internal circulation.

Commissioner Dolan asked if the plan included a dealership. Mr. Galloway stated the current plan is for a service center.

Commissioner Martin asked about the ownership of the 3 properties that total 33.5 acres and the percentage of vacant parcels. Mr. Galloway stated the properties are owned by Porsche Cars North America and all are vacant.

Dr. Patterson stated the City recently adopted an updated Comprehensive Plan and conducted an LCI study which named this particular corridor as a gateway to the City. The proposed development plans would create substantial commercial development for the City in the gateway. The proposed project would bring jobs and visitors to the area while maintaining the aesthetic of the corporate corridor as it transitions to mixed use further along Porsche Avenue. Staff recommends the application for approval.

- Public Comment – None.

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to recommend the Mayor and Council approve the rezoning request at 0 Porsche Drive from U-V, Urban Village to B-P, Business Park. Motion Carried: 5-0.

b. Official Zoning Map

Text Amendment

Consideration of an Ordinance to amend Chapter 93, Zoning, of the Code of Ordinances for the City of Hapeville, Georgia regarding the Zoning Map.

The B-P, Business Park rezoning district is a zoning category listed in the City's municipal code. There are currently no properties with the B-P zoning designation in Hapeville.

As re-development efforts are increasing throughout the City, the B-P zoning district will be an important zoning category for creating the "corporate crescent" and "gateway corridors" from the Comprehensive Plan. The text amendments will allow for more site and architectural consistency and compatible uses within the district that will define these key properties.

Commissioner Martin expressed concern that other auto repair service centers cannot operate in that area. Dr. Patterson stated that the property located to the undeveloped property on the south is in a runway protection zone and cannot be developed.

- Public Comment – None.



Motion Item: Larry Martin made a motion, Charlotte Rentz seconded to recommend the Mayor and Council approve the zoning map amendment dated August 6, 2019 as presented. Motion Carried: 5-0.

4. Old Business

a. Proposed Zoning Code Amendments

Open discussion regarding proposed zoning code amendments.

- Residential Building Height Requirements
- Proposed Zoning Amendments

No action taken.

5. Next Meeting Date – August 13, 2019 at 6:00PM

6. Adjourn

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to adjourn the meeting at 8:14 p.m. Motion Carried: 5-0.

DRAFT

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 3.1 (“ZONES”), SECTION 93-3.1-2 (“ZONING MAP”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO UPDATE THE CITY OF HAPEVILLE ZONING MAP; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and Council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”) and all powers of the City shall be vested in the mayor and council. The Mayor and Council shall be the legislative body of the City; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, amendments to any of the provisions of the City’s Code may be made by amending such provisions by specific reference to the section number of the City’s Code; and,

WHEREAS, every official act of the Mayor and Council which is to become law shall be by ordinance; and,

WHEREAS, the procedures required for amending the City’s zoning ordinance have been satisfied, including, but not limited to, notice and public hearings; and,

WHEREAS, the governing authority of the City finds it desirable to amend and update the City of Hapeville Zoning Map.

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

Section One. Section 93-3.1-2 (Zoning map) in Chapter 93 (Zoning), Article 3.1 (Zones) of the City Code of Ordinances is hereby amended by striking:

March 5, 2019

and inserting in lieu thereof the following language:

DRAFT

August 6, 2019

Section Two. The “zoning map” referred to in Section 93-3.1-2 (Zoning map) in Chapter 93 (Zoning), Article 3.1 (Zones) of the City Code of Ordinances is attached hereto and incorporated herein by reference as:

Exhibit “A”

The zoning map attached as Exhibit “A” shall replace the zoning map adopted on March 5, 2019.

Section Three. Codification and Certify. This Ordinance and the Zoning Map adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Four. Severability.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Mayor and 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Five. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Six. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

DRAFT

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney



PLANNER'S REPORT

TO: Adrienne Senter
 FROM: Lynn Patterson
 RE: Rezoning for Parcel IDx 14 0096 LL0627 and 14 0096 LL0544
 DATE: July 2, 2019

BACKGROUND

The City is initiating a zoning map amendment for Parcel ID 14 0096 LL0627 (3.98 acres), owned by the Development Authority of the City of Hapeville and 14 0096 LL0544 (52.7 acres), owned by the City of Atlanta, from U-V, Urban Village (Figure 1) to B-P Business Park. The land is presently a hotel (2 Porsche Drive) and vacant land (0 Porsche Drive).

There has been a request to rezone surrounding properties to B-P and this zoning map amendment would maintain consistency in the area with regard to zoning regulations as well as further the vision set forth in the 2017 City of Hapeville Comprehensive Plan for the Eastern Gateway Corridor.

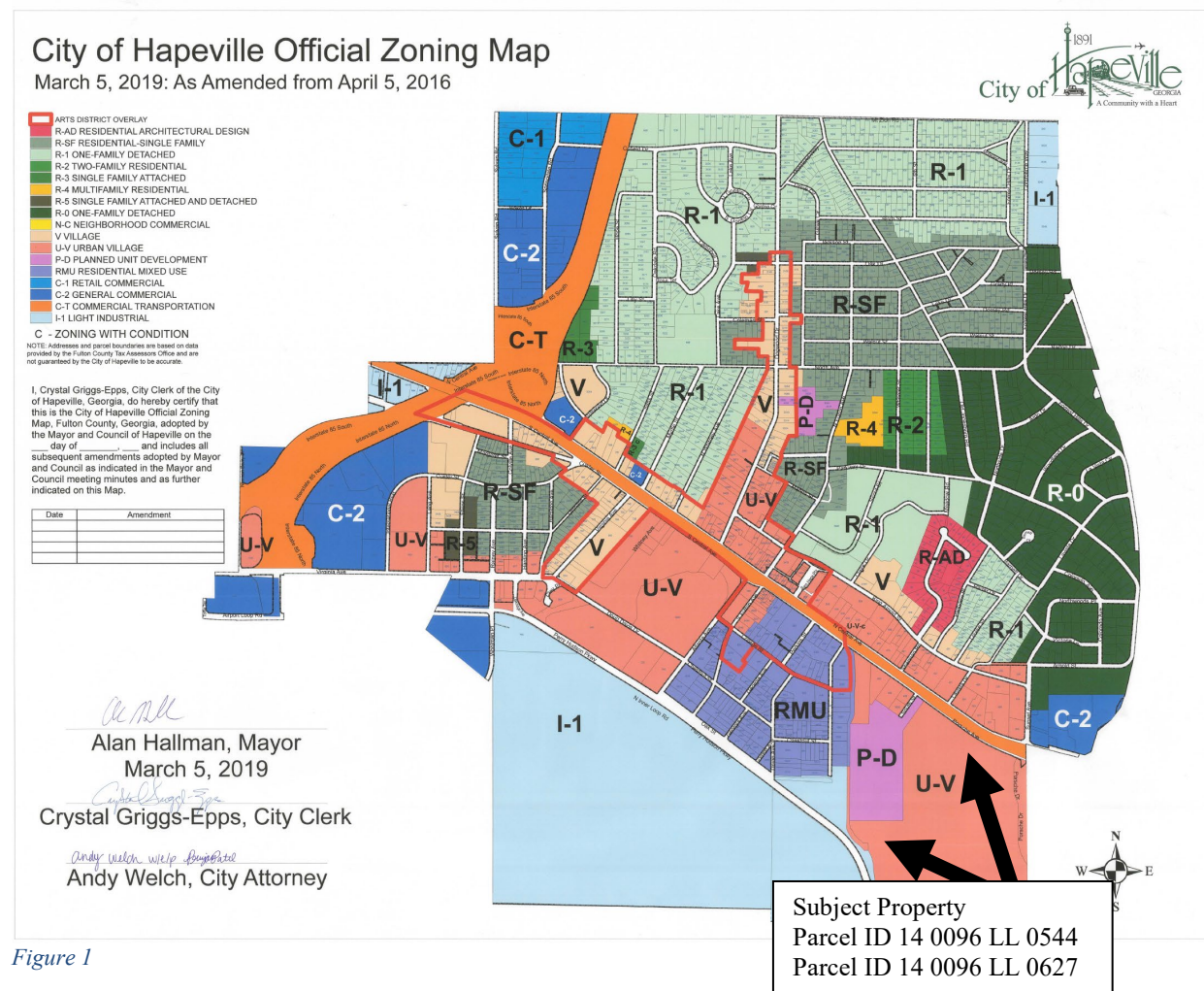


Figure 1

According to the City of Hapeville Future Land Use Map (Figure 2), the property is identified as High Intensity Mixed Use and Transportation, Communication and Utilities.

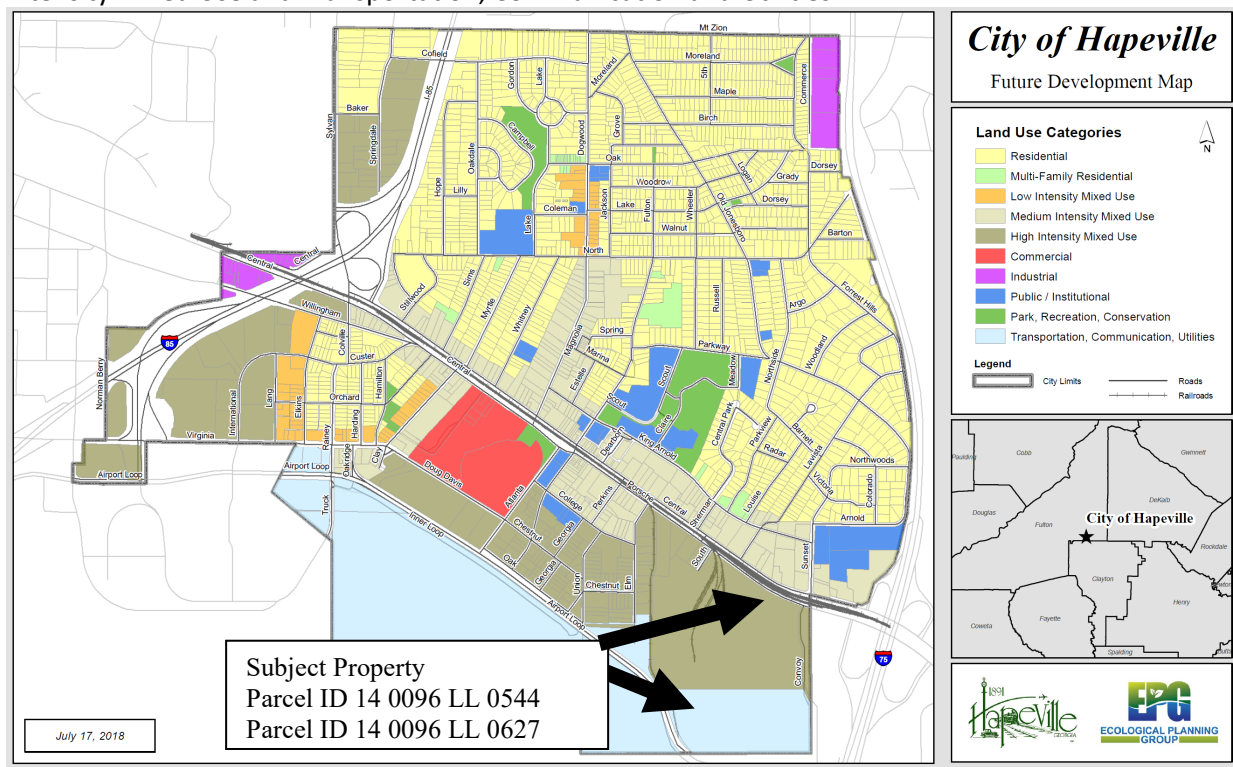


Figure 2

REVIEW OF APPLICATION

(1) The existing land use pattern;

The existing land use pattern is hotel/vacant.

(2) The possible creation of an isolated district unrelated to adjacent and nearby districts;

The adjacent areas are currently designated U-V and P-D but proposed as B-P. The area is designated as high intensity mixed use and transportation, communications, and utilities in the Future Land Use Map and is part of the Eastern Gateway Corridor outlined in the 2017 Comprehensive Plan.

(3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets;

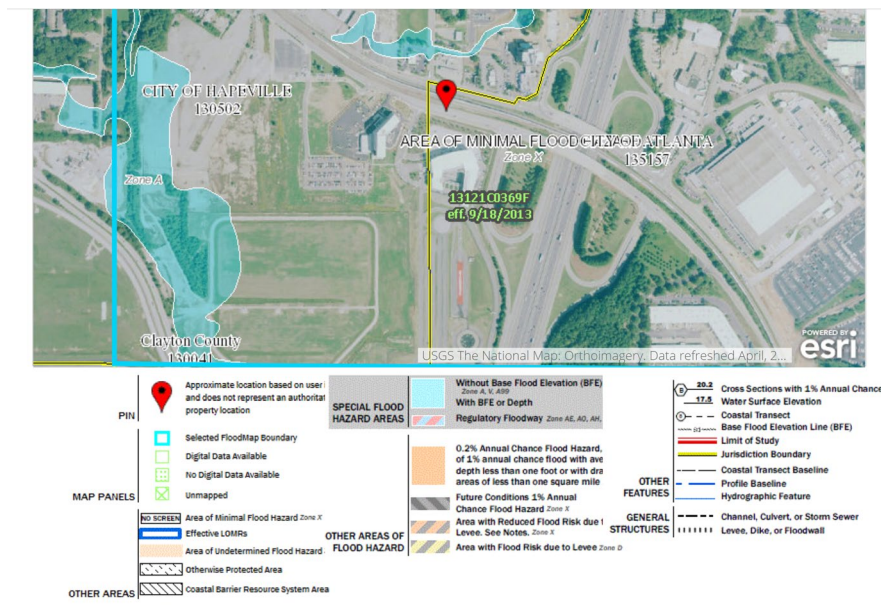
There is no foreseeable significant increase on public facilities such as schools, utilities or streets for the use proposed. There is an existing hotel at 2 Porsche Drive which would be linked to other properties in the B-P zoning district through internal circulation. No use has been proposed for the City of Atlanta parcel at this time.

(4) The cost of the city and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

There is no foreseeable significant increase in providing, improving, increasing or maintaining public utilities, schools, streets, and other public safety measures.

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;

The property at 2 Porsche Drive is not located within the Special Flood Zone Area (Flood Zone A) according to FEMA Flood Map 9/18/2013. The property at 0 Porsche Drive does have some property in Flood Zone A and any development would have to mitigate this condition.



(6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

The change in zoning is not a deterrent to the value or improvement of adjacent property. The proposed amendment will allow for envisioned development of the corridor to support the Eastern Corridor with a corporate campus aesthetic and will attract visitors and jobs to Hapeville. Development of the vacant property may serve as a catalyst for adjacent property investment and development.

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

The U-V zoning district was originally designated for this property to create large mixed-use venue complete after the closing of the Hapeville Ford Plant. Development interests in the property have changed over the years and a campus to support a large corporate client is now desired. The B-P zoning district will allow for the integration of uses and corporate campus atmosphere far better than the U-V zoning district.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
The proposed zoning maintains the surrounding aesthetic by allowing for similar architectural design and site design as neighboring properties.

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;
The future land use plan designates the land use as high intensity commercial and transportation, communications and utilities. The zoning amendment is consistent with the future land use map.

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

The effects of the zoning map amendment would allow for the proposed development and have no adverse effect on the character of the zoning district or area.

(11) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

The proposed zoning map amendment would support the purpose of the zoning regulations and zoning scheme of the Corridor.

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;

A specific site plan was not provided. The property at 2 Porsche Drive has been developed as a hotel. The property at 0 Porsche Drive has not yet been determined for future use.

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

There are no adjacent residential neighborhoods.

(14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

N/A

RECOMMENDATION

The City recently adopted an updated Comprehensive Plan and conducted an LCI study which named this particular corridor as a gateway to the City. The proposed development plans would create substantial commercial development for the City in the gateway. The proposed project would bring jobs and visitors to the area while maintaining the aesthetic of the corporate corridor as it transitions to mixed use further along Porsche Ave.

Staff recommends this application for approval.

City of Hapeville Official Zoning Map

August 6, 2019: As Amended from March 5, 2019



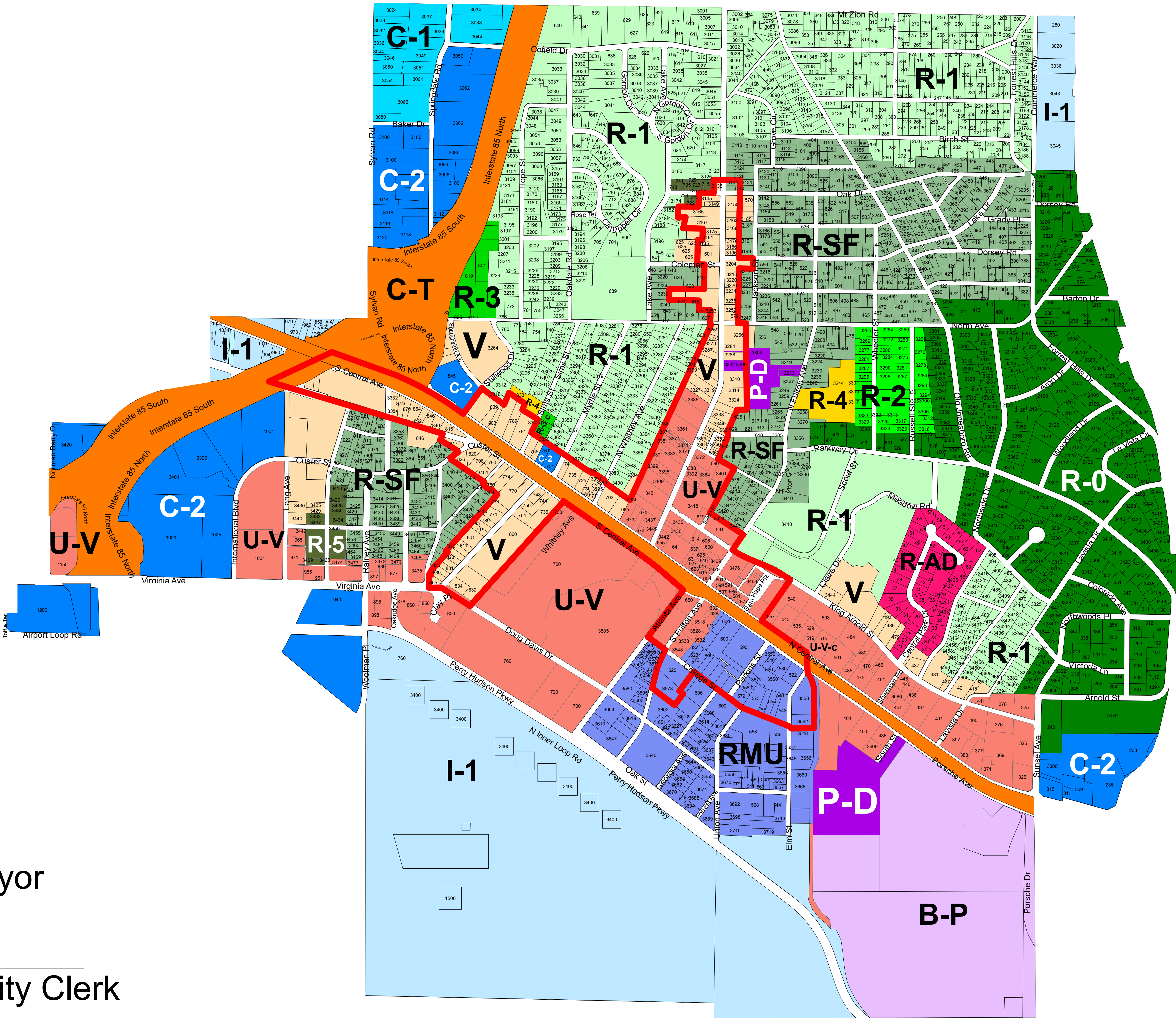
- ARTS DISTRICT OVERLAY
- R-AD RESIDENTIAL ARCHITECTURAL DESIGN
- R-SF RESIDENTIAL-SINGLE FAMILY
- R-1 ONE-FAMILY DETACHED
- R-2 TWO-FAMILY RESIDENTIAL
- R-3 SINGLE FAMILY ATTACHED
- R-4 MULTIFAMILY RESIDENTIAL
- R-5 SINGLE FAMILY ATTACHED AND DETACHED
- R-0 ONE-FAMILY DETACHED
- N-C NEIGHBORHOOD COMMERCIAL
- V VILLAGE
- U-V URBAN VILLAGE
- RMU RESIDENTIAL MIXED USE
- C-1 RETAIL COMMERCIAL
- C-2 GENERAL COMMERCIAL
- C-T COMMERCIAL TRANSPORTATION
- B-P BUSINESS PARK
- P-D PLANNED UNIT DEVELOPMENT
- I-1 LIGHT INDUSTRIAL

C - ZONING WITH CONDITION

NOTE: Addresses and parcel boundaries are based on data provided by the Fulton County Tax Assessors Office and are not guaranteed by the City of Hapeville to be accurate.

I, Crystal Griggs-Epps, City Clerk of the City of Hapeville, Georgia, do hereby certify that this is the City of Hapeville Official Zoning Map, Fulton County, Georgia, adopted by the Mayor and Council of Hapeville on the ____ day of _____, ____ and includes all subsequent amendments adopted by Mayor and Council as indicated in the Mayor and Council meeting minutes and as further indicated on this Map.

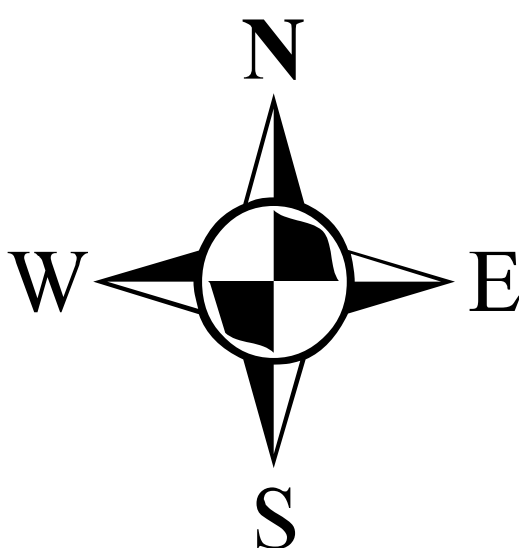
Date	Amendment



Alan Hallman, Mayor
August 6, 2019

Crystal Griggs-Epps, City Clerk

Andy Welch, City Attorney



- 47 b. Facility cannot conduct outside research or development activities or storage
48 units.
49 c. The Conditional Use permit will be issued for the specific business that has
50 applied; all new or subsequent business will have to reapply.

51
52 **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified
53 and certified in a manner consistent with the laws of the State of Georgia and the City.
54

55 **Section Three. Severability.**
56

57 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
58 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,
59 believed by the Mayor and Council to be fully valid, enforceable and constitutional.
60

61 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
62 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
63 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
64 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
65 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
66 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
67 Ordinance.
68

69 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
70 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
71 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
72 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
73 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
74 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
75 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
76 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
77 effect.
78

79 **Section Four. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances
80 in conflict herewith are hereby expressly repealed.
81

82 **Section Five. Effective Date.** The effective date of this Ordinance shall be the date of
83 adoption unless otherwise stated herein.
84

85 **ORDAINED** this _____ day of _____, 2019.

86 **CITY OF HAPEVILLE, GEORGIA**
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91 _____
Alan Hallman, Mayor

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ATTEST:

City Clerk

APPROVED BY:

City Attorney



Planning & Zoning Planner's Report

TO: Adrienne Senter
FROM: Lynn M. Patterson, Planning Consultant for City of Hapeville
RE: Text Amendment for U-V Zoning District
DATE: June 6, 2019

BACKGROUND

City Council has directed staff to present a text amendment to U-V, Urban Village zoning to allow for research and development facilities as a permitted use. The City of Hapeville Code (93-15-3) permits laboratories for industrial testing and research in the Light Industrial (I-1) zoning district. The Code does not address research and development laboratories in the U-V district. In the U-V district, the Code does exclude industrial uses such as manufacturing, processing and warehousing. Businesses and professional offices are allowed in the U-V District.

In addition to our Code, we researched metro Atlanta zoning codes and found that research and development laboratories are typically categorized as an industrial use. The zoning districts where they are allowed are typically light industrial, business park, or general commercial/heavy commercial. There are some instances, such as Decatur and Sandy Springs where the use is allowed in Mixed Use Zoning districts. These districts are located along major commercial corridors.

PROPOSED TEXT AMENDMENT

Section One. Section 93-11.2-3 (Permitted uses):

(20) Research and Development facilities.

RECOMMENDATION

Research and development facilities is a broad category. Given the mixed-use nature of the U-V district and desire to create commercial and residential activities at the pedestrian scale, staff recommends that the research and development facilities be allowed in U-V as a conditional use and/or with the caveat prohibiting uses that produce hazardous waste and noise levels incompatible with the intent of the zoning district.



Called Planning Commission Meeting

3468 North Fulton Avenue

Hapeville, Georgia 30354

June 13, 2019 6:00PM

MINUTES

1. Welcome and Introduction

Vice Chairman Jeanne Rast called the meeting to order at 6:00 p.m. in the City of Hapeville City Hall Conference Room located at 3468 North Fulton Avenue, Hapeville, Georgia 30354. Members in attendance included Lucy Dolan, Larry Martin and Charlotte Rentz. City Attorney Priya Patel, City Planners Dr. Lynn Patterson and Michael Smith and Secretary Adrienne Senter were also present.

Commissioners Brian Wismer and Mark Farah were unable to attend the meeting.

2. Minutes of May 14, 2019

MOTION ITEM: Larry Martin made a motion, Charlotte Rentz seconded to approve the minutes of May 14, 2019 as submitted. **Motion Carried: 3-0.**

3. New Business

a. 510 Lake Drive

Subdivision Plat Review

Peter Rumsey requested subdivision final plat approval to subdivide an existing lot located at 510 Lake Drive, Parcel Identification Number 14 009400030153 into two tracts of land. The property is zoned R-SF, Residential Single-Family.

As proposed, each new parcel will be 0.14 acres (6,253-sf). One parcel will contain the existing dwelling, while the other will be vacant. The Applicant plans to develop a single-family dwelling on the vacant parcel. Both parcels will be zoned R-SF.

Section 90-1-3(h): Variances. Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of the topographical or other conditions peculiar to the site, in the option of the planning commission, a departure may be made without destroying the intent of these provisions, the planning commission may authorize a variance. Any variance thus authorized is to be stated in writing in the minutes of the planning commission with a reasoning on which the departure was justified set forth.



The applicant requested the following variances:

- (a) Decrease the side yard setback at 510 Lake Drive from 15' to 9.3 from North Fulton Avenue.
- (b) Eliminate the required concrete monuments where the property line intersects a public right-of-way.

- Public Comment – None.

MOTION ITEM: Lucy Dolan made a motion, Larry Martin seconded to approve the final plat for 510 Lake Drive provided the applicant address the deficiencies outlined in the Planner and City Engineer's reports. The Commission granted variances to decrease the side setback for the existing home located at 510 Lake Drive from 15' to 9.3' and waive the concrete monuments requirement. The applicant must meet the sidewalk requirement and the utility connections must be included on the plans as part of site plan review. Motion Carried: 3-0.

b. 3365 Northside Drive

Site Plan Review

Paula Smith requested site plan approval to construct a 2,498-sf single-story single-family dwelling with an attached garage at 3365 Northside Drive, Parcel Identification Number 14 009500100229. The property is zoned R-O, One-Family Residential.

The plan indicates twelve existing trees will be retained, and 13 are to be removed. One of the trees to be removed, a 31" pine, is a landmark tree. Removal of landmark trees are subject to the requirements of section 93-2-14 and must be approved by the city arborist. The landscape plan proposes one new 2" river birch, 18 shrubs, and grass ground cover.

Discussion ensued regarding the trees outlined for removal. Commissioner Martin expressed concern regarding the number of trees earmarked for removal. Staff noted that removal of any landmark trees are subject to the approval of the city arborist and requires a tree removal permit.

The following deficiencies must be addressed:

1. Per the Architectural Design Standards, the applicant must include a sidewalk with a 1' landscape area and a 4' clear area.
2. Per the Architectural Design Standards, a walkway connecting the main entrance to the adjacent street is required.
3. No cross sections have been provided for the driveway, walkways, or sidewalk.
4. The Applicant should provide the lot coverage of any walkways.
5. The Applicant proposes the removal of a landmark tree. Removal of any landmark trees is subject to the approval by the city arborist and requires a tree removal permit.



Public Comment – None.

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to approve the site plan application for 3365 Northside Drive provided that the following deficiencies are addressed:

1. The Applicant must provide the cross sections for the driveway, walkways, or sidewalk.
2. The Applicant should provide the lot coverage of any walkways.
3. The Applicant proposes the removal of a landmark tree. Removal of any landmark trees is subject to the approval by the city arborist and requires a tree removal permit.

Discussion: Commissioner Martin commented regarding the number of trees that are earmarked for removal. Commissioner Dolan explained that the city arborist will review the tree plan for compliance.

Commissioner Martin made a motion to amend Commissioner Dolan's motion to require the tree on the northwest side of the property is preserved. Motion died for lack of second.

Commissioner Dolan's motion passed: 2-1; Larry Martin opposed.

c. 105 Lilly Street

Site Plan Review

Jimmy Joyner is requesting site plan approval to construct a 1,990-sf, two-story single-family dwelling and a 442-sf attached garage at 105 Lilly Street. The property is zoned R-1, One-Family Residential.

The following deficiencies must be addressed:

1. The Applicant should provide the dimensions and a cross section of the proposed sidewalk. Per the Architectural Design Standards, the new sidewalk must at a minimum have a 1' landscape area and 4' clear area.
2. Per the Architectural Design Standards, walkways must connect directly to the adjacent sidewalk.
3. The Applicant must provide a parcel identification number.
4. The Applicant must provide a development schedule.

The plan shows two trees, one 8" oak tree and one 11" magnolia tree, at the front of the property. Both trees will be retained. The plan indicates the dwelling will be 2.5 stories, or 32'5" tall.

Commissioner Martin expressed concern regarding the roof height of the house as it relates to the adjacent property.

Public Comment:

Dustin Mimnaugh, 3037 Oakdale Road, expressed concern regarding the height of the house.



Rashani Sharma, 3037 Oakdale Road, expressed concern regarding the house height. Ashok (AK) Avasthi, 3210 Oakdale Road, commented regarding foundation and fence requirements.

Staff explained that code requires the height of the house is measured from the foundation to the roofline. The home is 32.5' in height and the code allows up to 35'.

City Attorney Priya Patel explained that the Planning Commission's responsibility is to ensure that the applications presented meets code and it does not adversely impact the immediate surrounding area.

MOTION ITEM: Larry Martin made a motion to deny the site plan application at 105 Lilly Street based on the height of the house being inconsistent with the adjoining property. Motion died for the lack of second.

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to approve the site plan application for 105 Lilly Street subject to the following deficiencies:

- 1. The Applicant must provide a parcel identification number.**
- 2. The Applicant must provide a development schedule.**

Discussion: The Planning Commission discussed considering the negative effects of development on neighboring properties.

Motion Carried: 2-1; Larry Martin opposed.

d. B-P, Business Park Zone

Text Amendment

Consideration and action to amend Chapter 93 (Zoning), Article 18 (B-P Zone, Business Park), Section 93-18-1 (Intent), Section 93-18-2 (Permitted Uses), Section 93-18-3 (Off-street parking and loading requirements), Section 93-18-4 (Height restrictions), Section 93-18-5 (Site development and improvement standards) to update the City of Hapeville B-P Zone regulations.

As re-development efforts are increasing throughout the City, the B-P zoning district will be an important zoning category for creating the "corporate crescent" and "gateway corridors" from the Comprehensive Plan. The text amendments will allow for more site and architectural consistency and compatible uses within the district that will define these key properties.

There was discussion regarding parking ratios outlined in the B-P zone.

- Public Comment – None.

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to recommend the Mayor and Council approve the B-P, Business Park text amendment. Motion Carried: 3-0.



e. U-V, Urban Village Zone

Text Amendment

Consideration and action to amend Chapter 93 (Zoning), Article 11.2 (U-V Zone, Urban Village) to update the City of Hapeville U-V Zone permitted uses.

At the direction of City Council, staff presented a text amendment to U-V, Urban Village zoning to allow for research and development facilities as a permitted use. The City of Hapeville Code (93-15-3) permits laboratories for industrial testing and research in the Light Industrial (I-1) zoning district. The code does not address research and development laboratories in the U-V district.

Public Comment – None.

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to recommend the Mayor and Council approve the U-V, Urban Village text amendment to allow research and development facilities subject to the following amendment:

- 1. Research and development facilities are allowed in U-V, Urban Village as a conditional use and/or with the caveat prohibiting uses that produce hazardous waste and noise levels incompatible with the intent of the zoning district.**

Motion Carried: 3-0

4. Old Business

a. Proposed Zoning Code Amendments

Open discussion regarding proposed zoning code amendments.

- Residential Building Height Requirements
- Proposed Zoning Amendments

There was brief discussion regarding house height requirements.

Commissioner Martin requested Dustin Mimnaugh be allowed to speak regarding residential building height requirements.

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to allow public comments regarding the proposed zoning code amendments. Motion Carried: 3-0.

Public Comments:

Dustin Mimnaugh, 3037 Oakdale Road, commented regarding sloped lots and foundation heights as it relates to roof angles and requiring new development adjacent to existing single-story homes have a roof line constructed at an angle to eliminate shade and reduced sun exposure.

Commissioner Martin stated house height have an impact on adjacent single-story homes. He suggested that in an area that has predominantly single-story homes, the new home can not have more than 2' above the average of the adjacent homes for consistency. Also, he



suggested dwelling height regulations “d and e” within the chart of dimensional requirements should be moved under the purview of Planning Commission (Zoning) instead of Design Review Committee (Architectural Design Standards).

Dr. Patterson clarified that certain areas within the city are designated as sub-areas and minimum building heights are established by zoning, however within sub-areas d and e the maximum building height should be established by zoning except that when the chapter provides a more stringent standard, the more stringent standard shall prevail, thus making the Architectural Design Standards more stringent than the zoning code.

Commissioner Dolan expressed concerns of new designs within existing neighborhoods and feel this issue should be addressed.

No action taken.

5. Next Meeting Date – July 9, 2019 at 6:00PM

6. Adjourn

There being no further discussion, the following action was taken:

MOTION ITEM: Lucy Dolan made a motion, Charlotte Rentz seconded to adjourn the meeting at 8:20 p.m. Motion Carried: 3-0.

Vice Chairman, Jeanne Rast

Secretary, Adrienne Senter

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 2 (“GENERAL**
7 **PROVISIONS”), SECTION 93-2-5 (“ACCESSORY USES, ACCESSORY BUILDINGS,**
8 **YARD REQUIREMENTS OF ACCESSORY BUILDINGS, OUTBUILDINGS AND**
9 **FENCES”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO**
10 **CREATE CHAPTER 93 (“ZONING”), ARTICLE 2 (“GENERAL PROVISIONS”),**
11 **SECTION 93-2-26 (“ACCESSORY DWELLING UNITS (ADU)”) OF THE CODE OF**
12 **ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR**
13 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
14 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
15

16 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
17 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
18 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
19

20 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
21 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
22 the legislative body of the City; and,
23

24 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
25 amending such provisions by specific reference to the section number of the City’s Code; and,
26

27 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
28 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
29 remain effective until they have been repealed, modified or amended; and,
30

31 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
32 by ordinance; and,
33

34 **WHEREAS**, the procedures required for amending the City’s zoning ordinance have been
35 satisfied, including, but not limited to, notice and public hearings; and,
36

37 **WHEREAS**, the governing authority of the City finds it desirable to amend and update the
38 ordinances regarding accessory buildings and dwelling units.
39

40 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
41 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
42

43 **Section One.** Chapter 93 (Zoning), Article 2 (General Provisions), Section 93-2-5
44 (Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and
45 fences) of the City Code of Ordinances is hereby amended by striking the subsection (1) in its
46 entirety and inserting in lieu thereof the following language:

(1) An accessory building or structure is a building detached from the principal dwelling on a lot of record, the use of which is incidental and subordinate to the primary use of the property. Accessory buildings shall comply with the following standards and all other applicable regulations of this zoning ordinance and the architectural design standards. Where a conflict exists, the standards of this section shall control.

Accessory uses and structures on a residential lot shall comply with the following standards and all other applicable regulations of this zoning ordinance:

- (a) The accessory use or structure shall be subordinate in area, extent and purpose to the primary use or structure served. No accessory structure shall have a ground floor area greater than that of the principal dwelling. The floor area of an accessory structure shall include all floor area, that is, each floor of a one and one-half or two story accessory building shall be counted toward the maximum floor area. When more than one accessory building is erected, the "maximum accessory building size" controls the sum of the floor areas of those buildings.
- (b) The accessory use or structure shall contribute to the comfort, convenience or necessity of the occupants of the principal use or structure served.
- (c) The accessory use or structure shall not be injurious to the use and enjoyment of surrounding properties.
- (d) No accessory building shall be erected or placed on a lot that does not contain a principal dwelling. Building permits may be issued for the principal dwelling and an accessory structure; however, a certificate of occupancy must be issued for the principal dwelling prior to issuance of a certificate of occupancy for an accessory structure.

Special requirements for accessory buildings are as follows:

- (a) A building permit shall be required for the construction, erection or set-up of any accessory building in excess of 144 square feet. A separate certificate of occupancy shall be required for the construction, erection or set up of any accessory building in excess of 200 square feet. Accessory structures less than 200 square feet, without HVAC, shall be exempt from obtaining a separate certificate of occupancy, but shall not be exempt from all necessary inspections during the construction process.
- (b) Accessory building or outbuilding shall be permitted at the owner's option according to the schedule presented in Table A—Accessory building allowance based on dwelling unit size, or Table B—Accessory building allowance based on lot size.
- (c) Outdoor cooking facilities, gazebos, arbors, pool equipment shelters, arbors, fireplaces, and waste receptacle enclosures shall be exempt in calculating the maximum number of accessory structures on a lot. However, such structures shall be subject to the accessory building setback standards and shall not exceed 144 square feet in area.
- (d) Exterior materials, roof pitches, and other design elements must comply with the city architectural design standards.
- (e) Except as herein provided, the minimum yard requirements of section 93-22.1-1 of this chapter also apply to accessory buildings. However, accessory buildings may be located in rear yards within five feet of a rear or side lot line. In addition to these yard

requirements, the horizontal separation of accessory buildings from the dwelling on the same lot and the horizontal separation of accessory buildings from dwelling on adjacent lots shall comply with standards in Table C—Distance from Dwelling for Very Large Accessory Buildings. All distances shall be measured from outside wall to outside wall.

(f) The number of accessory building may vary depending on the size of the lot. Table D—Maximum Number of Accessory Buildings establishes the schedule for number of accessory buildings allowed on a building lot.

(g) Accessory buildings, including detached garages, shall be permitted in an R-0, R-AD, R-1, R-2, R-3, R-4, R-5, R-I, R-SF, V, U-V, RMU or C-R Zone, subject to the following limitations:

Placement.

(a) *Located on a lot with a principal dwelling.* An accessory building shall be located on the same lot as the principal dwelling to which it is accessory.

(b) *Setback dependent on distance from dwelling.* Accessory buildings shall be allowed in rear yards only. An accessory building located within 20 feet of the principal dwelling shall comply with the setback requirements of the principal dwelling to which it is accessory. Accessory buildings located more than 20 feet from the principal dwelling may be placed five feet from a side or rear lot line.

(c) *Setback on corner lot.* Accessory buildings on a corner lot shall comply with the setback for the principal dwelling. No accessory building on a corner lot that adjoins a residentially used or zoned lot to the rear shall be located within 25 feet of the rear property line. This 25-foot setback will not be required when the adjoining yard is a rear yard.

(d) *Distance from dwelling and other accessory buildings.* All accessory buildings must be located a minimum of ten feet from the principal dwelling and all other accessory buildings on the lot or on neighboring lots. This distance shall be measured from outside wall to outside wall.

(e) *Ordinance setbacks otherwise remain in effect.* Except as herein provided, the minimum setback requirements of section 93-22.1-1 of this chapter also apply to accessory buildings.

(f) *Non-complying accessory buildings.* Notwithstanding standards of this chapter to the contrary, nothing shall prohibit the re-construction of accessory buildings that are legal, nonconforming structures that have been in existence for a minimum of 20 years along that established building line. That building line shall be the minimum setback for re-building of the accessory building on the lot. All other standards of the chapter shall remain in effect.

Height.

(a) *Scale of accessory buildings.* The height of an accessory building shall not exceed 25 feet or the height of the principal dwelling measured from the average adjacent grade to the peak or ridgeline of the roof, whichever is less.

Architectural style and exterior finish.

(a) *Compatibility with principal dwelling.* Accessory buildings shall be architecturally compatible with the principal dwelling on the lot. The exterior finish of all accessory buildings shall be identical to the exterior finish of the principal dwelling on the lot. In the case of brick dwellings, the exterior finish of the accessory building may be similar to the trim work or other siding materials of the dwelling. Exterior materials, roof pitches and other design elements shall comply with the architectural design standards.

(b) *Roof design.* Flat or shed roofs shall be prohibited on accessory buildings. Accessory buildings shall have a gable or hip roof design.

Utility services.

(a) *Water supply.* Running water is permitted to all accessory buildings.

Use.

(a) See Section 93-2-26 (Accessory Dwelling Units (ADU)).

(b) *Evidence of separate dwelling unit.* The presence of such facilities or equipment as utility services, utility meters, mailboxes or kitchen equipment such as a sink, stove, oven or cabinets in an accessory building or a portion of a principal dwelling shall be considered prima facie evidence that such accessory building or such portion of a principal dwelling is a separate and distinct dwelling unit and is subject to the regulations of the zoning district in which it is located.

(c) *Temporary buildings.* Temporary buildings may only be used in conjunction with permitted construction work in any zoning district and shall be removed immediately upon the completion of construction.

Permitting schedule.

(a) *Construction or occupancy of an accessory building to follow principal dwelling.* No permit for an accessory building shall be issued until a permit for construction of the principal dwelling has been issued and construction of such dwelling commenced. No certificate of occupancy for an accessory building shall be issued prior to issuance of a certificate of occupancy for the principal dwelling.

Construction standards.

(a) *Building anchoring.* Any accessory building having a floor area greater than 144 square feet shall be secured to the ground with a full perimeter foundation to prevent the structure from being moved or damaged by high winds.

(b) *Life safety codes apply.* Accessory buildings must comply with adopted fire safety and building code regulations.

(c) *Standards for "attached" accessory building.* When an accessory building is attached to the principal dwelling by a breezeway, passageway or similar means, the accessory building shall comply with the setback requirements of the principal dwelling to which it is accessory. In order to qualify as an attached garage or accessory building, therefore eliminating the need for compliance with these accessory building standards, the attached accessory building must share a common

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- wall with the principal dwelling that is a minimum of 80 percent of the wall length of the accessory building or 20 feet, whichever is greater. Such common wall must be an integral part of the principal dwelling. An attached garage or accessory building shall comply in all respects with the standards applicable to the principal dwelling.
- (d) *Second story access.* Where applicable, access to the second story of an accessory building must be located within the interior of the ground floor space.
- (e) *Prohibited accessory and temporary buildings or structures.* Manufactured homes, mobile homes, shipping containers, freight trailers, box cars, trailers or any other structure or vehicle that was not originally fabricated for use as an accessory building shall be prohibited."

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Table A—Accessory Building Allowance based on Dwelling Unit Size

Dwelling Unit Ground Floor Area in Square Feet	Accessory Building Size
800	320
1,000	400
1,200	480
1,400	560
1,600	640
2,000	800
2,400	960
3,000	1,200
3,600	1,440
4,000	1,600

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Table B—Accessory Building Allowance based on Lot Size

Lot Size in Square Feet	Accessory Building Size based on Variable Percentage of Lot Size
2,400	240
4,000	360
6,750	540
7,000	560
8,500	595
10,000	650
21,780	1,089
32,670	1,307
43,560	1,525
54,450	1,634

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Table C—Distance from Dwelling for Very Large Accessory Buildings

Percent of Dwelling Unit Ground Floor Area	Distance from Dwelling
40 Percent	10 feet
50 Percent	30 feet
60 Percent	50 feet
70 Percent	70 feet
80 Percent	80 feet
90 Percent	90 feet
100 Percent	100 feet

Table D—Maximum Number of Accessory Buildings

Lot Size	Maximum Number of Accessory Buildings
Up to one-half acre	1
Up to one acre	2
Over one acre	3

Section Two. Chapter 93 (Zoning), Article 2 (General Provisions of the City Code of Ordinances is hereby amended by creating Section 93-2-26 (Accessory Dwelling Units (ADU)), which states as follows:

An Accessory Dwelling Unit is an accessory building occupied as a residence. Accessory buildings may be occupied as an ADU by another party so long as one of the dwelling units on the property is owner-occupied. The ADU may be occupied by the property owner or rented. The unit must be aesthetically similar to the primary structure. The primary use of the lot must remain single-family, and the lot may not be subdivided nor may the accessory unit be sold separately. In addition to all requirements for accessory structures, the following criteria apply to ADUs:

- a. All ADUs require a building permit and certificate of occupancy. The application for this permit must be made to the Planning and Zoning department and must include a sworn, notarized statement from the property owner stating that the owner will occupy one of the dwelling units on the premises as their primary residence. Any transfer of ownership of the property will require a new sworn, notarized statement to be submitted by the new owners.
- b. ADUs are allowed in districts R-0, R-1, R-2, R-3, R-4, R-5, R-AD, and R-SF. Additionally, they are allowed in districts U-V, V, and RMU granted the primary use of the lot is residential.
- c. Plumbing including running water and sanitary sewer is required in an ADU.
- d. A full kitchen is permitted. However, an ADU is only allowed to have one kitchen.
- e. The lot must be a minimum of 4,000 square feet
- f. The structure must be at least 240 square feet.
- g. The property must have an additional parking space beyond the given minimum parking requirements
- h. Only one accessory dwelling unit may be created per lot.

Section Three. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

220 **Section Four. Severability.**

221
222 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
223 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,
224 believed by the Mayor and Council to be fully valid, enforceable and constitutional.
225

226 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
227 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
228 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
229 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
230 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
231 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
232 Ordinance.
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234 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
235 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
236 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
237 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
238 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
239 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
240 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
241 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
242 effect.
243

244 **Section Five. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances
245 in conflict herewith are hereby expressly repealed.
246

247 **Section Six. Effective Date.** The effective date of this Ordinance shall be the date of
248 adoption unless otherwise stated herein.
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250 **ORDAINED** this _____ day of _____, 2019.

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252 **CITY OF HAPEVILLE, GEORGIA**

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258 **Alan Hallman, Mayor**

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260 **ATTEST:**

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265 **Crystal Griggs-Epps, City Clerk**

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APPROVED BY:

City Attorney



Planning Commission Meeting

**700 Doug Davis Drive
Hapeville, Georgia 30354**

April 9, 2019 6:00PM

MINUTES

1. Welcome and Introduction

Chairman Brian Wismer called the meeting to order at 6:00 p.m. in the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. Members in attendance included Vice Chairman Jeanne Rast, Lucy Dolan, Larry Martin and Charlotte Rentz. Secretary Adrienne Senter and City Planners Lynn Patterson and Michael Smith were also present.

Commissioners Kaity Ferrero and Mark Farah were unable to attend the meeting.

2. Minutes of February 12, 2019

MOTION: Lucy Dolan made a motion; Charlotte Rentz seconded to approve the minutes of February 12, 2019 as amended. **Motion Carried: 4-0.**

3. New Business

a. 325 Sunset Avenue

Conditional Use Permit

Phil Ellen on behalf of Georgia Communities, Inc. requested approval of a conditional use permit to operate a senior living facility at 325 Sunset Avenue, Parcel Identification Number 14 009600060133. The property is zoned U-V, Urban Village.

The proposed 74-unit development will serve seniors ages 55 and above and include 1 & 2-bedroom units. In an effort to promote quality of life, the development will include several amenities such as an exercise facility, computer lab, and an event room for birthday parties and bingo to name a few.

Prior to submission of the site plan and required approvals, the property will be replatted such that the parking will be added to the developed parking.

Commissioner Martin expressed concern regarding the use of undeveloped land within the city.

- Public Comment – none.

MOTION ITEM: Lucy Dolan made a motion; Larry Martin seconded to recommend the Mayor and Council grant the conditional use permit to operate a senior living facility at 325 Sunset Avenue. **Motion Carried: 4-0.**



b. 525 King Arnold Street

Site Plan Review

Will Bryant of behalf of Fulton County Library System requested site plan approval for the construction of a 5,975-sf library at 525 King Arnold Street, Parcel Identification Number 14 0095 LL0701 and 14 0095 LL0131. The properties are zoned V, Village.

The current property is occupied by an existing 5,675-sf library. The applicant intends to demolish the existing structure and build a new 5,975-sf library on the site. The development is shown being within a 15-foot setback line on all sides. However, the building canopy is shown as encroaching on the south side setback facing the street. The applicant received a variance on March 28, 2019 to allow the canopy to overhang the front setback by 12'-2".

The site will have 42 parking spaces shared with the nearby park, with 31 exclusive to the library including 19 in a new lot and 12 in an existing lot which will be restriped.

The landscape plan includes the location and types of trees currently on the site within the planned construction area. The applicant proposes removing six trees, including one 42" landmark hardwood tree.

The building is a LEED Certified structure (Leadership in Energy Efficient Design) which means healthier, more productive places, reduced stress on the environment by encouraging energy and resource-efficient buildings, and savings from increased building value with higher lease rates and decreased utility costs. As part of the LEED Certified no irrigation system is planned. However, xeriscaping is planned to include native species drought tolerance plants that will be maintained.

Commissioner Martin expressed concerns regarding the building location and pedestrian safety. In addition, Mr. Martin stated that allowing the parking lot to remain in the front of the site would preserve trees.

Chairman Wismer asked if they City would consider on-street parallel parking along King Arnold Street to create a natural buffer.

- Public Comment – None.

MOTION ITEM: Larry Martin made a motion to reconsider the location of the building from the street. Motion died for lack of second.

MOTION ITEM: Jeanne Rast made motion; Lucy Dolan seconded to approve the site plan subject to the following conditions:

- 1. The LEED Certification and xeriscaping does not require irrigation, but the plants must be maintained.**



2. **Must submit calculations for impervious surface or lot coverage must be less than 70 percent.**
3. **Must meet the deficiencies outlined by the City Engineer, City Planner and Fire Marshal.**

Discussion: Larry Martin made a motion to amend the motion to revise the site plan to remove the three parking spaces on west side of the property in order to preserve the trees and ask the developer to apply for a parking variance from the Board of Appeals. Motion died for lack of second.

Motion Carried: 3-1; Larry Martin opposed.

c. Veterinarians, animal hospitals and kennels

Text Amendment

Consideration to amend the code for veterinarians, animal hospitals and kennels, of the Code of Ordinances for the City of Hapeville.

Staff is requesting a text amendment to allow for veterinarians and animal hospitals in all commercial districts. Kennels, where animals are boarded for an extended period of time, will be allowable in I-1 and C-1, where they are already allowed, and will be added to C-2 districts.

Public Comment – None.

MOTION ITEM: Larry Martin made a motion; Charlotte Rentz seconded to recommend the Mayor and Council approve the text amendment as requested.

Motion Carried: 4-0.

4. Old Business

a. Accessory Uses/Buildings

Text Amendment

Consideration and Action of an Ordinance to amend Section 93-2-5, Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences, of the Code of Ordinances for the City of Hapeville, Georgia. This item was tabled at the February 12, 2019 meeting pending recommended changes.

The Commission requested staff clarify the language in Section 93-2-5(a) regarding water supply and item (g) under definitions regarding additional parking spaces.

Public Comment: None.

After further discussion the following action was taken:

MOTION ITEM: Jeanne Rast made a motion; Charlotte Rentz seconded to recommend the Mayor and Council approve the Accessory Uses/Buildings Text Amendment with proposed changes. **Motion Carried: 4-0.**



b. Chart of Dimensional Requirements

Residential Building Height

Discussion regarding the height requirements for new residential development.

This item was discussed at the February 12, 2019 meeting.

Staff discussed this issue with members of the Design Review Committee and several architects, and it was determined that there is no standard verifiable reason to restrict residential building height.

Due to time constraints, the following action was taken:

MOTION ITEM: Larry Martin made a motion, Lucy Dolan seconded to table this item until the May 14, 2019 meeting. Motion Carried: 4-0.

c. Proposed Zoning Code Amendments

Open discussion regarding proposed zoning code amendments.

No action taken.

5. Next Meeting Date – May 14, 2019 at 6:00PM

6. Adjourn

MOTION ITEM: Lucy Dolan made a motion; Charlotte Rentz seconded to adjourn the meeting at 8:00 p.m. Motion Carried: 4-0.

Respectfully submitted,

Chairman, Brian Wismer

Secretary, Adrienne Senter



Planning & Zoning Planner's Report

TO: Adrienne Senter
FROM: Lynn M. Patterson, Consulting Planner for City of Hapeville
RE: Accessory Dwelling Unit Code Sections for Neighborhood
DATE: February 8, 2019

BACKGROUND

The Planning Commission requested staff research relevant neighboring community codes as they relate to accessory dwelling structures for a discussion on running water/use of accessory structure as accessory dwelling units.

ADU SUMMARIES

Atlanta

- Allows ADUs in R-5 - two-family residential, only.
- Allows guest houses, which are defined as dwellings without kitchens, in districts R-1 through R-5 (and assumedly all corresponding SPIs).
- ADUs are restricted to 750 sq. ft. or less, 25% of the yard or less, and count towards maximum FAR. They have further specific yard setback requirements laid out in the code.
- The city's zoning review board recently passed ordinance 18-O-1581 which expands allowable zones to include the high density R-4 and R-4A - single-family residential zones. It is pending city council review.

East Point

- Allow non-habitable accessory structures, defined as not having a 220 volt power supply, ventilation hood, or gas line, in most residential districts.
- With a special use permit, residential parcels may have habitable accessory structures.

- To gain a permit, the property must be owner-occupied, the unit must be aesthetically similar to the main building, an extra parking space must be provided, the structure must take up less than half of the rear yard lot and be less than half the size of the primary structure.
- A use permit and building permit are both required to build a habitable accessory structure, and the use permit must be renewed every three years. The use permit requires Planning and Zoning committee recommendation, Planning and Community Development department recommendation, and a public meeting with City Council approval.
- The accessory structure cannot be built or moved in to while the main house is under construction.

College Park

- Does not allow ADUs.
- In addition to banning any overnight habitation in any accessory structure, the city also bans the construction of any accessory units with functioning plumbing.

Decatur

- Allows ADUs in nearly all residential districts, save RS-17, a high density residential district. It also allows ADUs in the PO - professional office district.
- ADUs must be between 300 and 800 sq. ft., no more than 40% of the floor area of the main building, and take up no more than 30% of the rear yard.
- ADUs are limited to 2 beds and 2 baths, or 2 occupants.
- A permit is required to build an ADU, where the applicant must deliver a sworn, notarized statement stating the owner will occupy one of the dwelling units for 8 months out of each year, and will receive no rent for such unit.

Sandy Springs

- Allows guest houses in RE – residential estate and RD – residential detached districts.
- A guest house is defined as a dwelling unit accessory to the principal dwelling on a single unit detached lot. It may have a kitchen.
- Must be less than 50% of the principal dwelling unit's first floor area or 1,200 sq. ft.
- Explicitly allowed to be above a garage.

CODE

Atlanta

- Sec. 16-29.001(10) *Dwellings, lodgings and related terms*
 - "(a) Dwelling unit (*apartment*): A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on weekly or longer terms, physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen and sleeping facilities."
 - "(c) Guest house: a lodging unit for temporary guests in an accessory building. No such lodging unit shall contain independent kitchen facilities."
- Sec. 16-29.001(12) Dwellings and lodgings: uses and structural types
 - "(a)(7) Dwelling: Accessory - A detached dwelling unit meeting the height requirement of section 16-28.004 and having a floor area of 750 square feet or less on the same lot as a primary dwelling. Accessory dwelling units are distinct dwelling units as defined in section 16-29.001(10)(a) with independent kitchen facilities."
- "Sec. 16-28.004. - Accessory Uses and Structures

The following regulations and requirements apply to accessory uses and structures:

- i. Except as otherwise specifically provided in this part, use of accessory buildings as dwellings or lodgings is prohibited.
- ii. Accessory buildings shall be constructed concurrent with or after construction of principal buildings.
- iii. Accessory buildings in R-1 through R-5 districts shall not exceed 20 feet in height, shall not cover more than 25 percent of the area of the rear yard, and shall not contain a total floor area greater than 30 percent of the main structure. For purposes of calculating the total floor area of the main structure, the definition of residential floor area set forth in the first sentence of [section 16-29.001\(13\)\(a\)](#) shall apply, except where modified by the provisions of [16-24.008](#). For purposes of calculating the total floor area of the accessory building, all gross floor area of the accessory building shall be included whether or not it is conditioned or habitable."
 - 16-29.001(37) states ADUs count towards maximum FAR.
- iv. "'Amenity areas' as defined in [section 15-06.001\(c\)](#) that lie within subdivisions reviewed and approved pursuant to part 15, shall be authorized as accessory uses and structures in the R-1 through R-5 districts, and in single and two-family subdivisions in the RG and MR districts, and may be used and platted as an irregular lot within such subdivisions provided said lot continues to be used exclusively for an amenity area pursuant to part 15. Should such lot cease to be used as an amenity area, it shall be used only for the purposes of "open space" within the meaning of [section 15-06.001\(z\)](#)."

- R-1 through R-5 allow guest houses. Only zone R-5 - Two Family residential - allows ADUs. Per Section 16-07:
 - Only one per lot, which may not be used so long as the primary structure is under construction and is not in use.
 - Requires minimum 4 foot side yards, must be behind the primary structure relative to the road, cannot exceed 50% of the net lot area.
 - The distance between an accessory structure and the primary dwelling on adjacent properties may be no less than the distance between the accessory dwelling unit and the primary structure on its lot (this is likely to be repealed)
- However, the city's Zoning Review Board passed ordinance 18-O-1581 to allow ADUs in R-4 and R-4A, both Single-Family Residential districts
 - R-4 protects single-family communities and encourages growth on lots of medium size and at a density of not more than one dwelling unit per 9,000 sq. ft.
 - R-4A provides the same atmosphere, but denser at 7,500 sq. ft. per housing unit.

East Point

- Sec 10-2027.7. - Non-habitable accessory structure
 - May not be rented to another party
 - Require building permits if greater than 200 sq. ft.
 - "(9) The accessory structure may not contain a 220 volt power supply, ventilation hood or gas line."
- Sec. 10-2027.10. states accessory buildings and structures may be used for the home occupation, which is limited to members of the resident family only
- Sec. 10-2130. - Habitable accessory structure. (Under Special Use Permits)

"Habitable accessory structures may be rented to another party so long as one of the dwelling units on the property is owner-occupied. The units must be aesthetically compatible with the principal structure, include one additional on-site parking space, and be limited to half the size of the primary structure. The habitable accessory structure may not take up more than half the rear yard of the lot. The use must remain single-family and the lot may not be subdivided nor may the unit be sold separately. A use permit is required for all habitable accessory structures. In the event a use permit application is approved, a building permit will also be required.

Criteria:

- (1) Full kitchen permitted.
- (2) An accessory structure must be aesthetically compatible with principal structure.
- (3) The accessory structure cannot be built or moved onto any lot before construction of the main house unless a building permit has been issued for the construction of the main house.
- (4) The owner of the property must reside either in the principal structure or the accessory structure on premises.
- (5) The lot must be a minimum of 5,000 square feet.
- (6) The property must have a minimum of three unobstructed parking spaces.
- (7) The accessory unit can only have one kitchen and may have a 220 volt power supply, a ventilation hood or gas line.
- (8) The height must not exceed the height of the main house or 35 feet, whichever is less.
- (9) The total floor area cannot exceed 50 percent of the floor area of the principal structure or exceed 50 percent of the rear lot coverage. All utilities for the structure must be fed from the primary structure.
- (10) The structure must be at least 6 feet away from the principal structure.

(11) The structure must be at least three feet from all property lines and at least 15 feet from any structure on adjoining property.

(12) If the property is adjacent to an alley, it can be located on the property line."

- The Special Use Permit process necessitates a public meeting in front of the Planning and Zoning committee and City Council, plus a recommendation from the Planning and Community Development Department. SUPs expire every three years. (Sec 10-2085, 2086, and 2087).
- The legislation enabling ADUs dates to September 2016

College Park

- R-1 through R-5 make no mention of accessory *dwellings* but do allow accessory structures.
- AG-1 - Agricultural District - explicitly prohibits the habitation of accessory buildings
- Article XX, Sec. 3(a) Yard Regulations, Accessory Buildings
 - Buildings may only be 20 ft. high, and all accessory buildings must be collectively smaller than 864 sq. ft.
 - (7) "No accessory building shall have any plumbing of any kind, including but not limited to running water or drainage into any sewer or septic system."
 - (9) "No accessory building shall be used for human habitation, including but not limited to overnight accommodations for any person."

Decatur

6.8.1. - In General

- A. Accessory uses are permitted in conjunction with an allowed principal use. Allowed accessory uses include those listed in this Section and additional accessory uses as interpreted by the Zoning Administrator.
- B. Accessory buildings must share utility services and meters with the main building.
- C. Accessory buildings may have a ½ bath or a kitchen, but cannot contain both a full bathroom and a kitchen. Habitation is not permitted in an accessory building unless it is identified as an accessory dwelling unit (see Sec. 6.8.3.A.).
- D. Dimensional standards for accessory buildings and structures are included with the principal structure standards for each district (Article 3. Residential Districts and Article 4. Mixed Use and Commercial Districts). No more than two accessory buildings are allowed per lot, excluding structures less than 100 square feet.
- E. Accessory buildings shall not exceed 1,000 square feet of total floor area, including garages and other enclosed storage areas. Such buildings shall not exceed 25 feet in height and two stories.
- F. Allowed accessory uses and structures include the following:
 - 1. Accessory dwellings units (ADU).
 - 2. Accessory uses administered by a place of worship that are related directly to the place of worship.
 - 3. Accessory uses administered by an institution that are related directly to the campus or institution, including parks, athletic fields, stadiums, playgrounds, bookstores, soda shops, art galleries, restaurants, cafeterias, card and souvenir shops, clinics, medical and dental offices, boarding and rooming houses, clubs, sororities, fraternities, and temporary lodging facilities.
 - 4. Garden sheds.
 - 5. Greenhouses.
 - 6. Home occupations.
 - 7. Home offices and studios.
 - 8. Multilevel parking facilities.
 - 9. Parking facilities, structured or hard-surfaced as accessory to a building.
 - 10. Private garages.
 - 11. Swimming pools and tennis courts.

6.8.3. - Standards for Specific Accessory Uses

A. Accessory Dwelling Unit (ADU)

1. The design and size of the ADU shall conform to all codes which are required for any new construction.
2. Only one ADU may be created per principal dwelling unit.
3. The property owner must occupy either the principal dwelling unit or the ADU as their permanent residence for at least 8 months out of each year, and at no time receive rent for the owner-occupied unit.
4. An ADU may be developed in or adjacent to either an existing or new principal dwelling.
5. In no case can an ADU be more than 800 square feet of floor area, or less than 300 square feet, excluding any related garage area or other ancillary storage, or shall it exceed 40% of the floor area of the principal dwelling; nor have more than 2 bedrooms or 2 occupants.
6. ADUs are subject to the parking requirements of Sec. 7.1.
7. Application for a building permit for an ADU must be made to the Zoning Administrator and must include a sworn, notarized statement from the property owner stating that the owner will occupy one of the dwelling units on the premises, except for bona fide temporary absences, for 8 months out of each year and shall receive no rent on such unit.
8. The equipment of an accessory building or equipment of part of a principal building with one or more of the following or similar items, systems or equipment shall be considered prima facie evidence that such accessory building or such part of the principal building is a separate and distinct dwelling unit and is subject to the regulations of the zoning district in which it is located: utility services; utility meters; mailboxes; kitchen equipment such as sink, stove, oven, and/or cabinets.
 - 6.2 shows ADUs are allowed in all residential areas other than RS-17, high density single-family residential, and are allowed in PO, Professional Office.
 - 2.1.5.D Rear Yard Standard states accessory buildings shall not occupy more than 30% of the required rear yard.
 - ADUs were introduced in 2016.

Sandy Springs

Sec. 7.8.6 - Guest House

A. Defined and Basic Use Standards Defined: a dwelling unit accessory to the principal dwelling on a single unit detached lot.

i.No more than one guest house per lot allowed.

ii.A separate kitchen facility is allowed.

iii.Heated floor area must be less than 50% of the principal dwelling unit first-floor heated floor area, or must be less than 1,200 square feet, whichever is less.

iv.Principal building setbacks apply.

v.Height may be no greater than 2 stories and 24 feet

vi.The location is limited to the rear yard and must meet all district setbacks.

vii.A guest house may be located over a garage, provided its location and size meet the requirements of the use standards above.

The above ordinance was adopted in April 2018.

Sec. 7.2. states Guest Houses are allowed in zones RE, Residential Estate, and RD, Residential Detached.

**STATE OF GEORGIA
CITY OF HAPEVILLE**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 93 (“ZONING”), ARTICLE 25 (“AMENDMENTS”), SECTION 93-25-8 (AMENDMENT TO CONDITIONS) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Hapeville, Georgia (the "City") is a municipal corporation created under the laws of the State of Georgia; and

WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”) and all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be the legislative body of the City; and

WHEREAS, the Mayor and Council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the City, its officers, agencies, or employees granted by the City of Hapeville's Charter or by state law; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City's charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, amendments to any of the provisions of the City's Code may be made by amending such provisions by specific reference to the section number of the City's Code; and,

WHEREAS, every official act of the Mayor and Council which is to become law shall be by ordinance;

WHEREAS, the procedures required for amending the City's zoning ordinance have been satisfied, including, but not limited to, notice and public hearings; and,

WHEREAS, the City’s current Zoning Ordinance is contained in Chapter 93 of the City Code; and

WHEREAS, the City’s current hearing procedures of the Mayor and Council, with respect to the City Zoning Ordinance, is contained in Article 25 of Chapter 93 of the City Code; and

WHEREAS, the Mayor and Council find it necessary to revise a certain provision of the Zoning Ordinance for the efficient and expedient exercise of the City’s zoning powers.

NOW THEREFORE, BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE THAT:

Section One. The Code of Ordinances, City of Hapeville, Georgia is hereby amended by revising Chapter 93 (Zoning), Article 25 (Amendments), Section 93-25-8 (Amendment to conditions) and to be read and codified as follows:

ARTICLE 25. – AMENDMENTS

Sec. 93-25-8. - Amendment to conditions.

Procedures for removing or modifying any conditional requirement of an approved rezoning matter, a non-text amendment, Special Use Permit, or special exception shall follow a streamlined process but must meet the minimum standards in accordance with the requirements of the State Zoning Procedures Law (Ga. Laws 1985, page 1139; O.C.G.A. Sections 36-66-1 through 36-66-5). These applications shall be submitted to the Planning commission for analysis per Section 93-25-3 of the City Code. The public shall be notified in accordance with Section 93-25-4 of the City Code. The requisite public hearing will be held by the City, wherein the final decision will be made by the City. However, the City will not be required to hold two (2) hearings for these approved rezoning matters, non-text amendments, Special Use Permit(s), or special exception matters after completion of the one (1) requisite public hearing.

Section Two. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Three. Severability.

- (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Mayor and 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 this

Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Five. Effective Date. The effective date of this Ordinance shall be the date of its adoption by the Mayor and Council unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney

**STATE OF GEORGIA
CITY OF HAPEVILLE**

ORDINANCE NO. _____

AN ORDINANCE TO REVISE CHAPTER 11 (“BUSINESS LICENSING AND REGULATION”), ARTICLE 11 (“COMMERCIAL SOLICITATIONS AND TRANSIENT MERCHANTS”) SECTION 11-11-4 (“TRANSIENT MERCHANTS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA TO PROVIDE FOR THE REGULATION OF TRANSIENT MERCHANTS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the mayor and council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,

WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”) and all powers of the City shall be vested in the mayor and council. The mayor and council shall be the legislative body of the City; and,

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall remain effective until they have been repealed, modified or amended; and,

WHEREAS, amendments to any of the provisions of the City’s Code may be made by amending such provisions by specific reference to the section number of the City’s Code; and,

WHEREAS, every official act of the mayor and council which is to become law shall be by ordinance; and,

WHEREAS, the governing authority of the City finds it desirable to provide for the licensing, operation and regulation of transient merchants.

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

Section One. Chapter 11 (Business Licensing and Regulation), Article 11 (Commercial Solicitations and Transient Merchants), Section 11-11-4 (Transient Merchants” of the City Code of Ordinances is hereby amended and renamed to “Section 11-11-4 (Regulation and Licensing of Transient Merchants)” and said section is stricken in its entirety and replaced as follows:

Section 11-11-4 - Regulation and Licensing of Transient Merchants.

(a) It shall be unlawful for any person to sell, or offer for sale, goods or food of any type from without a license first having been granted under this section.

(b) An application for a permit hereunder shall be submitted to the City Clerk or his or her designee setting forth all information required hereunder and in compliance with this ordinance. The City Clerk or his or her designee shall develop a form of application for the purpose of compliance with this article. The application shall be accompanied by an executed indemnity agreement indemnifying and releasing the City, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever arising in connection with the activities of the Transient Merchant pursuant to the permit issued hereunder. Transient Merchant permits shall be active for ninety (90) days commencing on the day of issuance. Three-day transient merchant permits shall expressly state the days of validity on the permit.

(c) The following information shall be provided with each application for a Transient Merchant permit, along with an application fee of \$100.00 for a 90-day permit or \$50.00 for a three consecutive day permit, and an executed Release and Indemnification Agreement provided by the City:

- (1) Name of the Transient Merchant;
- (2) Type and description of the vending unit or display cart/stand;
- (3) Owner's contact information;
- (4) Operator's contact information;
- (5) Copy of approved permit from the Fulton County Health Department (if applicable);
- (6) List of operating locations and times including map detailing the position of the Transient Merchant, and current zoning in said locations;
- (7) Proof of current liability insurance of at least one million dollars (\$1,000,000.00), issued by a an insurance company licensed to do business in Georgia, protecting the Transient Merchant, the public and the City from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit, shall be provided to the City as part of its permit application;
- (7) Signatures from property owners indicating consent for the use of their property; and
- (8) Signature of applicant indicating agreement to the listed requirements.

(d) Transient Merchants may conduct business or operate in the public right-of-way, only if parking in the right-of-way is legally allowed and it does not impede the flow of traffic. A determination of traffic impediment shall be made by the City of Hapeville Police Department.

Transient Merchants must be located in a lot that can safely be accessible by patrons. Selling goods on public, city-owned grass areas is permissible with prior approval from the City Manager at the time of application.

(e) A Transient Merchant shall not operate on any private property without the prior written consent of the owner. Transient Merchants are not allowed to leave up displays, carts or stands overnight.

(f) A Transient Merchant may operate on City owned property, if: (1) the Transient Merchant has received permission to do so from the City Manager; and (2) has indicated the appropriate City owned location, date, and times of use on the application. At no time shall a Transient Merchant be allowed to park overnight on any City owned property. Designated City lots, dates and times are attached hereto and incorporated herein as Exhibit "A".

(g) A Transient Merchant shall not make sounds or announcements to call attention to the station either while traveling on the public rights-of-way or when stationary. At all times said Transient Merchant shall be in compliance with the City's noise ordinance.

(h) The license under which a Transient Merchant is operating must be firmly attached and visible on the Transient Merchant stand, display or cart at all times.

(i) Transient Merchant shall not sale any goods out of a motorized vehicle or a cart, stand or display being towed by a motorized vehicle.

(j) Transient Merchants shall not be located within fifteen (15) feet of any street intersection or pedestrian crosswalk or ten (10) feet of any driveway.

(k) A Transient Merchant shall not sell or offer to sell any goods, foods, products, or services between the hours of 10:00 p.m. to 9:00 a.m., unless otherwise approved and extended by the City Manager.

(l) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(m) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a Transient Merchant unless each side of the cart, stand or display is marked, in letters and numbers at least three (3) inches in height, with the name and address of the Transient Merchant licensee.

(n) Transient Merchants shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health organization or governmental organization having jurisdiction over this subject matter, if applicable.

Section Three. Preamble Incorporated. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section Four. Codification. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section Five. Severability.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Mayor and 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Seven. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Eight. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney

**STATE OF GEORGIA
CITY OF HAPEVILLE**

ORDINANCE NO. _____

AN ORDINANCE TO REVISE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 2 (“MAYOR AND COUNCIL”) SECTION 2-2-5 (“RULES AND PROCEDURES OF MAYOR AND COUNCIL”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA TO PROVIDE FOR THE REGULATION OF CITY COUNCIL MEETINGS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Hapeville, Georgia (hereinafter the “City”) is the Mayor and Council thereof; and

WHEREAS, the City’s Administration code provides for the rules and regulation of City Council Meetings; and

WHEREAS, the governing authority of the City finds it desirable to provide appropriate rules and procedures for the Mayor and Council Members.

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

Section One. Section 2-2-5 (Rules and Procedures of Mayor and Council) in Chapter 2 (Administration), Article 2 (Mayor and Council) Subsection (f) (Zoning Hearing) of the City Code of Ordinances is hereby amended and revised as follows:

Sec. 2-2-5. Rules and procedures of mayor and council.

- (6) At the conclusion of the hearing, the Council may make a decision at its next regular public meeting, unless the decision is regarding a conditional requirement of an approved rezoning matter, a non-text amendment, Special Use Permit, or special exception, in which case the Council may make a decision at the current meeting. The director of the community development department shall notify the applicant in writing of the Council's decision. The written notification shall immediately be entered on the minutes and made a part of the record on the date that written notification is given to the applicant.

Section Two. Preamble Incorporated. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section Three. Codification. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section Four. Severability.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Mayor and 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Five. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Six. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan H. Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 17 (“FINANCE AND TAXATION”), ARTICLE**
7 **7 (“HOTEL OCCUPANCY TAX”), SECTION 17-7-1 (“DEFINITIONS”) OF THE CODE**
8 **OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR**
9 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
10 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
11

12 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
13 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
14 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
15

16 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
17 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
18 the legislative body of the City; and,
19

20 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
21 amending such provisions by specific reference to the section number of the City’s Code; and,
22

23 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
24 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
25 remain effective until they have been repealed, modified or amended; and,
26

27 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
28 by ordinance; and
29

30 **WHEREAS**, the governing authority of the City finds it necessary to amend the signing
31 authority for the City Manager in regards to purchases.
32

33 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
34 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
35

36 **Section One.** Chapter 17 (Finance and Taxation), Article 7 (Hotel Occupancy Tax),
37 Section 17-7-1 (Definitions) of the City Code of Ordinances is hereby amended by modifying the
38 definition of “Tax” to read as follows:
39

40 *Tax.* The tax on occupants imposed by this article, as provided for by O.C.G.A. § 48-13-
41 50, et seq., specifically O.C.G.A. § 48-13-51(b).
42

43 **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified
44 and certified in a manner consistent with the laws of the State of Georgia and the City.
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(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

Section Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

ORDAINED this _____ day of _____, 2019.

Alan Hallman, Mayor

Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 17 (“FINANCE AND TAXATION”), ARTICLE**
7 **3 (“PURCHASING AND CONTRACTING”), DIVISION 2 (“SUPPLIES AND**
8 **CONTRACTS”), SECTION 17-3-25 (“SMALL PURCHASES”) OF THE CODE OF**
9 **ORDINANCES, CITY OF HAPEVILLE, GEORGIA; TO PROVIDE FOR**
10 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
11 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
12

13 **WHEREAS**, the mayor and council shall have full power and authority to provide for the
14 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
15 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
16

17 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
18 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
19 the legislative body of the City; and,
20

21 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
22 amending such provisions by specific reference to the section number of the City’s Code; and,
23

24 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
25 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
26 remain effective until they have been repealed, modified or amended; and,
27

28 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
29 by ordinance; and
30

31 **WHEREAS**, the governing authority of the City finds it necessary to amend the signing
32 authority for the City Manager in regards to purchases.
33

34 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
35 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
36

37 **Section One.** Chapter 17 (Finance and Taxation), Article 3 (Purchasing and Contracting),
38 Division 2 (Supplies and Contracts), Section 17-3-25 (Small Purchases) of the City Code of
39 Ordinances is hereby amended by adding the following subsection to Section 17-3-25:
40

41 (d) Budgeted purchases of supplies and services amounting to the estimated value
42 up to \$10,000.00 may be made by the City Manager without prior approval of Council.
43

44 **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified
45 and certified in a manner consistent with the laws of the State of Georgia and the City.
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(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

Section Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

ORDAINED this _____ day of _____, 2019.

Alan Hallman, Mayor

Crystal Griggs-Epps, City Clerk

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APPROVED BY:

City Attorney

DRAFT

1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO ALLOW THE GOVERNING AUTHORITY OF THE CITY OF**
7 **HAPEVILLE, GEORGIA TO SELL AND CONVEY PARCELS OF NARROW STRIPS**
8 **OF LAND PURSUANT TO O.C.G.A. § 36-37-6(g), TO CREATE SECTION 66-1-12**
9 **(“CONVEYANCE OF NARROW STRIPS OF LAND”) IN CHAPTER 66 (“VACANT**
10 **LOTS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE; TO PROVIDE FOR**
11 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
12 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
13

14 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
15 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
16 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
17

18 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
19 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
20 the legislative body of the City; and,
21

22 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
23 by ordinance; and,
24

25 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
26 amending such provisions by specific reference to the section number of the City’s Code; and,
27

28 **WHEREAS**, the governing authority of the City finds it desirable and necessary to provide
29 for procedures enabling City staff to sell and convey narrow strips of land.
30

31 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
32 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
33

34 **Section One.** Chapter 66 (Vacant Lots) is hereby amended by creating and adding in
35 Section 66-1-12, which states as follows:
36

37 **Sec. 66-1-12. – Conveyance of Narrow Strips of Land.**
38

39 (a) *Authority.* Pursuant to O.C.G.A. Section 36-37-6(g), the City is authorized to sell and convey
40 parcels of narrow strips of land, so shaped or so small as to be incapable of being used
41 independently as zoned or as streets, whether owned in fee or used by easement, to abutting
42 property owners where such sales and conveyances facilitate the enjoyment of the highest and best
43 use of the abutting owner's property.
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47 (b) *Procedure.*

- 48 i. The City Council shall make a determination of the parcels of narrow strips of land
49 they would like to convey.
- 50 ii. The city clerk shall send a notice via certified mail to all of the property owners adjacent
51 to the parcel being sold. The notice shall include the application process, timeline for
52 purchasing the parcel, and the deadline for submitting applications.
- 53 iii. If forty-five (45) days have lapsed since the city clerk notified the adjacent property
54 owners of the sell of parcels, and no adjacent property owners have filed a complete
55 application, then the city clerk shall post a notice on the city's website and legal organ
56 for applications to purchase the parcel. The application process for non-adjacent
57 property owners shall remain open for sixty (60) days after the date of first publication.
58 The publications must include the application process, timeline for purchasing the
59 parcel, and the deadline for submitting applications.
60

61 (c) *Application for adjacent property owner.* An adjacent property owner may apply to be
62 considered to purchase the subject parcel within thirty (30) days from the date of the notice
63 provided by the city clerk. The application must include:

- 64 i. Proof of ownership and title of property adjacent to parcel;
65 ii. Proposed use of parcel;
66 iii. Purchase price;
67 iv. Survey showing the amount of land to be acquired;
68 v. Acknowledgment of payment of all expenses, if allowed to purchase, including but not
69 limited to surveys, closing costs, attorneys fees; and
70 vi. A non-refundable application fee of \$500.00
71

72 (d) *Application for non-adjacent property owner.* A non-adjacent property owner may apply to be
73 considered to purchase the subject parcel, after all adjacent property owners have been notified
74 and provided with the opportunity to purchase, within sixty (60) days from the first date of
75 publication. The application must include:

- 76 i. Proposed use of parcel;
77 ii. Purchase price;
78 iii. Survey showing the amount of land to be acquired;
79 iv. Acknowledgment of payment of all expenses, if allowed to purchase, including but not
80 limited to surveys, closing costs, attorneys fees; and
81 v. A non-refundable application fee of \$500.00
82

83 (e) *Valuation.* The Fulton County Tax Assessor's valuation shall serve as the base of the
84 approximate value of the parcel. However, the City Council shall maintain the authority to value
85 the parcel as seen fit.
86

87 (f) *Approval by Council.* The City Council shall review all timely applications and make a
88 determination on how the parcel shall be conveyed. Council may approve an application as is or
89 qualify it with conditions. Council has the authority to sub-divide the parcel between multiple
90 property owners. They may take into account the amount proposed for the purchase of the parcel,
91 the highest and best use of the parcel, and any other factors Council deems fit.
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(g) *Conveyance*. The City will convey the property via quit claim deed. It shall be the purchaser's responsibility to file said deed, and return a copy to the City.

Section Two. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Three. Severability.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Mayor and 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Five. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

DRAFT

ATTEST:

Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney

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1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO AMEND CHAPTER 41 (“TRAFFIC AND MOTOR VEHICLES”),**
7 **ARTICLE 1 (“IN GENERAL”), SECTION 41-1-6 (“DESIGNATION OF TRAFFIC**
8 **ENGINEER; RESPONSIBILITIES”) OF THE CODE OF ORDINANCES, CITY OF**
9 **HAPEVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL**
10 **CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO**
11 **PROVIDE FOR OTHER LAWFUL PURPOSES.**
12

13 **WHEREAS**, the mayor and council shall have full power and authority to provide for the
14 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
15 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
16

17 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
18 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
19 the legislative body of the City; and,
20

21 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
22 amending such provisions by specific reference to the section number of the City’s Code; and,
23

24 **WHEREAS**, existing ordinances, resolutions, rules and regulations of the City and its
25 agencies now lawfully in effect not inconsistent with the provisions of the City’s charter shall
26 remain effective until they have been repealed, modified or amended; and,
27

28 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
29 by ordinance; and
30

31 **WHEREAS**, the governing authority of the City finds it necessary to amend the role of the
32 traffic engineer to provide for clarification.
33

34 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
35 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
36

37 **Section One.** Chapter 41 (Traffic and Motor Vehicles), Article 1 (In General), Section 41-
38 1-6 (Designation of traffic engineer; responsibilities) of the City Code of Ordinances is hereby
39 amended by adding the following subsection to Section 41-1-6:
40

41 (d) The Mayor and Council may make decisions regarding matters where the traffic
42 engineer is the decision-making body. The decision by Mayor and Council will serve as a substitute
43 to the decisions by the traffic engineer. If the Mayor and Council make a decision that conflicts
44 with the role or decision of the traffic engineer, the Mayor and Council’s decision will be final and
45 in full force, so long as it is in compliance with state law and city code.
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Section Two. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

Section Three. Severability.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance 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 Mayor and 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 Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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ORDAINED this _____ day of _____, 2019.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

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Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney