



PLANNER'S REPORT

TO: Adrienne Senter
 FROM: Lynn Patterson
 RE: Rezoning for North Central and Dogwood Drive currently zoned C-R
 DATE: December 7, 2018

BACKGROUND

Staff is proposing zoning map amendments to rezone properties within the City limits that are currently zoned C-R, Commercial-Residential to V, Village. The C-R zoning is quite complex and restrictive in terms of allowable uses and dimensional requirements whereas the V, Village zoning offers compatibility in terms of intent to C-R with greater ease. According to the City of Hapeville Future Land Use Map (Figure 2), the properties proposed for rezoning are low to medium intensity mixed use.

City of Hapeville Official Zoning Map
 April 5, 2016: As Amended from December 2, 2008

- 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
 - P-D PLANNED UNIT DEVELOPMENT
 - RMU RESIDENTIAL MIXED USE
 - C-1 RETAIL COMMERCIAL
 - C-2 GENERAL COMMERCIAL
 - C-R COMMERCIAL RESIDENTIAL
 - C-T COMMERCIAL TRANSPORTATION
 - I-1 LIGHT INDUSTRIAL
- C - ZONING WITH CONDITION
- NOTE: All names and parcel boundaries are based on data provided by the Fulton County Tax Assessor's Office and are not guaranteed by the City of Hapeville to be accurate.

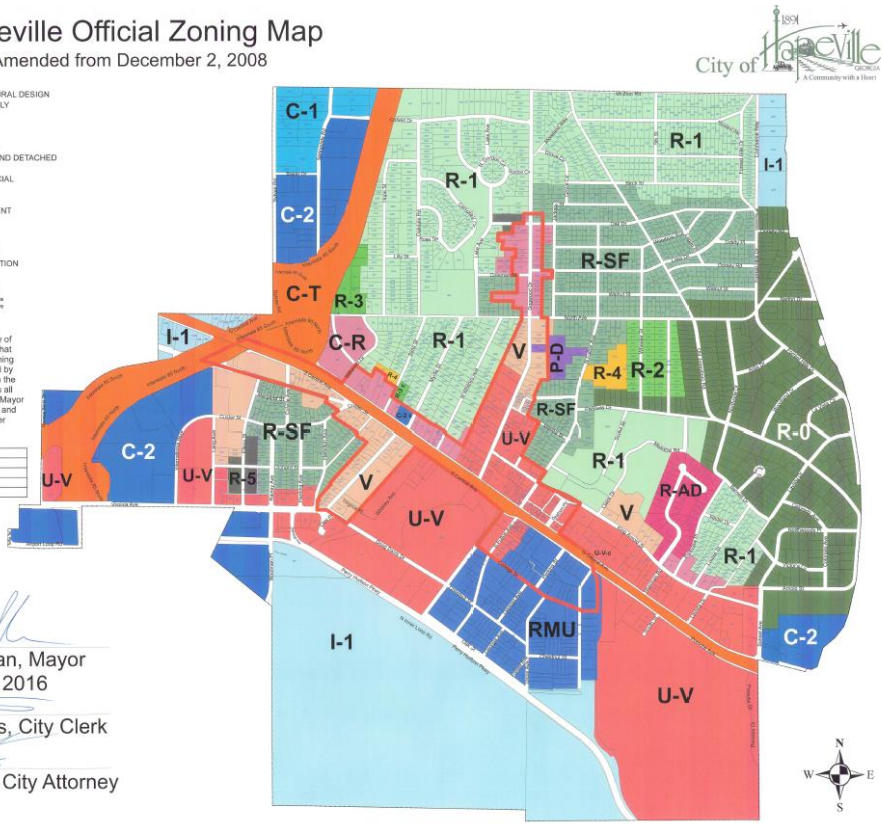
I, Jennifer Elkins, City Clerk of the City of Hapeville, Georgia, do hereby certify that this is the City of Hapeville Official Zoning Map, Fulton County, Georgia, adopted by the Mayor and Council of Hapeville on the 20th day of April, 2016, and includes all subsequent amendments adopted by Mayor and Council as indicated in the Mayor and Council meeting minutes and as further indicated on this Map.

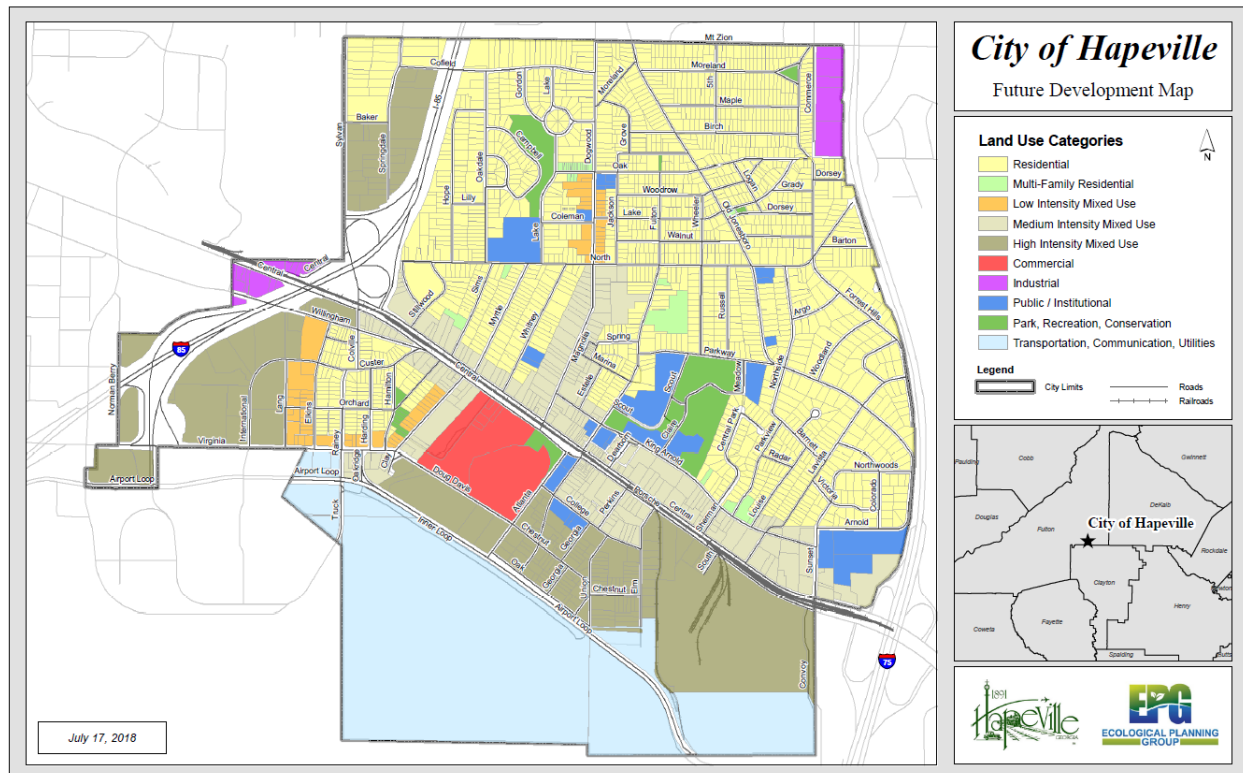
Date	Amendment

Alan Hallman
 Alan Hallman, Mayor
 April 5, 2016

Jennifer Elkins
 Jennifer Elkins, City Clerk

Steve Fincher
 Steve Fincher, City Attorney





CODE

Current Zoning

ARTICLE 12. - C-R ZONE (COMMERCIAL-RESIDENTIAL)

Sec. 93-12-1. - Intent.

By virtue of its location within the comprehensive land development plan for the city, and because of the existing mixed development within its zone, and in recognition that limited commercial uses and residential uses can be made compatible and advantageous to the city when established in the same area, and because of the need for controlled flexibility in accommodating the future development and expansion of commercial and residential land uses within the city, the C-R zone is established in order to:

- (1) Stabilize and protect existing development.
- (2) Ensure that future development and redevelopment increase the housing supply and needed office, commercial services and nonintensive retail land uses which are compatible with each other and with existing land uses within the city.
- (3) Encourage certain specific types of transitional uses, building locations and site designs between residences and businesses that locate in or adjoin this zone.

Sec. 93-12-2. - Permitted uses.

- (a) The following uses are permitted in any C-R zone, subject to the general requirements of the zone:
- (1) Single-family detached dwellings.
 - (2) Two-family dwellings.
 - (3) Group homes, subject to the restrictions in [section 93-2-19](#).
 - (4) Adult daycare facilities.

(5) Professional and business office uses, in buildings of not more than 3,000 square feet of floor area, provided that no parking area shall be located within 20 feet of a front property line, and provided further that all buildings conform to the following:

- a. The roofs of all buildings shall be not less than four feet in rise to ten feet in run. No roof-mounted equipment shall be allowed.
- b. The exterior wall construction of all buildings shall be one or more of the following:
 1. Wood;
 2. Hard-burned clay brick;
 3. Stone with either a weathered face or a polished, fluted or broken face.

(b) The following uses are permitted in any C-R zone subject to the general requirements of the zone; and subject further to the site plan review requirements of [section 93-2-16](#):

- (1) Single-family attached developments, in structures with not more than four dwellings attached.
- (2) Multifamily dwelling developments, in buildings containing no more than four dwelling units.
- (3) Offices, in buildings of not more than 6,000 square feet of floor area.
- (4) Banks and other financial institutions, in buildings of not more than 6,000 square feet of floor area.
- (5) Clinics, in buildings of not more than 6,000 square feet of floor area.
- (6) Churches and other places of worship.
- (7) Reserved.
- (8) Public, private and parochial schools operated for the purpose of instructing in elementary and high school general education subjects. In addition, other schools are allowed subject to a finding by the planning commission that the proposed method of establishment and operation would not adversely impact the use and enjoyment of surrounding properties.
- (9) Offices, banks and other financial institutions, and clinics in buildings with more than 6,000 square feet of floor area, provided that the minimum lot area for any such development is five acres.
- (10) Multifamily developments of high density; provided that the minimum lot area for any such development is five acres; and provided further that any unit for occupancy which includes cooking facilities shall have a total floor area of not less than 480 square feet for an efficiency or one bedroom unit, a total floor area of not less than 730 square feet for a two bedroom unit, and not less than an additional 150 square feet of floor area for each additional bedroom.
- (11) Accessory uses to office buildings with more than 6,000 square feet of floor area, or high-density multifamily buildings are permitted, but limited to the first two floors and further limited to those retail uses permitted in the C-1 commercial district, wholly within the principal building. In no case shall accessory use activities utilize more than 25 percent of the floor area of any hotel, motel, office or multifamily building.
- (12) Art galleries, in buildings of not more than 6,000 square feet of floor area.
- (13) North American Industry Classification System (NAICS) Code 712110 Museums, in buildings of not more than 6,000 square feet of floor area.
- (14) NAICS Code 711510 Independent Artists, Writers, and Performers, in buildings of not more than 6,000 square feet of floor area.
- (15) NAICS Code 453920 Art Dealers, in buildings of not more than 6,000 square feet of floor area.

Sec. 93-12-3. - Nonpermitted uses.

The following uses are not permitted in any C-R zone:

- (1) Reserved.

Sec. 93-12-4. - Special uses.

The following uses require a special use permit, in accordance with [section 93-3.2-5](#) and [93-3.2-6](#), in any C-R zone:

- (1) Nursing homes.
- (2) Personal care homes, subject to the restrictions in [section 93-2-20](#).

Sec. 93-12-5. - Temporary use permits.

(a) The mayor and council may authorize the issuance of temporary use permits in the C-R zone, for any use permitted in the C-1 and C-2 zones, upon a finding that the proposed use would not cause adverse noise, glare, parking or traffic conditions, or otherwise unduly impair the value, use or enjoyment of adjacent property.

(b) Temporary permits shall be for the duration of six months and may be renewed at the discretion of the mayor and council. The mayor and council may stipulate special conditions or restrictions concerning the method of operation of any use granted a six month temporary permit.

(c) Prior to authorizing the issuance of any six-month temporary use permit, the mayor and council may consider the planning commission recommendations concerning the potential action, including any special conditions or restrictions concerning the method of operation of the use, as may be suggested by the commission. The planning commission and the mayor and council shall use the standards of review found in [section 93-25-6](#) to decide whether or not to recommend approval or denial and to approve or deny the permit.

(d) A use granted a six-month temporary use permit shall not be granted the status of a lawful nonconforming use as defined and provided for in this chapter.

(e) If a temporary use is granted, an occupation tax certificate may be issued. Issuance of tax a certificate shall convey no rights to continue the temporary use.

(f) A temporary use permit issued pursuant to this section which has been approved for use by the mayor and city council for two consecutive six-month terms may be converted upon application to a conditional use permit subject to the standards and requirements set forth above. Such application shall be subject to [article 3.2](#) of this chapter.

ARTICLE 11.1. - V ZONE (VILLAGE)

Sec. 93-11.1-1. - Intent.

The V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promotes neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses, which are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops antiques, apparel and banks; and
- (8) Encourage mixed use with commercial uses on the first floor and residential living above.

Sec. 93-11.1-2. - Permitted uses.

The following are permitted within the V zone:

- (1) Any use permitted in the D-D zone;
- (2) Any use permitted in the C-1 zone subject to the requirements of this article;
- (3) Single-family detached dwellings;
- (4) Single-family attached dwellings with at least four units attached;
- (5) Group homes, subject to the restrictions in [section 93-2-19](#);
- (6) Adult daycare facilities;
- (7) Condominiums subject to approval as a conditional use; and
- (8) Combination of residential and business applications within a single structure. However, each use must have a separate entrance.

Sec. 93-11.1-3. - Nonpermitted uses.

The following uses, while permitted in other areas within the city, are not permitted in the V zone:

- (1) Pawnshops and check cashing businesses excluding banks and credit unions;
- (2) Adult entertainment establishments as defined by [section 11-2-1](#) of this Code, including, but not limited to, adult bookstores, video or DVD adult rental or purchase, adult movie or adult live theaters, or adult gifts and novelties, or viewing or listening to other adult entertainment through any other electronic or other technological medium;
- (3) Automotive repair shops, dealerships and service stations, boat sales, auto parts stores;
- (4) Tattoo parlors;
- (5) Palm reading and fortunetelling including psychic and crystal ball readings;
- (6) Reserved;
- (7) Carnivals;
- (8) Stables;
- (9) Shooting galleries, firearm, and archery ranges;
- (10) Firearms dealers;
- (11) Modeling agencies;
- (12) Massage parlors;
- (13) Spas;
- (14) Hypnotists;
- (15) Handwriting analysis;
- (16) Escort services;
- (17) Bazaars;
- (18) Specialty shops;
- (19) Flea markets;
- (20) Junk stores;
- (21) Variety shops;
- (22) Labor pools;
- (23) Extended stay motels/hotels;
- (24) Parking lots (except for municipal parking lots benefiting the V zone);
- (25) Warehouses or longterm storage of material except where such storage does not constitute more than 25 percent of the business's floor space.

Sec. 93-11.1-4. - Conditional uses.

Specific uses may be permitted as conditional uses, provided conformance to the purpose and intent of this article can be demonstrated. Such uses are:

- (1) SIC Code 5261, lawn and garden supplies:
 - a. No outdoor storage of merchandise in the front yard.
 - b. Outdoor storage in the rear yard, only, is permitted, provided storage areas are completely screened.
- (2) SIC Code 5411, grocery stores and food stores;
- (3) SIC Code 7011, Hotels and motels;

- (4) SIC Code 7641, Reupholstery and furniture repair;
- (5) Laundry and dry cleaning shops;
- (6) Undertaking establishments and funeral homes.

Sec. 93-11.1-5. - Special uses.

The following uses require a special use permit, in accordance with sections [93-3.2-5](#) and [93-3.2-6](#), in any V zone:

- (1) Nursing homes.
- (2) Personal care homes, subject to the restrictions in [section 93-2-20](#).

Sec. 93-11.1-6. - Area, placement, and buffering requirements.

All buildings or structures erected, converted or structurally altered shall hereafter comply with the following lot area, yard, and building coverage requirements:

- (1) *Lot area and width.* No lot shall have a minimum frontage of less than 50 feet, while the minimum area shall be established by the restriction governing lot coverage, setbacks, screening, and parking requirements.
- (2) *Front yard.* All structures located along a street shall be set back, at a minimum, of 15 feet, or greater as may be determined to be necessary and advisable by the city planning commission in the course of its site plan review process. In determining such yard setbacks, the city planning commission shall consider the size and configuration of the proposed buildings, their relationship to the existing and proposed thoroughfares; in order to maximize all vehicular and pedestrian safety.
- (3) *Side and rear yards.* The side and rear yards adjacent to, or separated by a street, alley or other right-of-way from a residential or commercial zone, shall provide a building setback of at least 15 feet.
- (4) *Distance between buildings.* The minimum distance between two multiple family buildings on a single lot or on contiguous property under the same ownership shall be 20 feet, plus four additional feet for every story or fraction thereof that the building exceeds two stories, or such distance determined necessary by the planning commission to enhance the aesthetics of development.
- (5) *Height regulations.* No building or structure shall exceed 2½ stories or a 35 feet in height, provided the planning commission may allow a development with greater height, if it finds that:
 - a. The proposed height will not adversely impact adjacent properties or nearby residential neighborhoods;
 - b. The added height is necessary to support redevelopment of an area, which currently contains uses that have an adverse impact upon adjacent neighborhoods;
 - c. The proposed development is designed to facilitate the objectives and strategies of the master plan;
 - d. Meets approval from the fire department and FAA.
- (6) *Residential buffer.* New development shall provide sufficient setback as well as an attractive physical barrier between the residential and nonresidential uses as necessary to minimize disruptive light, noise, odor, dust, unsightly appearances and intrusive activity relative to the residential environment. A smooth transition between residential neighborhoods and nonresidential uses (including all parking lots) shall be ensured by the provision of sufficient screening of more intensive uses (i.e., commercial/offices uses) from residential neighborhoods through the use of decorative landscaping and screened walls. A 15-foot landscaped buffer shall be installed between and along the residential and nonresidential sides of said buffer. The landscaped area shall be planted with trees, flowers, grasses and shrubs to visually screen non-residential areas and provide an attractive boundary that encourages continued investment in the adjacent residential property.

REVIEW OF APPLICATION

(1) The existing land use pattern;

The existing land use pattern is a mix of commercial and residential. The properties are located within the gateways to the City as identified in the LCI plan.

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

These zoning changes would provide more continuity between commercial areas and buffering residential areas. No isolated district would be created.

(3) The population density pattern and possible increase or overtaxing of the load one 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 proposed zoning change.

(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;

There is no foreseeable negative impacts on the environment from the proposed zoning change.

(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 proposed zoning map amendment creates more certainty with regard to future uses than the current C-R zoning.

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

The C-R zoning district is cumbersome and often precludes staff from approving uses that would otherwise be compatible given the zoning district's intent. For example, a restaurant would need a 6 month temporary use permit granted by the City Council. It would then require a renewal and then potentially a conditional use application approval to continue operation. This is burdensome to the development opportunities Hapeville would like to see.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

The proposed site plan does locate the fuel pumps to the rear of the site. The mixed-uses that could accompany the U-V zoning may consider the fuel pumps as an undesirable aesthetic. The proposed elevation as presented to the Planning Commission is not consistent with the Architectural Design Standards, Zoning Code or LCI Study recommendations.

(9) The extent to which the proposed zoning map amendment is consistent with the land use plan;

The existing land use plan designates the land use as commercial. The updated Comprehensive plan recommends that the FLUM be revised to designate this area as 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 character of the U-V district currently including and surrounding this property is pedestrian-oriented and discourages automobile-based uses. The restaurant and food store are consistent with this intent. The fuel pumps are not.

(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 amendment would alter the purpose of the zoning district by allowing a general commercial use, dimensions, and character in the middle of the U-V district.

(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;

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

While the property is not located adjacent to a residential neighborhood, there is a residential neighborhood in close proximity to the property requesting the zoning amendment.

(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

DIMENSIONAL CHART COMPARISON

Zoning District	Development Type	Lot Frontage (Feet)	Min. Lot Area Sq. Ft.	Lot Area/DU Square Feet	Bed & Bath Req.	Floor Area/DU Sq. Ft.	Max Lot Coverage	Minimum Front Yard		Minimum		Maximum		Min Parking Spaces	Max. Unit Per Bldg. Lot
								Minor Col.	Major Arterial	Side	Rear	Stories	Feet		
V	Single-family Detached	50	4,000	4,000	3br/2bth	1,600	70	15	15	5	20	2½	35	2 DU	1
	Accessory Structure(s)									5	5	2	26		
	Single-family Attached—4 to 8 Units	50	10,000	2,500	3br/2bth	1,500	70	15	15	5	20	2½	35	2 DU	a.
	Accessory Structure(s)									5	5	2	25		
	Condominiums	200	43,500	2,500	3br/2bth	1,400	70	15	15	10	25		40 b..	2 DU	12
	Accessory Structure(s) Conditional									5	5	2	25		Conditional
	Nonresidential	50	10,000	10,000		1,000	70	15	15	15	25		40 b..	c., d., e.	N/A
C-R	Single-family Detached	60	8,500	8,500	3br/2bth	1,600	40	15	15	8	25	2½	35	2 DU	1
	Accessory Structure(s)									5	5	2½	25		
	Two-Family Attached—Duplex	60	8,500	4,250	3br/2bth	1,400	40	15	15	6	20	2½	35	2 DU	1
	Single-family Attached Patio/Townhomes	50	10,000	2,500	3br/2bth	1,400	60	15	15	5	0	2½	35	2 DU	a.
	Multifamily—2 Stories or Less	100	30,000	3,000		480	50	15	15	10	25	2	35	2 DU	1
	Nonresidential with floor areas not exceeding 6,000 sf	100	8,500			1,000	60	15	15	15	25	2½	40 b.	c., d., e.	
	Nonresidential with floor areas in exceeding 6,000 sf	200	5 acres	1,000		500	50	15	15	15	25		40 b.	c., d., e.	

RECOMMENDATION

The parcels proposed for rezoning are flanked by residential (R1, RSF, RAD, R3) to the north, east and west and commercial (Village) to the south. Both the C-R and Village zoning districts act as transitions between residential and commercial development.

Staff recommends these zoning map amendments be approved.