

Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354

January 15, 2019 6:00 PM

AGENDA

1. Welcome And Introduction

2. Election Of Officers

- Planning Commission Chairman
- Planning Commission Vice Chairman

3. Approval Of Minutes

- December 11, 2018

4. New Business

4.I. 3290 North Whitney Avenue Site Plan Review

Samuel Kirkland is requesting site plan approval to construct a 2,487-sf, two-story home with an attached garage at 3290 North Whitney Avenue, Parcel Identification Number 14 009800160337. The property is zoned R-1, One Family Detached and is .311 acres.

- Public Comment

Documents:

[3290 NORTH WHITNEY AVENUE - SITE PLAN REVIEW.PDF](#)

4.II. 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.

- Public Comment

Documents:

[ORDINANCE TO AMEND ZONING MAP \(02121701-2\).PDF](#)
[PLANNERS REPORT ZONING MAP AMENDMENT, C-R TO V.PDF](#)
[ZONING MAP_12102018.PDF](#)

5. Old Business

Proposed Zoning Code Amendments

Follow-up discussion regarding several proposed amendments to the zoning code.

- Public Comment

Documents:

[PLANNERS REPORT ACCESSORY BUILDING CODE SECTIONS.PDF](#)
[PLANNERS REPORT MINIMUM DWELLING SIZE CODE SECTIONS.PDF](#)

6. Next Meeting Date - February 12, 2019 At 6:00PM

7. Adjourn

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

Name of Applicant SAMUEL H. KIRKLAND,
Mailing Address: 260 EMILY DRIVE, LEBURN, GA 30047
Telephone [REDACTED] Email [REDACTED]
Property Owner (s) JANN LEVESQUE
Mailing Address _____
Telephone _____ Mobile # _____
Address/Location of Property: 3290 00 NORTH WHITNEY
Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14-009800160337
Present Zoning Classification: RSF Size of Tract: 0.311 acre(s)
Present Land Use: VACANT LOT

Please check the following as it applies to this application

☒ Site Plan Review
☐ Conditional Use Permit
☐ Temporary Use Permit
Other (Please State) _____

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. 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.

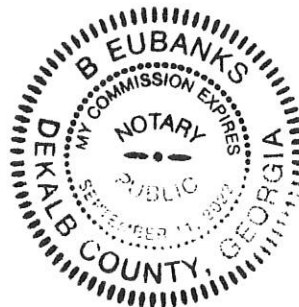
Applicant's signature _____

Date: 12/18/18

Sworn to and subscribed before me

This 18 day of December, 2018

B. Eubanks
Notary Public



CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

WRITTEN SUMMARY

In detail, provide a summary of the proposed project in the space provided below. (Please type or print legibly.)

BUILD A FOUR BEDROOM, THREE BATH-
ROOM ~~HOUSE~~ SINGLE FAMILY HOME ON VACANT
LOT. HOME WILL BE 2487 SQUARE FEET,
WITH A FOUNDATION FOOTPRINT OF 50'6"
BY 30'0". THIS HOME WILL BE 26' HIGH
FROM THE DOOR THRESHOLD TO THE PEAK OF
THE ROOF. FROM BASE OF FOUNDATION HEIGHTS 32'.
THE HOME WILL BE A CRAWL SPACE
FOUNDATION WITH BRICK VENEER TO THE TOP
OF THE FOUNDATION. SIDING ON HOME WILL
BE CEMENT FIBER. WOOD, DOUBLE PANE,
LOW E GLASS WINDOWS. SHINGLES TO BE
50 YEAR ARCHITECTURAL. HOME WILL HAVE
SIX INCH GUTTERS WITH 3"x4" DOWNSPOUTS.
HOME WILL HAVE A 20' BY 20' DETACHED
GARAGE WITH THE SAME SPECS AS HOME.
DRIVEWAY WILL BE MINIMUM 2500 PSI
CONCRETE CONCRETE PLACED AT 4" THICKNESS
AND NINE FOOT WIDTH TO PARKING IN REAR.
GARAGE WILL BE 19' HIGH ON A SLAB
FOUNDATION.
CONSTRUCTION TO BEGIN ON FEBRUARY 1, 2019
AND WILL BE COMPLETED BY JUNE 1, 2019.

00 NORTH WHITNEY

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

06 NORTH WHITNEY
3290 North Whitney Avenue

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 THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant SAMUEL H. KIRKLAND

Address of Applicant
260 Emily Drive, Lilburn, GA 30047

Telephone of Applicant
[REDACTED]

Jean Levesque
Signature of Owner

JEAN LEVESQUE
Print Name of Owner

Personally Appeared Before Me this 18th day of December, 2018.

Sherril Babb
Notary Public



Site Plan Checklist – Please include with your application.

A site plan is used to determine the practical ability to develop a particular property within the City of Hapeville. Information relating to environmental condition, zoning, development impact, consistency with the Hapeville Comprehensive Plan and relevant town master plans will be considered in the decision process. To be considered, a site plan **must** contain the following information:

(Please **initial** each item on the list above certifying the all required information has been included on the site plan)

sl

A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and/or contractual interest in the subject site, and the anticipated development schedule. Please complete and submit all forms contained within the application for site plan review.

sl

Site plans shall be submitted indicating project name, applicant's name, adjoining streets, scale, north arrow and date drawn.

sl

The locations, size (sf) and height (ft) of all existing and proposed structures on the site. Height should be assessed from the base of the foundation at grade to the peak of the tallest roofline.

sl

Site plans shall include the footprint/outline of existing structures on adjoining properties. For detached single-family residential infill development, the front yard setback shall be assessed based on the average setback of existing structures on adjoining lots. Where practical, new construction shall not deviate more than ten (10) feet from the average front yard setback of the primary residential structure on an adjoining lot. Exemption from this requirement due to unnecessary hardship or great practical difficulty can be approved at the discretion of the Planning Commission. To be considered for an exemption, the applicant must submit a "Request for Relief" in writing with their site plan application, including the conditions that necessitate relief (i.e. floodplain, wetland encroachment, excessive slope, unusual lot configuration, legally nonconforming lot size, unconventional sitting of adjoining structures, etc).

_____ The location and general design cross-section characteristics of all driveways, curb cuts and sidewalks including connections to building entrances. A walkway from the primary entrance directly to the public sidewalk is required for all single-family residential development.

SL
N/A The locations, area and number of proposed parking spaces. Please refer to Article 22.1 Chart of Dimensional Requirements to determine the correct number of parking spaces for your particular type of development.

SL Existing and proposed grades at an interval of five (5) feet or less.

SL The location and general type of all existing trees over six (6) inch caliper and, in addition, an identification of those to be retained. Requirements for the tree protection plan are available in Code Section 93-2-14(f). Please refer to Sec. 93-2-14(y) to determine the required tree density for your lot(s).

SL A Landscape Plan: The location and approximate size of all proposed plant material to be used in landscaping, by type such as hardwood deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included, as required in Section 93-23-18.

N/A The proposed general use and development of the site, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed, outdoor furniture (seating, lighting, telephones, etc.). Detached single-family residential development may be exempt from this requirement.

N/A The location of all retaining walls, fences (including privacy fences around patios, etc.) and earth berms. Detached single-family residential development may be exempt from this requirement.

N/A The identification and location of all refuse collection facilities, including screening to be provided. Detached single-family residential development may be exempt from this requirement.

SL

Provisions for both on-site and offsite storm-water drainage and detention related to the proposed development.

NA

Location and size of all signs. Detached single-family residential development may be exempt from this requirement.

SL

Typical elevations of proposed building provided at a reasonable scale (1/8" = 1'0") and include the identification of proposed exterior building materials. Exterior elevations should show all sides of a proposed building.

SL

Site area (square feet and acres).

SL

Allocation of site area by building coverage, parking, loading and driveways, and open space areas, including total open space, recreation areas, landscaped areas and others. Total dwelling units and floor area distributed generally by dwelling unit type (one-bedroom, two-bedroom, etc.) where applicable.

NA

Floor area in nonresidential use by category. Detached single-family residential development may be exempt from this requirement.

SL

Total floor area ratio and/or residential density distribution.

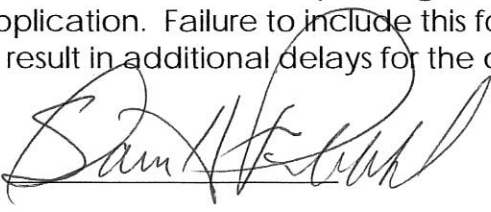
SL

Number of parking spaces and area of paved surface for parking and circulation

NA

At the discretion of the planning commission, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, storm water and erosion control, etc. of the proposed development.

Please initial each item on the list above certifying the all required information has been included on the site plan, sign and submit this form with your site plan application. Failure to include this form and information required herein may result in additional delays for the consideration of your application.

Applicant Signature: 

Date 12/16/18



DEPARTMENT OF PLANNING AND ZONING

PLANNER'S REPORT

DATE: January 4, 2019

TO: Adrienne Senter

FROM: Lynn M. Patterson

RE: **Site Plan Review – 3290 North Whitney Avenue (19-PC-01-03)**

BACKGROUND

The City of Hapeville has received a site plan application from Samuel Kirkland for a tract of land located at 3290 North Whitney Avenue. The property owner, Jann Levesque, desires to construct a new 2,487 square foot, two-story, four bedroom, three bathroom home with a detached garage on the property.

The property is zoned R-1, One-family Residential and is subject to the Neighborhood Conservation Area of the Architectural Design Standards.

REVIEW

The following code sections are applicable to this application:

ARTICLE 6. - R-1 ZONE (ONE-FAMILY RESIDENTIAL)

Sec. 93-6-1. - Intent.

By virtue of its location within the comprehensive land development plan for the city, the R-1 zone is established in order to protect residential areas now predominantly developed with one-family detached dwellings and a few adjoining areas likely to be developed for such purposes. Only a few additional and compatible uses are permitted. The regulations of this zone are intended to:

- (1) Protect the present predominantly one-family use of the land.
- (2) Encourage the discontinuance of existing incompatible uses, and insure the ultimate stabilization of the land in one-family usage.
- (3) Protect and promote a suitable environment for family life.
- (4) Discourage any use which would generate other than normal residential traffic on minor streets.
- (5) Discourage any use which, because of its character or size, would create excessive requirements and costs for public services.

Sec. 93-6-2. - Permitted uses.

The following uses are permitted in any R-1 zone:

- (1) One-family dwellings.
- (2) Group homes, subject to the restrictions in section 93-2-19.
- (3) 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.
- (4) Playgrounds, parks and buildings operated on a noncommercial basis for recreational purposes only.

- (5) Customary home occupations as defined in section 93-1-2.
- (6) Customary accessory uses and buildings including noncommercial gardens and greenhouses.

Sec. 93-6-3. - Nonpermitted uses.

The following uses, while permitted in other areas within the city, are not permitted in the R-1 zone:

- (1) Adult daycare facilities.
- (2) Reserved.
- (3) Nursing homes.
- (4) Personal care homes.

Sec. 93-22.1-1. - Chart of dimensional requirements

Dimensional Requirements for **R-1 Zoning** are as follows:

							Minimum Front Yard Setback		Minimum		Maximum			
Development Type	Lot Frontage (FT)	Min. Lot Area (SF)	Lot Area/ DU (SF)	Bed/ Bath Required	Floor Area/ DU (SF)	Max. Lot Coverage (%)	Minor Col.	Maj. Arterial	Side	Rear	Stories	Feet	Min. Parking Spaces	Max. Unit/ Bldg. Lot
Single-family Detached	50	6,750	6,750	3 bdr/ 2 bath	1,600	40	15	15	5	25	2 ½	35	2 DU	1
Accessory Building									5	5	2	25	2 DU	

Sec. 93-2-5. - Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences.

- (1) An accessory building or structure is an uninhabited 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) In residentially zoned areas, no space in an accessory structure can be rented or leased unless the primary structure and accessory structure are rented or leased in their entirety to the same individual.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Exterior materials, roof pitches, and other design elements must comply with the city architectural design standards.
- (f) 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.
- (g) 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.
- (h) 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, provided that garages may be allowed in front and side yards. 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. Garages may be located in the front or side yard subject to the setback standards for the principal dwelling.
- (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 or discharge prohibited.* 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. Electrical service is permitted provided the accessory building is served by the same electrical meter that serves the principal dwelling. No separate metering shall be allowed.

Use.

- (a) *Residential occupancy of any kind prohibited.* No accessory building shall be used for human habitation, including, but not limited to, overnight accommodations for any person. Accessory buildings may be used as home offices, recreation rooms or non-commercial storage. No accessory building shall be used for the operation of any business, except as permitted under section 93-1-2, Home occupation that allows home offices. No commercial or industrial use shall be permitted in a residential accessory building.
- (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 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.

Table A - Accessory Building Allowance based on Dwelling Unit Size

Dwelling Unit Ground Floor Area in Square Feet	Accessory Building Size based on 40 Percent of Dwelling Unit Ground Floor Area
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

Table B - Accessory Building Allowance based on Lot Size

Lot Size in Square Feet	Accessory Building Size based on Variable Percentage of Lot Size
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

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

REQUIREMENTS

Sec. 93-2-16. - Site plan review.

- (a) *Intent and purpose.* The site plan review procedures are intended to ensure adequate review and consideration of potential impacts of proposed development upon surrounding uses and activities, and to encourage a high standard of site planning and design resulting in quality development in the city.
- (b) *Application.* An application for site plan review may be filed by the owner, or agent for the owner, of any property to be developed according to the plan. All applications for site plan review shall

be filed with the building official for transmission to the planning commission. Site plan review requirements are applicable for all proposed development in all zones within the city and all property submitted for annexation.

- (c) *Submission requirements.* Applications for site plan review shall contain the following information and any additional information the planning commission may prescribe by officially adopted administrative regulations; ten copies of the application shall be submitted:

- (1) *Site and landscape plan.* Maps and site plans shall be submitted (minimum scale of 1" = 50' or larger, e.g., 1" = 40', 1" = 30', etc.) indicating project name, applicant's name, adjoining streets, scale, north arrow and date drawn, showing:

- a. The locations, size and height of all existing and proposed structures on the site.

The subject tract is currently vacant. Applicant intends to build a new two story, 2,487 square foot home on the tract with a detached garage. The height of the new home will be 32', while the detached garage will be 17', both of which are compliant. The primary residence setbacks are:

- ***7.6' on the south side***
- ***23.3' on the north side,***
- ***28.4' to the front***
- ***The rear setback is well within the setback requirements***

The detached garage setbacks are

- ***7.6' on the south side***
- ***The rear setback is well within the setback requirements***
- ***The applicant should verify there is no adjacent structure within 2.4' of the proposed detached garage.***

- b. The location and general design cross section characteristics of all driveways, curb cuts and sidewalks including connections to building entrances.

The applicant does not provide the width of the driveway, nor cross sections of driveways, curb cuts and sidewalks. There is no connection shown to the front door from the existing sidewalk.

- c. The locations, area and number of proposed parking spaces.

The garage will accommodate two cars, which complies with the minimum off-street parking requirements.

- d. Existing and proposed grades at an interval of five feet or less.

The site plan shows existing grades at 2-foot intervals but does not identify proposed grades.

- e. The location and general type of all existing trees over six-inch caliper and, in addition, an identification of those to be retained.

The site plan shows 14 trees. A 26" hardwood, 12" hardwood, 16" hardwood, 32" hardwood, 16" hardwood, 30" hardwood, and two other trees without caliper or description will be removed. Six trees will remain. The applicant should provide the caliper and description for the two missing trees.

Per Code Sec. 93-2-14 - Tree Conservation

The removal or destruction of landmark trees.

- a. The removal or destruction of landmark trees from any property in the city is subject to the approval of the city arborist, and approval may only be granted if one of the following two conditions is met:
 1. The tree threatens the property, safety or health of the property owner or the public.
 2. Actions are taken to mitigate the tree's removal by way of planting a new tree of a comparable species and canopy. Payment may be made into the city tree bank in lieu of planting, calculated on a tree lost/replaced basis.
- b. The issuance of a tree removal permit constitutes approval to remove a landmark tree.
- c. Any decision of city arborist relating to the removal or destruction of landmark trees may be appealed as provided in subsection [93-2-14\(g\)](#).

A landmark tree is defined as any tree with a 30" or larger diameter. The applicant must get approval from the city arborist before removing the 32" and 30" trees on their property.

- f. The location and approximate size of all proposed plant material to be used in landscaping, by type such as hardwood deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included, as required in section 93-23-18.

Landscaping will include grass and undefined shrubbery. Three front yard trees will remain.

- g. The proposed general use and development of the site, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (seating, lighting, telephones, etc.).

Not applicable to single-family development.

- h. The location of all retaining walls, fences (including privacy fences around patios, etc.) and earth berms.

There are no retaining walls, fences or berms shown on the site plan.

- i. The identification and location of all refuse collection facilities, including screening to be provided.

Not applicable to single-family development.

- j. Provisions for both on-site and off-site stormwater drainage and detention related to the proposed development.

Not applicable.

- k. Location and size of all signs.

No signs are proposed.

- (2) *Site and building sections.* Schematic or illustrative sections shall be drawn to scale of 1" = 8' or larger, necessary to understand the relationship of internal building elevations to adjacent site elevations.

The building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards.

- (3) *Typical elevations.* Typical elevations of proposed building shall be provided at a reasonable scale (1/8" = 1'0") and shall include the identification of proposed exterior building materials.

The building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards.

- (4) *Project data.*

- a. Site area (square feet and acres).

The lot is 13,569 SF or 0.31 acres, which is compliant.

- b. Allocation of site area by building coverage, parking, loading and driveways, and open space areas, including total open space, recreation areas, landscaped areas and others.

The provided site coverages are as follows:

- ***400 SF for the garage***
- ***1,550 SF for the house***
- ***192 SF for the deck***
- ***240 SF for the deck***
- ***1,304 SF for the driveway***

The total impervious area is 3,651 SF, or 27% of the total lot area, and is compliant.

- c. Total dwelling units and floor area distributed generally by dwelling unit type (one-bedroom, two-bedroom, etc.) where applicable.

The new single-family home will have four bedrooms and three bathrooms, which is compliant.

- d. Floor area in nonresidential use by category.

Not applicable in single-family development.

- e. Total floor area ratio and/or residential density distribution.

The total square footage of the home will encompass approximately 2,487 SF. The minimum size requirement within the R-1 Zoning District is 1,600 SF.

- f. Number of parking spaces and area of paved surface for parking and circulation.

The site plan accommodates 2 parking spaces within the detached garage.

- (5) ***Project report.*** A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and/or contractual interest in the subject site, and the anticipated development schedule. At the discretion of the planning commission, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, stormwater and erosion control, etc. of the proposed development.

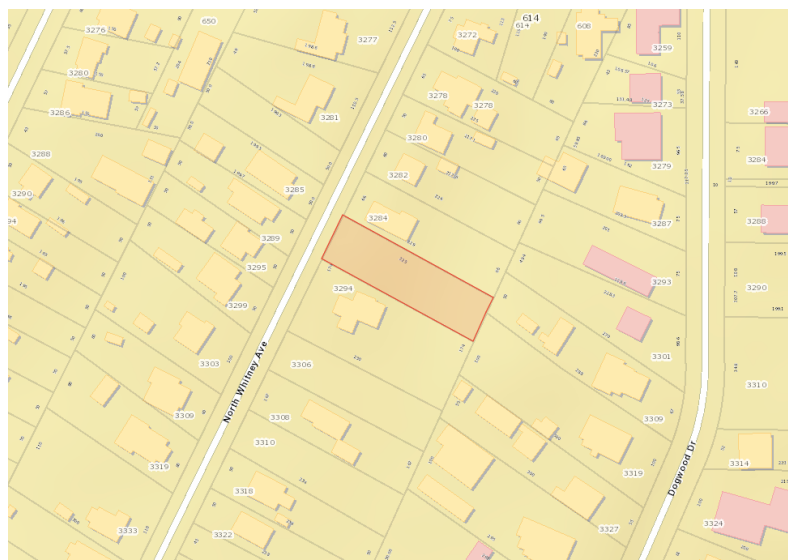
The overall project includes the construction of a new two-story single-family home with a detached garage. Verification of ownership has been provided. The anticipated development schedule starts January 1, 2019 and ends June 1, 2019.

RECOMMENDATION

Except for the following items, the application appears to comply with the provisions of the R-1 Zoning District as well as the Neighborhood Conservation Area:

- ***The applicant should verify there is no adjacent structure within 2.4' of the proposed detached garage.***
- ***The applicant does not provide the width of the driveway, nor cross sections of driveways, curb cuts and sidewalks. There is no connection shown to the front door from the existing sidewalk.***
- ***The applicant should provide the caliper and description for the two missing trees.***
- ***The applicant must get approval from the city arborist before removing the 32" and 30" trees on their property.***
- ***The building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards.***

Staff recommends approval of the site plan as submitted.



Location Map - 3290 North Whitney Avenue



DAVID BLOODWORTH
FIRE CHIEF

FIRE DEPARTMENT

To: Adrienne Senter

From: Brian Eskew, Fire Marshal

Re: 3290 North Whitney

Date: January 8, 2019

I do not see this project having a negative impact on the Fire Department. If you should need any more information, please let me know. Thanks.

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;

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:

April 5, 2016

and inserting in lieu thereof the following language:

DRAFT

January 8, 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 April 5, 2016.

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 H. Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney



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: Addresses 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.

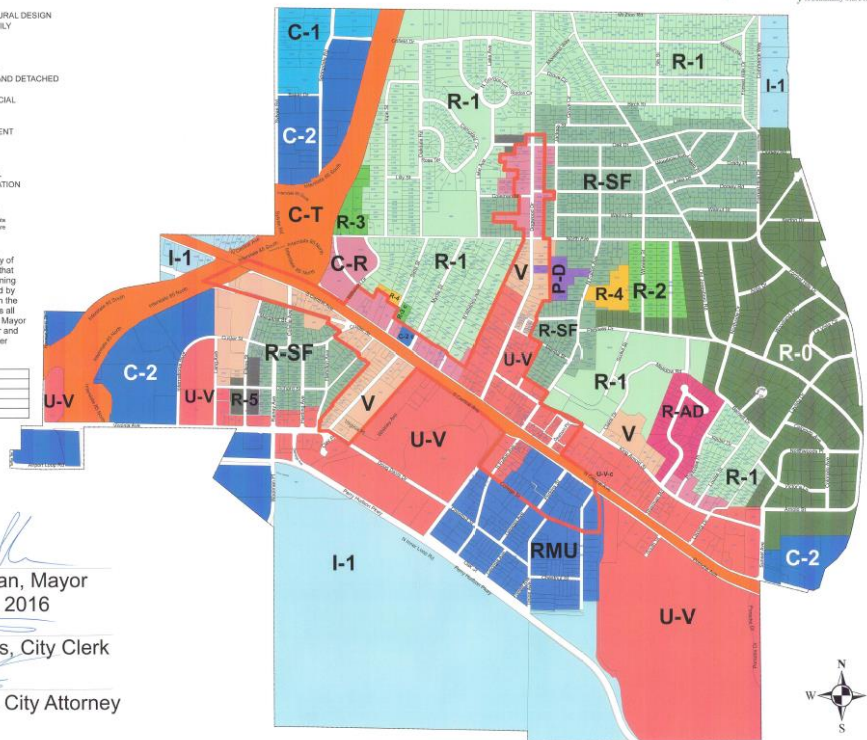
I, Jennifer Elkins, City Clerk of the City of Hapeville, Georgia, do hereby certify that this is the City of Hapeville Official Zoning Map, Fulton County, Georgia, adopted by the Mayor and Council of Hapeville on the 23rd day of April, 2016, and includes all subsequent amendments adopted by Mayor and Council as indicated in the Mayor and Council meeting minutes and as further indicated on this Map.

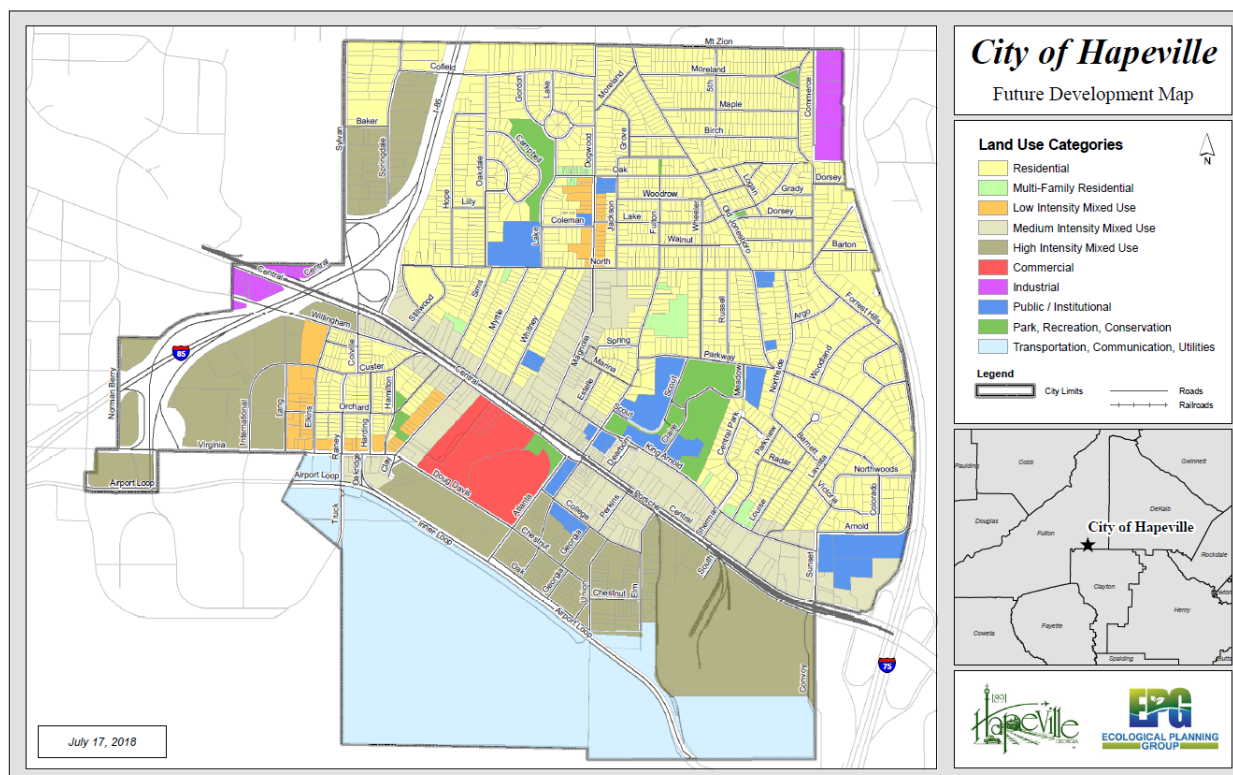
Date	Amendment

Alan Hallman, Mayor
 April 5, 2016

Jennifer Elkins, City Clerk

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 neighbors 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 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 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

								Minimum Front Yard		Minimum		Maximum			
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	Minor Col.	Major Arterial	Side	Rear	Stories	Feet	Min Parking Spaces	Max. Unit Per Bldg. Lot
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.

City of Hapeville Official Zoning Map

January 8, 2019: As Amended from December 2, 2008



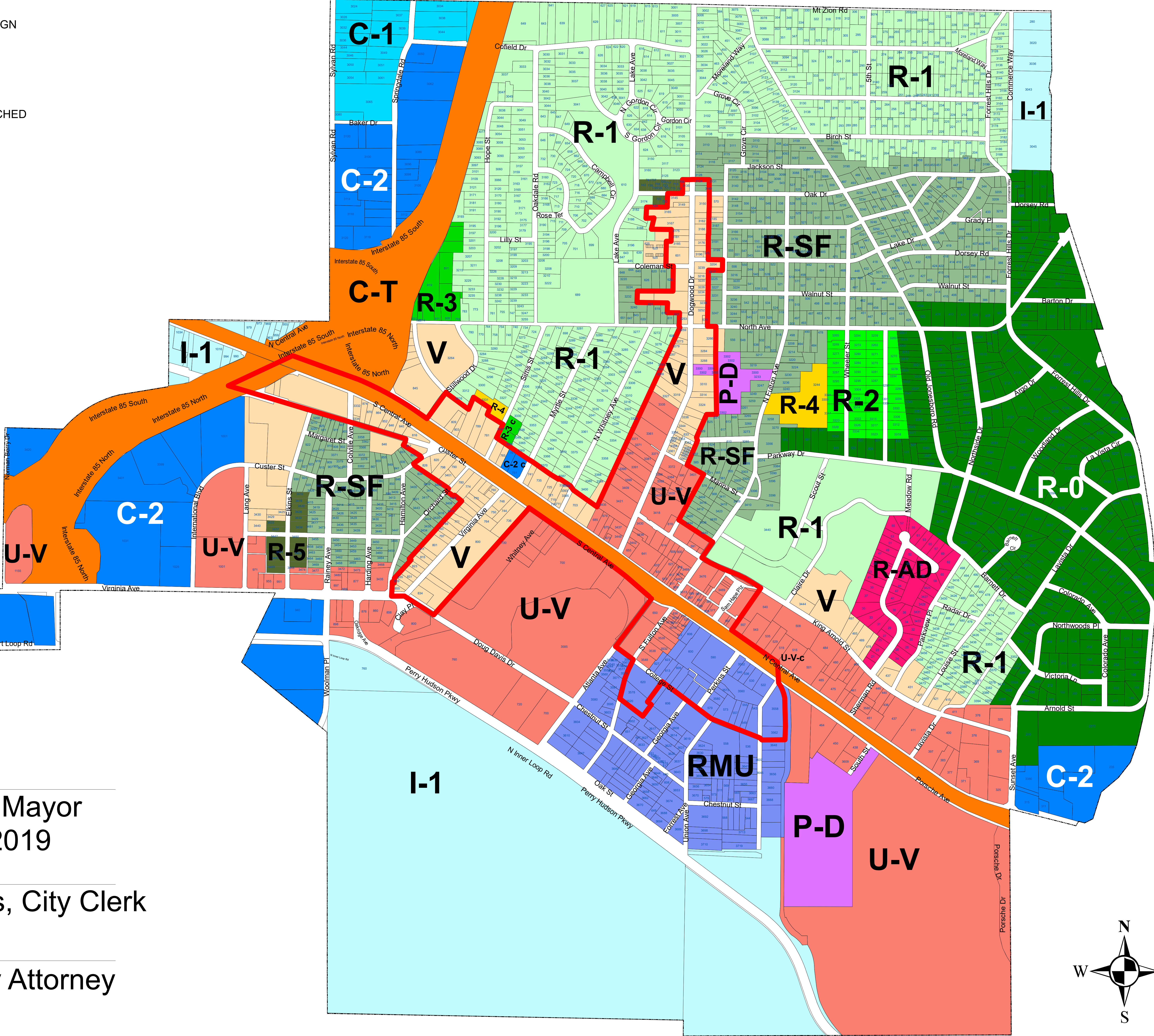
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- C-T COMMERCIAL TRANSPORTATION
- I-1 LIGHT INDUSTRIAL

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
January 8, 2019

Crystal Griggs-Epps, City Clerk

Andy Welch, City Attorney



Planning & Zoning Planner's Report

TO: Adrienne Senter

FROM: Lynn M. Patterson, Consulting Planner for City of Hapeville

RE: Accessory Buildings Code Sections

DATE: January 8, 2019

BACKGROUND

The Planning Commission requested staff forward the relevant code sections as they related to accessory structures for a discussion on running water to accessory structures.

Chapter 93 – Zoning

Sec. 93-2-5. - Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences.

- (1) An accessory building or structure is an uninhabited 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) In residentially zoned areas, no space in an accessory structure can be rented or leased unless the primary structure and accessory structure are rented or leased in their entirety to the same individual.

(b) 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.

(c) 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.

(d) 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.

(e) Exterior materials, roof pitches, and other design elements must comply with the city architectural design standards.

(f) 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.

(g) 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.

(h) 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, **provided that garages may be allowed in front and side yards**. 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. Garages may be located in **the front** or side yard subject to the setback standards for the principal dwelling.

(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 or discharge prohibited.* 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. Electrical service is permitted provided the accessory building is served by the same electrical meter that serves the principal dwelling. No separate metering shall be allowed.

Use.

(a) *Residential occupancy of any kind prohibited.* No accessory building shall be used for human habitation, including, but not limited to, overnight accommodations for any person. Accessory buildings may be used as home offices, recreation rooms or non-commercial storage. No accessory building shall be used for the operation of any business, except as permitted under [section 93-1-2](#), Home occupation that allows home offices. No commercial or industrial use shall be permitted in a residential accessory building.

(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 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."

Chapter 81 – Architectural Standards

Sec. 81-1-7. - Neighborhood conservation area.

h. *Outbuildings.* In conventional development, outbuildings are often designed and located as an afterthought. Yet in traditional towns and cities, outbuildings serve to enrich the quality of design through their placement, design and use. In Hapeville, where outbuildings are provided on many residential lots, their design must be to the same high standards found in the community's neighborhoods.

The following standards shall apply to construction of new outbuildings in residential districts.

- i. On lots with one street frontage, set outbuildings back at least 15 feet behind the front facade of the principal building.
- ii. On corner lots, outbuildings should be setback at least 15 feet behind the front facade of the principal building and with a setback greater than or equal to that of the facade along the side lot line.
- iii. Outbuilding may be linked to the principal building with covered walks, trellises or enclosed breezeway.
- iv. Outbuildings shall be of compatible material and architectural style to the principal building.
- v. Outbuildings shall have a minimum height of 14 feet and a maximum height of that of the principal building or 25 feet, whichever is less.
- vi. Outbuildings shall be set a minimum of ten feet from any other outbuilding on adjoining lots.

Red denotes inconsistencies with current zoning code.



**Planning & Zoning
Planner's Report**

TO: Adrienne Senter

FROM: Lynn M. Patterson, Consulting Planner for City of Hapeville

RE: Minimum Dwelling Code Sections

DATE: January 8, 2019

BACKGROUND

The Planning Commission requested staff forward the relevant code sections as they related to minimum dwelling size.

Chapter 93 – Zoning

Sec. 93-22.1-1. - Chart of dimensional requirements.

City of Hapeville
Article 22.1 Dimensional Requirements

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.
R-O	Single-family Detached	60	10,000	10,000	3br/2bth	1,600
	Accessory Structure(s)					
R-1	Single-family Detached	50	6,750	6,750	3br/2bth	1,600
	Accessory Structure(s)					
R-2	Single-family Detached	60	8,500	8,500	3br/2bth	1,400

	Accessory Structure(s)					
	Two-Family Attached— Duplex		8,500	4,250	3br/2bth	1,400
	Accessory Structure(s)					
R-3	Single-family Detached	60	8,500	8,500	3br/2bth	1,600
	Accessory Structure(s)					
	Single-family Attached— Duplex	60	8,500	4,250	3br/2bth	1,400
	Accessory Structure(s)					
	Single-family Attached Patio/Townhomes	60	10,000	2,500	3br/2bth	1,400
	Accessory Structure(s)					
R-4	Single-family Detached	60	8,500	8,500	3br/2bth	1,400
	Accessory Structure(s)					
	Two-Family Attached Duplex	60	8,500	4,250	3br/2bth	1,400
	Accessory Structure(s)					
	Single-family Attached Public/Townhomes	60	10,000	2,500	3br/2bth	1,400
	Accessory Structure(s)					
	Multifamily—2 Stories or Less	100	10,000	3,000		730
	Accessory Structure(s)					
	Multifamily—2 Stories or More	200	5 acres	2,000		730
	Accessory Structure(s)					

R-5	Single-family Detached	40	4,000	4,000	3br/2bth	1,600
	Accessory Structure(s)					
	Single-family Attached 4 to 8 Units	40	10,000	2,500	3br/2bth	1,400
	Accessory Structure(s)					
R-SF	Single-family Detached	40	4,000	4,000	3br/2bth	1,000
	Accessory Structure(s)					
R-I	Single-family Detached	40	4,000	4,000	3br/2bth	1,400
	Accessory Structure(s)					
	Single-family Attached—Duplex	40	4,000	2,000	3br/2bth	1,400
	Accessory Structure(s)					
	Single-family Attached Patio/Townhomes	40	10,000	2,500	3br/2bth	1,200
	Accessory Structure(s)					
V	Single-family Detached	50	4,000	4,000	3br/2bth	1,600
	Accessory Structure(s)					
	Single-family Attached—4 to 8 Units	50	10,000	2,500	3br/2bth	1,500
	Accessory Structure(s)					
	Condominiums	200	43,500	2,500	3br/2bth	1,400
	Accessory Structure(s) Conditional					
	Nonresidential	50	10,000	10,000		1,000
C-R	Single-family Detached	60	8,500	8,500	3br/2bth	1,600

	Accessory Structure(s)					
	Two-Family Attached— Duplex	60	8,500	4,250	3br/2bth	1,400
	Single-family Attached Patio/Townhomes	50	10,000	2,500	3br/2bth	1,400
	Multifamily—2 Stories or Less	100	30,000	3,000		480
	Nonresidential with floor areas not exceeding 6,000 sf	100	8,500			1,000
	Nonresidential with floor areas in exceeding 6,000 sf	200	5 acres	1,000		500
C-1	Nonresidential					
C-2	Nonresidential					
D-D	Nonresidential					
I-1	Light Industrial					
I-2	Heavy Industrial					
N-C	Single-family Detached	60	8,500	8,500		1,600
	Accessory Structure(s)					
	Single-family Attached Duplex	80	8,500	4,250	3br/2bth	1,400
	Single-family Attached Patio/Townhomes	60	10,000	2,500	3br/2bth	1,400
	Accessory Structure(s)					
	Multifamily—2 Stories or Less	100	10,000	3,000	2br/2bth	480

	Multifamily - 3 Stories or Greater	125	10,000	3,000	2br/2bth	730
	Nonresidential	100	8,500			1,000
UV	Single-family Detached	30	2,400			1,600
	Accessory Structure(s)					
	Single-family Attached - Duplex	30	2,400		2br/2bth	1,400
	Single-family Attached Patio/Townhomes and Live-Work Unit	20	1,200		2br/2bth	1,400
	Accessory Structure(s)					
	Multifamily	20	2,000		1br/1bth	600
	Nonresidential	20	2,000			
RMU	Single-family Detached	30	2,400	m		1,600
	Accessory Structure(s)					
	Single-family Attached - Duplex	30	2,400	m	2br/2bth	1,400
	Single-family Attached Patio/Townhomes and Live-Work Unit	20	1,200	m	2/br/2bth	1,400
	Accessory Structure(s)					
	Multifamily—Condominium	20	2,000	m	1br/1bth	600
	Non-Residential	20	2,000			