



CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

ALAN HALLMAN
MAYOR

MIKE RAST
ALDERMAN AT LARGE

BRETT REICHERT
COUNCILMAN AT
LARGE

MARK ADAMS
COUNCILMAN WARD I

CHLOE ALEXANDER
COUNCILMAN WARD II

MAYOR AND COUNCIL REGULAR SESSION

Join in person at 700 Doug Davis Drive, Hapeville, GA 30354 Or, visit the City's Website for live stream at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes>

January 9, 2024 6:00 PM

AGENDA

1. CALL TO ORDER:

2. ROLL CALL:

Alan Hallman
Mike Rast
Brett Reichert
Mark Adams
Chloe Alexander

3. WELCOME:

4. PLEDGE OF ALLEGIANCE:

5. INVOCATION:

6. PRESENTATIONS:

6.I. Oath of Office - Administered by Honorable Fulton County Superior Court Judge Eric Dunaway.

Background:

- i. Swearing-In for Mayor Alan Hallman
- ii. Swearing-In for Alderman at Large Michael Rast

6.II. Oath of Office - Administered by Honorable Mayor Alan Hallman.

Background:

- i. Swearing-In for Chief of Police, Bruce M. Hedley

7. PUBLIC HEARING:

7.I. Consideration and Action of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions) - Second Reading.

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions), Sections 90-1-1 (Purpose, authority and jurisdiction), 90-1-2 (Procedure for plat approval), 90-1-4 (Development prerequisite to final approval) for the purpose of amending the subdivision ordinance.

The Planning Commission considered this item on November 13, 2023, and recommended approval. Staff supports their recommendation.

Staff Comments:

Public Comments:

Supporting Document(s):

1. Chapter_90___SUBDIVISIONS_revisions_November 2023_annotated
 2. Summary Minutes - 11-13-2023_draft
 3. Legal Ad - 12-05-2023_text amendments
- 7.II. Consideration and Action of an amendment to the Code of Ordinances, Chapter 93 (Accessory Uses) - Second Reading.

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Sections 93-1-2 (Definitions), 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, outbuildings and fences), and 93-2-6 (Abatement) for the purpose of amending the accessory uses ordinance.

This Planning Commission considered this item at the November 13, 2023, meeting and recommended approval. Staff supports their recommendation.

Staff Comments:

Public Comments:

Supporting Document(s):

1. Sec._93_2_5._Accessory_uses_accessory_buildings_accessory_buildings Revisions_Nov 2023_annotated
 2. Summary Minutes - 11-13-2023_draft
 3. Legal Ad - 12-05-2023_text amendments
- 7.III. Consideration and Action of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 3 (Nonconforming Uses) - Second Reading.

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 3 (Nonconforming uses), Sections 93-3-2 (Nonconforming uses permitted), 93-3-5 (Restoration), 93-3-6 (Abandonment), 93-3-9 (Enlargement), and 93-3-11 (Notice to owners of nonconforming property) for the purposes of amending the nonconforming uses ordinance.

Staff Comments:

Public Comments:

Supporting Document(s):

1. ARTICLE_3.___NONCONFORMING_USES_Revisions_November 2023_Annotated
2. Summary Minutes - 11-13-2023_draft
3. Legal Ad - 12-05-2023_text amendments

8. QUESTIONS ON AGENDA ITEMS:

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

9. CONSENT AGENDA:

- 9.I. Consideration and Action to approve November 14, 2023, Council Meeting minutes.

Supporting Document(s):

1. Drafted Minutes 11142023
- 9.II. Consideration and Action to approve December 5, 2023, Council Meeting minutes.

Supporting Document(s):

1. Drafted Minutes 12052023

- 9.III. Consideration and Action to approve the December 12, 2023, Special Called meeting minutes.

Supporting Document(s):

1. 12122023 Drafted Minutes

- 9.IV. Consideration and Action to approve the December 12, 2023, Executive Session meeting minutes.

10. OLD BUSINESS:

11. NEW BUSINESS:

- 11.I. Consideration and Action to approve the Organizational Appointments Ordinance.

Background:

Attached for consideration and action is the 2024 organizational appointment ordinance.

Supporting Document(s):

1. 2024-01 Ordinance-Annual Appointment of Officers

- 11.II. Discussion of Waste Pro Contract Renewal

Background:

Waste Pro has sent the City of Hapeville a non-renewal letter requesting that the City would approve a \$5.33 rate increase per home if they are to continue providing residential garbage and recycling services for the City of Hapeville. The contract with Waste Pro expires on April 30th, and if the renewal is approved, it would be for an additional term of 24 months. A customer rate increase from \$20 to \$28 would be necessary whether the City continues the contracted service with Waste Pro or the City takes over the service.

- 11.III. Discussion of the Hapeville Service League request.

Background:

The Hapeville Service League is currently working on its annual fundraiser. Hapeville Service League member, Ms. L'Tesse Reese, recently sent a request to City Council for City support. For many years the organization has been dedicated to serving the Hapeville Community while aiding in preserving the city's family-life charm. Council has requested to have a discussion on the request and under what parameters City funds can be directed to this and other organizations.

12. CITY MANAGER REPORTS:

13. PUBLIC COMMENTS:

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

14. MAYOR AND COUNCIL COMMENTS:

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

16. ADJOURN:

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

Chapter 90 SUBDIVISIONS

Sec. 90-1-1. Purpose, authority and jurisdiction.

- (a) *Purpose.*
- (1) Land subdivision is the first step in the process of community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is therefore to the interest of the public, the developer and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.
 - (2) The major street plan, of which certified copies were filed in the office of the city clerk and the following standards guiding the planning commission are designed to provide for the harmonious development of the area; to secure a coordinated layout and adequate provisions for traffic; and also to secure adequate provision for light, air, recreation, transportation, water, drainage, sewer and other sanitary facilities.
- (b) *Authority.* These subdivision regulations are adopted under the authority granted by the laws of the state. The planning commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations.
- (c) *Jurisdiction.* These regulations shall govern all consolidations and subdivisions of land within the corporate limits of the city as now or hereafter established. A subdivision is the division of a lot into two or more lots, the consolidation of two or more lots, or a change in the boundary of one or more lots. The term subdivision includes subdivision, resubdivision, and lot consolidation for the purpose, whether immediate or future, of sale or building development. Any owner of land within this area wishing to consolidate or subdivide land shall submit to the planning commission a plat of the proposed subdivision according to the procedures outlined in section 90-1-2, which plat shall conform to the minimum requirements set forth in section 90-1-3. Improvements shall be installed as required by section 90-1-4 of these regulations.

Commented [LP1]: Highlighted language added.
Removed language: Within these regulations, "the terms subdivision shall mean the division of a tract or parcel of land into two or more lots, sites, or divisions. Also deleted, "and includes resubdivision, and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided."

Sec. 90-1-2. Procedure for plat approval.

- (a) *Preliminary plat preparation and submission.* The procedure for review and approval of a consolidation or subdivision plat consists of the preparation and submittal of a preliminary plat of the proposed consolidation or subdivision to the planning commission.
- (b) *Final plat preparation and submission.* A final plat, including the required certificates, may be submitted to planning commission following approval of a preliminary plat. The final plat becomes the instrument to be recorded in the office of the clerk of superior court when duly signed by the secretary of the planning commission.
- (c) *Consultation/technical advisory.* The subdivider should consult city staff for advice and assistance before preparing the preliminary plat and its formal application for approval. This will enable the subdivider to become thoroughly familiar with these regulations, the major street plan and other official plans for public improvements which might affect the area. Such informal review should minimize unnecessary delays and costly revisions.
- (d) *General.*
- (1) Any owner of land lying within the city wishing to subdivide land shall submit a preliminary plat of the proposed subdivision to the planning commission for approval and shall obtain approval prior to the filing of a final subdivision plat. Any such plat of subdivision shall conform to the minimum standards of

Commented [LP2]: Highlighted language added.

Commented [LP3]: Highlighted language added.
Removed "divide that (land) into two or more lots, or to resubdivide land," for clarity.

design for the subdivision of land as set forth in section 90-1-3 of these regulations and shall be presented in the manner specified in this chapter. No subdivision plat shall be **recognized as a legally formed plat by the City unless it is filed or recorded by the Clerk of the Superior Court of Fulton County after the subdivision plat is approved and certified** by the planning commission as specified herein.

- (2) In order to secure review and approval of the planning commission of a proposed subdivision, the prospective subdivider shall, prior to the making of any street improvements or installations of utilities, submit to the planning commission a preliminary plat as provided in subsection (e) below. Upon approval of the preliminary plat, the subdivider may proceed with preparation of the final plat and other required documents as specified in subsection (f) and the improvements set forth in section 90-1-4.

(e) *Preliminary plat.*

- (1) A minimum of five days prior to the meeting at which the preliminary plat is to be considered, the subdivider shall submit two copies of the preliminary plat of the proposed subdivision drawn to a scale of not less than one inch equals 100 feet to the planning commission.
- (2) The preliminary plat shall meet the minimum standards of design and the general requirements for the construction of public improvements as set forth in section 90-1-3 and shall contain the following information insofar as possible:
 - a. The proposed subdivision name and location, name and address of the owner or owners, and name of the author of the plat who shall be a state-registered engineer or land surveyor.
 - b. Date, approximate north point and graphic scale.
 - c. The location of existing and platted property lines, streets, buildings, watercourses, railroads, sewers, bridges, culverts, drain pipes, water mains and any public utility easements; the present zoning classification of the land to be subdivided and the adjoining land; and the names of adjoining property owners or subdivisions.
 - d. Plans of proposed underground utility layouts (including sewers, water mains and electrical service) showing feasible connections to the existing or any proposed utility systems.
 - e. The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines and utilities.
 - f. Contours at vertical intervals of not more than five feet.
 - g. The acreage of the land to be subdivided and acreage of any lots to be created.
 - h. Location map showing the relationship of subdivision to area.
- (3) Within 30 days after submission of the preliminary plat, the planning commission will review the plat and indicate its approval, denial or approval subject to modifications as a basis for preparation of the final plat. If a plat is denied, reasons for the denial will be indicated in writing. If approved subject to modifications, the nature of the required modifications will also be indicated in writing.
- (4) Approval of the preliminary plat by the planning commission will not constitute acceptance of the final plat and will not be indicated on the preliminary plat.
- (5) One copy of the preliminary plat shall be retained by the planning commission secretary. The second copy will be returned to the subdivider with any notations at the time of approval or denial and the specific modifications, if any, required.
- (6) Approval of the preliminary plat shall lapse and become null and void unless a final plat based thereon is submitted within one year from the date of such approval. The applicant may request from the planning commission an extension of time not to exceed one year upon good cause **shown**.

(f) *Final plat.*

Commented [LP4]: Removed 30 daytime limitation for the Planning Commission to act. "Failure of planning commission to act on the preliminary plat within 30 days of the meeting at which the preliminary plat was first considered will be deemed approval of this plat."

Commented [LP5]: Added applicant responsibility to request an extension, now limited to one year (from 180 days).

-
- (1) The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, may constitute only that portion of the approved preliminary plat proposed for recording and development at the time; provided, however, that any portion conforms to all requirements of these regulations.
- a. A minimum of five days prior to the planning commission meeting at which it is to be considered, the subdivider shall submit an electronic file and the original drawing in black ink and three copies (black and white prints), together with any street profiles or other plans that may be required by planning commission.
 - b. The plat shall be drawn to a scale of one-inch equals 100 feet on sheets not larger than 22 inches by 34 inches or an approved size to correspond to local plat book dimensions. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.
 - c. When the plat has been approved by the planning commission, one copy will be returned to the subdivider, with the approval of the planning commission certified thereon, for filing with the clerk of superior court as the official plat of record. One copy containing the certification of the planning commission will be returned to the subdivider and the planning commission secretary shall retain the other two copies.
- (2) Approval of the final plat by the planning commission shall not constitute acceptance by the city of dedication of any streets, easements or other public way, ground or improvements.

The final plat shall show:

- a. The lines of all streets, roads, and allies, lot lines, building setback lines, lots numbered in numerical order, house numbers, reservations, easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- b. Sufficient data to readily determine and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including the true north point. This shall include the radius, central angle and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.
- c. All dimensions to the nearest 100th of a foot and angles to the nearest minute.
- d. Location and description of monuments.
- e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining property.
- f. Date, title, name and location of subdivision, graphic scale and true north point.
- g. Location map showing site in relation to area.
- h. Certification showing that the applicant is the landowner or legally authorized representative and dedicates streets, rights-of-way, improvements and any sites for public use. Certification form must comply with the following:

Owner's Acknowledgement and Dedication:

(STATE OF GEORGIA)

(FULTON COUNTY)

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey, and dedicates by this Declaration to the use of the public forever all streets, easements, sanitary

Commented [LP6]: Removed 30 daytime limitation for the Planning Commission to act. "The planning commission shall approve or deny a final plat within 30 days of the date upon which the plat was first considered by the planning commission. Failure of the planning commission to act on the final plat within these 30 days shall be deemed approval. In the event a final plat is denied, the grounds for denial shall be stated in the records of the planning commission.

sewers and appurtenances, potable water mains and appurtenances, storm drains and appurtenances, and other public facilities and appurtenances thereon shown.

Signature of Subdivider Date Signed

Printed or Typed Name of Subdivider

Signature of Owner Date Signed

Printed or Typed Name of Owner

- i. Certification by the landowner acknowledging that the city assumes no responsibility for overflow or erosion of natural or artificial drains beyond the extent of the street right-of-way, or for the extension of culverts beyond the point shown on the approved and recorded subdivision plat and that the city does not assume responsibility for maintenance of pipes and drainage ditches in drainage easements beyond the city right-of-way. Structures other than storm drainage structures are not permitted in drainage easements.
- j. Certification by land surveyor or engineer to accuracy of survey and plat and placement of monuments. Certification form must comply with the following:

Final Surveyor's Certificate:

It is hereby certified that this plat is true and correct as to the property lines and all improvements shown thereon, and was prepared from an actual survey of the property made by me or under my supervision; that all monuments and markers shown thereon actually exist, and their location, size, type and material are correctly shown. The field data upon which this plat is based has a closure precision of one foot in _____ feet and an angular error of _____ per angle point, and was adjusted using the _____ rule. This plat has been calculated for closure and is found to be accurate within one foot in _____ feet and the property shown contains a total of _____ acres. The equipment used to obtain the linear and angular measurements herein was _____.

By: _____
Date

Registered Georgia Land Surveyor No. _____

Date of Expiration _____

- k. Certification of Final Plat Approval containing the following statement:

Final Plat Approval:

This subdivision plat has been reviewed by the Planning Commission and the City Engineer and found to be in compliance with Zoning Ordinance, Conditions of Zoning Approval, City of Hapeville Development Regulations and Subdivision Regulations, as amended, and that it has been approved by all other affected City and County Departments, as appropriate. The Mayor and City Council hereby approve this Final Plat, subject to the provisions and requirements of the City's regulations and the provisions and requirements of the Development Performance and Maintenance Agreement executed for this development between the Owner and the City of Hapeville.

City Clerk - On Behalf of Mayor and Council Date

Chairman, Planning Commission Date

City Engineer Date

- l. If final plat approval is requested before all improvements have been installed in accordance with the requirements of the regulations, the owner shall post a security bond in an amount determined by the city to be sufficient to ensure the completion of all required improvements. Security bond language and bond provider shall satisfy all requirements of the city.
 - m. All other notes or notations as may be required by the city.
- (g) *Short-cut procedure.* Subdivisions that do not involve the creation of new streets or installation or dedication of infrastructure may be submitted as final plats without the necessity of preliminary plat approval.

Sec. 90-1-3. General requirements and minimum standards of design.

- (a) *Streets.*
 - (1) *Conformity to the major street plan.* The location and width of all streets and roads shall conform to the official major street plan.
 - (2) *Relation to adjoining street systems.* The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.
 - (3) *Street widths.* The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the major street plan, or if not shown on that plan, shall be not less than as follows:
 - a. For major streets, 70 feet as may be required. Major streets are those regional roads to be used primarily for fast or heavy traffic and will be located on the major street plan.
 - b. For arterial streets, 60 feet. Arterial streets are those which carry traffic from minor streets to the major streets and include the principal streets utilized for local circulation.
 - c. For minor and collector residential streets, 50 feet. Minor streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic. Collector residential streets are those which carry traffic from residential streets to arterial streets.
 - d. For dead-end streets (culs-de-sac), 50 feet. Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future. "Hammerhead" turnarounds are also permitted on dead-end streets accessing low density neighborhoods.
 - e. For alleys, ten feet to 16 feet. Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street. In cases where topography or other typical physical conditions make a street of the required minimum width impracticable, the planning commission may modify the above requirements. Through proposed business areas the street widths shall be increased ten feet on each side if needed to provide parking without interference of normal passing traffic.
 - (4) *Additional width on existing streets.* Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.
 - a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
 - b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.

-
- (5) *Restriction of access.* When a tract fronts on an arterial street or highway, the planning commission may require those lots to be provided with frontage on an access street.
- (6) *Street grades.* Grades on major streets shall not exceed seven percent. Grades on other streets may exceed seven percent but not ten percent.
- (7) *Horizontal curves.* Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets 60 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 100 feet.
- (8) *Vertical curves.* All changes in grade shall be connected by vertical curves of minimum length in feet equal to 15 times the algebraic difference in rates of grade for major streets and one-half this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals 100 feet horizontal, and one-inch equals 20 feet vertical, may be required by the planning commission.
- (9) *Intersections.*
- a. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than 60 degrees.
 - b. Property line radii at street intersections shall not be less than 20 feet and where the angle of street intersection is less than 75 degrees, the planning commission may require a greater curb radius. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.
- (10) *Tangents.* A tangent of at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- (11) *Street jogs.* Street jogs with centerline offsets of less than 125 feet shall be prohibited.
- (12) *Dead-end streets.*
- a. Minor terminal streets or courts designed to have one end permanently closed shall be no more than 400 feet long unless necessitated by topography. They shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet and a street right-of-way diameter of at least 100 feet. "Hammerhead" turnarounds are also permitted on dead-end streets accessing low density neighborhoods.
 - b. Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of the property. These dead-end streets shall be provided with a temporary turnaround having a roadway diameter of at least 80 feet.
- (13) *Private streets and reserve strips.* There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the planning commission.
- (14) *Street names.* Proposed streets in obvious alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, driveway, place or court.
- (15) *Alleys.* Alleys shall be provided to the rear of lots used for business purposes, and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys.
- (b) *Blocks.*

-
- (1) *Length.* Blocks shall not be less than 400 feet or more than 1,200 feet in length, except as the planning commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over 800 feet in length, the planning commission may require one or more public cross walks of not less than ten feet in width to extend entirely across the block and at locations deemed necessary.
- (2) *Width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the planning commission will approve a single tier of lots of minimum depth.
- (c) *Lots.*
- (1) *Arrangement.* Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot shall have frontage on a public street.
- (2) *Minimum size.* The size, shape and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated. Remnant lots, that is, parcels of land that would not comply with the minimum lot area or width following subdividing shall be prohibited. Such remnant parcels shall be added to adjacent lots rather than be platted as unusable parcels.
- a. The size and widths of lots shall in no case be less than the minimum requirements of the zoning ordinance. No lot shall have a width greater than six times the lot depth at the building setback line without specific approval by the planning commission.
- b. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.
- (3) *Minimum depth.* The minimum depth of building setback lines from the right-of-way shall not be less than 30 feet and in the case of corner lots 15 feet from the side street right-of-way unless a lower standard is allowed by an existing zoning ordinance.
- (4) *Corner lot dimension.* Corner lots shall be sufficiently wider and larger to permit the additional side yard requirements of the zoning ordinance or building setback lines outlined above.
- (5) *Lots on a curved street or cul-de-sac.* All such lots shall comply with the minimum lot frontage at the building setback line. No lot shall have a lot width less than 35 feet at the street right-of-way.
- (6) *Lots in more than one municipality.* No new lot created subsequent to the effective date of this chapter shall be divided by a city boundary line.
- (7) *Double frontage lots.* No lot, other than a corner lot, shall have frontage on more than one street unless a reserve strip that would prohibit vehicle access is created.
- (d) *Public use and service areas.* Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas. Plats indicating dedication of park and playground areas to the city shall be approved conditionally subject to the written acceptance of the land by mayor and council.
- (1) *Public open spaces.* Where a school, neighborhood park or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the planning commission, is located in whole or in part in the applicant's subdivision, the planning commission may require the dedication or reservation of such open space within the subdivision up to a total of ten percent of the gross area or water frontage of the lot, for park, school or recreation purposes.
- (2) *Easements for utilities.* Except where alleys are permitted for the purpose, the planning commission may require easements, not less than ten feet in width, for wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines, along all rear lot lines, along side lot lines if necessary, or if, in the opinion of the planning commission, advisable. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or

planned utilities. Easements greater than ten feet in width may be required where additional utilities, utilities larger in size or utilities greater than five feet in depth below grade are proposed in the easement.

- (3) *Community assets.* In all subdivisions, due regard shall be shown for all natural features such as large trees, watercourses, historical resources and similar community assets which, if preserved, will add attractiveness and value to the property.
- (e) *Suitability of the land.*
 - (1) The planning commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.
 - (2) Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for any other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the plat shall be set aside for those uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- (f) *Large tracts or parcels.* When land is subdivided into larger parcels than ordinary building lots, those parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.
- (g) *Group housing developments.* A comprehensive group housing development, including single-family attached developments and the large-scale construction of housing units together with necessary drives and ways of access, may be approved by the planning commission although the design of the project does not include standard street, lot and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.
- (h) *Variances.* Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the planning commission, a departure may be made without destroying the intent of these provisions, the planning commission may authorize a variance. Any variance thus authorized is to be stated in writing in the minutes of the planning commission with the reasoning on which the departure was justified set forth.
- (i) *Zoning or other regulations.*
 - (1) No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms to that ordinance.
 - (2) Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, the building code or other official regulations, the highest standard shall apply.

Sec. 90-1-4. Development prerequisite to final approval.

- (a) *Required improvements.* Every subdivision developer shall be required to grade and improve streets and alleys, install curbs and sidewalks, **boundary markers**, sewers, stormwater inlets and water mains in accordance with specifications established by the city.
 - (1) *Boundary Markers.*
 - a. Concrete monuments three inches in diameter or square, 18 inches long, with a flat top indented with a cross and set flush with the finished grade and or iron rods with a minimum cross section of 0.2 inches, 18 inches long, and driven so as to be flush with the finished grade shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street.

Commented [LP7]: Changed language from Monuments to Boundary Markers.
Highlighted text added.
Removed text "The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade."

-
- b. All other lot corners shall be marked with an iron rod with a minimum cross section of 0.2 inches, 18 inches long, and driven so as to be flush with the finished grade.
- (2) *Grading.* All streets, roads and alleys shall be graded to their full width by the subdivider so that pavements and sidewalks can be constructed on the same level plane. Due to special topographical conditions, deviation to the above will be allowed only with special approval of planning commission.
- a. *Preparation.* Before grading is started, the entire right-of-way area shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.
- b. *Cuts.* All tree stumps, boulders and other obstructions shall be removed to a depth of two feet below the subgrade. Rock, when encountered, shall be scarified to a depth of 12 inches below the subgrade.
- c. *Fill.* All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed 12 inches loose and compacted by a sheep's foot roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction the water content shall not exceed the optimum of moisture.
- (3) *Storm drainage.* An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than 12 inches. Cross drains shall be built on straight lines and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the roadbed. In all cases, drainage improvement plans and the improvements themselves shall be approved by the city engineer.

Drainage system design shall be in accordance with the Georgia Stormwater Management Manual published by ARC, latest update, unless approved otherwise. Drainage systems shall also comply with all other applicable city ordinances and regulations, including the floodplain management ordinance, post development stormwater management regulations and the erosion and sediment control ordinance. Drainage construction shall comply with the state department of transportation standard specifications unless approved otherwise. Storm drain pipe material within city street rights-of-way shall be reinforced concrete pipe in accordance with state department of transportation specifications.

- (4) *Roadway surfacing.* After preparation of the subgrade, the roadbed shall be surfaced with material required by local standards, but of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as crushed rock stone from two and one-half inches down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six inches.

Following application of a crushed stone base having a minimum thickness of six inches, contractor shall provide surface paving of local and minor residential streets consisting of two inches of 19 mm Superpave asphalt. Upon issuance of a certificate of occupancy for 90 percent of the dwellings served by the street have been built, or prior to the end of the one-year maintenance period (but after the 11th month), whichever occurs first, contractor shall provide a final wearing course of one and one-half inch of 12.5 mm Superpave asphalt paving. All paving materials shall meet the requirements of the state department of transportation standard specifications.

-
- (5) *Minimum pavement widths.* Due to the diversity of development in the city, required pavement widths will necessarily vary with the character of building development and the amount of traffic encountered. Minimum pavement widths between curbs shall be as follows:
- a. For minor residential streets, 30 feet. Most minor streets in residential developments.
 - b. For collector streets, 36 feet. Including minor streets which in the opinion of the planning commission will involve sufficient traffic and/or parking to justify the width.
 - c. For arterial streets and highways, as may be required.
- (6) *Curbs and gutters.* Except on rural streets, the subdivider shall provide permanent six-inch concrete curbs with 24-inch integral concrete gutters or standard rolled curb and gutters.
- (7) *Sidewalks.*
- a. For the safety of pedestrians and of children at play, installation by the developer of sidewalks on both sides of streets will normally be required. The commission may waive the requirements of sidewalks along streets where a park, railroad or other use on one side of a street makes a sidewalk nonessential.
 - b. Sidewalks shall be located not less than one foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date. In single-family residential areas and multifamily or group housing developments, concrete sidewalks shall be five feet wide and four inches thick. Sidewalks in commercial areas shall be five feet wide and ten feet wide as dictated by adjoining sidewalk widths.
- (8) *Installation of utilities.* After grading is completed and approved and before any base is applied, all of the work for underground utilities including water mains, gas mains, electrical lines, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.
- (9) *Water supply system.*
- a. Water mains properly connected with the city water supply system shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. Water mains shall be located on public property and not private property.
 - b. The sizes of water mains, the location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation shall be approved by the city engineer and fire chief.
- (10) *Sanitary sewers.* Sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system, according to plans approved by the city engineer.
- (b) *Recommended improvements.* The planting of street trees and installation of street name signs is considered a duty of the subdivider as well as good business practice.
- (1) *Street trees.*
- a. Trees adjacent to the sidewalk, in supplemental areas and in landscape strips between the sidewalk and the curb, are a protection against excessive heat and glare and enhance the attractiveness and value of abutting property. All tree plantings shall conform to the requirements of chapter 93, article 29.
 - b. It is recommended that trees be planted inside the property lines where they are less subject to injury, decrease the chance of motor accidents and enjoy more favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be submitted for the community services department's approval since the public inherits the care and maintenance of such trees.

-
- (c) *Guarantees in lieu of completed improvements.* No final subdivision plat shall be approved by the planning commission or accepted for record by the clerk of the superior court until the improvements listed shall be constructed in satisfactory manner and approved by the city engineer, or in lieu of such prior construction, the planning commission may accept a security bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the city in the event of default by the subdivider.

Sec. 90-1-5. Enforcement and penalties for violations.

- (a) Any person, firm or corporation violating any of the provisions of these regulations shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided in the City Charter. Each day's continuance of a violation shall be considered a separate offense. The owner of any lands or parts thereof, where anything in violation of these regulations shall be placed or shall exist, or any builder, contractor or agent of the owner who may have assisted in the commission of any violation, shall be guilty of a separate offense.
- (b) In any violation in which any land is or is proposed to be used in violation of these regulations or amendment thereto adopted by the mayor and council, the legal counsel of the city or any owner of real estate therein may, in addition to other remedies provided by law, institute injunction, abatement or any appropriate action or actions, proceeding or proceedings to prevent, enjoin or abate such unlawful use.

Sec. 90-1-6. Adoption and effective date.

- (a) Before adoption of these subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the mayor and council; 15 days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the city.
- (b) These rules and regulations shall be in full force and effect from and after their adoption and effective date.



Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

November 13, 2023 6:00 PM

SUMMARY MINUTES

1. Called to Order at 6:02 PM.

2. Roll Call

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

3. Approval of Minutes

3.I. Minutes of October 10, 2023

MOTION ITEM: Jeanne Rast made a motion to approve the minutes of October 10, 2023, as submitted. The motion was seconded by Leah Davis. **MOTION CARRIED: 6-0.**

4. Old Business

4.I. 400 Porsche Avenue

Request for Tree Bank Contribution

Background:

The Redmond Company on behalf of Atlanta Postal Credit Union is requesting approval to allow for a contribution to the City's Tree Bank in lieu of full compliance with the City's Tree Conservation Code for the property located at 400 Porsche Avenue (Parcel ID: 14 0096 LL0585). The property is zoned B-P, Business Park.

MOTION ITEM: Lucy Dolan made a motion to remove the request from the agenda as this request approved at the October 10, 2023. The motion was seconded by Cliff Thomas.

MOTION CARRIED: 6-0.

5.I. New Business

5.I. Subdivision Ordinance

Text Amendment

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions), Sections 90-1-1 (Purpose, authority and jurisdiction), 90-1-2 (Procedure for plat approval), 90-1-4 (Development prerequisite to final approval) for the purpose of amending the subdivision ordinance.

MOTION ITEM: Jeanne Rast made a motion and recommended the Mayor & Council approve the proposed subdivision text amendment. The motion was seconded by Rob Hall.

MOTION CARRIED: 6-0.

5.II. Accessory Structure Ordinance

Text Amendment

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Sections 93-1-2 (Definitions), 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, outbuildings and fences), and 93-2-6 (Abatement) for the purpose of amending the accessory uses ordinance.

MOTION ITEM: Jeanne Rast made a motion and recommended the Mayor & Council approve the proposed accessory structure text amendment. The motion was seconded by Lucy Dolan.

MOTION CARRIED: 6-0.

5.III. Nonconforming Uses and Structures Ordinance

Text Amendment

Background:

Consideration of an amendment to the Code of Ordinances, Article 3 (Nonconforming uses), Sections 93-3-2 (Nonconforming uses permitted), 93-3-5 (Restoration), 93-3-6 (Abandonment), 93-3-9 (Enlargement), and 93-3-11 (Notice to owners of nonconforming property) for the purposes of amending the nonconforming uses ordinance.

MOTION ITEM: Cliff Thomas made a motion and recommended the Mayor & Council approve the proposed nonconforming uses and structures text amendment. The motion was seconded by Lucy Dolan. MOTION CARRIED: 6-0.

5.IV. 2024 Planning Commission Meeting Schedule

Background:

Consideration and action to approve the 2024 Planning Commission meeting schedule.

MOTION ITEM: Lucy Dolan made a motion to approve the 2024 Planning Commission meeting schedule. The motion was seconded by Leah Davis. MOTION CARRIED: 6-0.

6. Next Meeting Date – December 12, 2023 at 6:00 p.m.

7. Adjourn

MOTION ITEM: Cliff Thomas made a motion to adjourn the meeting at 7:05 p.m. The motion was seconded by Miller Radford. MOTION CARRIED: 6-0.

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary



CITY OF HAPEVILLE
3468 NORTH FULTON AVENUE
ATLANTA, GA 30354

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 11/06/2023.

Alicia Seals

[Signature]

Subscribed and sworn to before me this November 7, 2023



NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Mayor and Council on **Tuesday, December 5, 2023 at 6:00 p.m.** at the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. The meeting will be made available to the public by live streaming only via teleconference/videoconference in accordance with O.C.G.A. § 50-14-1(g) at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes> to consider the following:

Consideration of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions), Sections 90-1-1 (Purpose, authority and jurisdiction), 90-1-2 (Procedure for plat approval), 90-1-4 (Development prerequisite to final approval) for the purpose of amending the subdivision ordinance.

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Sections 93-1-2 (Definitions), 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, outbuildings and fences), and 93-2-6 (Abatement) for the purpose of amending the accessory uses ordinance.

Consideration of an amendment to the Code of Ordinances, Article 3 (Nonconforming uses), Sections 93-3-2 (Nonconforming uses permitted), 93-3-5 (Restoration), 93-3-6 (Abandonment), 93-3-9 (Enlargement), and 93-3-11 (Notice to owners of nonconforming property) for the purposes of amending the nonconforming uses ordinance.

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the City Clerk at ssteed@hapeville.org or called in at 404-766-3004 no later than 5:00 p.m. on December 4, 2023. When emailing or verbally delivering your comment to the City Clerk, please include your name, address, the agenda item, and the comment for or against the item. All comments submitted to the City Clerk will be read into the record during the meeting. Citizens may not make comments on public hearing agenda items via teleconference/videoconference.
#0000692882:11/06-1AS

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

Commented [LP1]: Replaced "buildings" with "structures"

1) Accessory Uses

Commented [LP2]: Reordered Section to commence with general regulations, then covers permanent and temporary structures.

- a) Where allowed by Code, accessory structures may be used for storage.
- b) The presence of such facilities or equipment as utility services, utility meters, mailboxes, bathroom, or kitchen equipment 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. See section 93-2-26 Accessory Dwelling Units (ADU).
- c) Temporary structures may only be used in conjunction with permitted construction work in any zoning district and shall be removed immediately upon the completion of construction. Additional regulations regarding temporary structures are found in this chapter.

2) Permanent Accessory Structures

- a) An accessory building or structure is a structure detached from the principal structure 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.

Commented [LP3]: The rewrite addresses commercial and residential separately.

- b) Accessory uses and structures in lots developed for commercial, industrial or mixed-uses shall comply with the following standards and all other applicable regulations of this zoning ordinance:
 - i) Accessory buildings in commercial, industrial or mixed-use lots shall be permitted in C-1, C-2, V, U-V, RMU, I-1, and I-2 zoning districts.
 - ii) The accessory use or structure shall contribute to the comfort, convenience or necessity of the occupants of the principal use or structure served.
 - iii) The accessory use or structure shall be subordinate in area, extent and purpose to the primary use or structure served.
 - iv) The accessory use or structure shall not be injurious to the use and enjoyment of surrounding properties.

v) Restrictions on the Number, Size and Height

Commented [LP4]: Limit of 2 accessory structures on each commercial lot and not to exceed 10% of floor area of the primary structure. This square footage limitations is calculated by the aggregate. Accessory structures for storage only may not exceed 100SF

- (1) There may not be more than two (2) accessory structures on a commercial lot.
- (2) Accessory structures may not exceed 10% of the primary structure floor area. The floor area or square footage of an accessory structure shall include all square footage (heated or otherwise) When more than one accessory building is erected, the "maximum accessory building size" controls the sum of the floor areas of those buildings.
- (3) Unless otherwise specified, accessory structures used solely for storage may not exceed 100 SF.
- (4) Gazebos, 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 structure setback standards.
- (5) No accessory structure shall exceed the height of the principal structure.

vi) Permitting

- (1) No accessory building shall be erected or placed on a lot that does not contain a principal structure. Building permits may be issued for the principal structure and an accessory structure;

however, a certificate of occupancy must be issued for the principal structure prior to issuance of a certificate of occupancy for an accessory structure.

- (2) All accessory structures in excess of 100 SF or any accessory structures including mechanical, electrical or plumbing with construction require a building permit and certificate of occupancy.
- (3) All accessory structures must meet all applicable fire, building, and safety codes.

Commented [LP5]: Adds a requirement for a building permit and CO.

vii) Construction and Design Requirements

- (1) All accessory structures must be placed on a permanent foundation. Structures not placed on a permanent foundation are considered Temporary Structures and are subject to regulations found in this chapter.
- (2) The accessory structure must complement the principal structure in terms of architectural design, materials, roof pitches, and other details. All accessory structures are required for review by the Design Review Committee.
- (3) Where applicable, access to the second story of an accessory building must be located within the interior of the ground floor space.
- (4) Commercial Outdoor Cooking Facilities are considered an accessory structure to the principal commercial structure. Commercial Outdoor Cooking Facilities must be (1) associated with a permitted, permanent food establishment, (2) be located within a permanent structure or surrounded by opaque stained or painted fencing or walls with overhead protection; (3) have floor surfaces that are smooth, easily cleanable and of durable construction; and (4) meet all fire, building, and health codes. Commercial Outdoor Cooking Facilities may not exceed 20% of the square footage of the permanent food establishment.

Commented [LP6]: Clarifying language inserted here for permanent foundation.

(5) Placement

- (a) All accessory buildings and structures shall be located on the same lot as the principal structure to which they are accessory.
 - (b) Accessory buildings shall be allowed in rear yards only. An accessory building located within 20 feet of the principal structure shall comply with the setback requirements of the principal structure to which it is accessory. Accessory buildings located more than 20 feet from the principal structure may be placed five feet from a side or rear lot line unless otherwise directed by the Fire Marshal. In addition to these yard requirements, the horizontal separation of accessory buildings from the structure on the same lot and the horizontal separation from all structures on adjacent lots shall be at least 10 feet.
 - (c) Accessory buildings on a corner lot shall comply with the setback for the principal structure. 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) Accessory structures may not adversely affect nor reduce the number of parking spaces for the principal structure that are required by city ordinance or exceed impervious surface limits.
 - (e) 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 the existing and established building line. All other standards of the chapter shall remain in effect.
- c) Accessory uses and structures on a residential lot shall comply with the following standards and all other applicable regulations of this zoning ordinance:

Commented [LP7]: Clarifications for commercial outdoor cooking facilities including association with permanent food establishment, materials, and square footage limitations.

Commented [LP8]: Language explicitly stating parking requirements may not be adversely affected.

- i) Accessory buildings in lots developed for residential use shall be permitted in 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 zoning districts.
- ii) The accessory use or structure shall contribute to the comfort, convenience or necessity of the occupants of the principal use or structure served.
- iii) The accessory use or structure shall be subordinate in area, extent and purpose to the primary use or structure served.
- iv) The accessory use or structure shall not be injurious to the use and enjoyment of surrounding properties.
- v) General Restrictions, Restrictions on Number, Size and Height
 - (a) No accessory structure shall have a ground floor area greater than that of the principal residential structure. Square footage of the accessory building is limited 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 (owner's option). The floor area of an accessory structure shall be calculated to include all conditioned floor area. If allowed, when more than one accessory building is erected, the "maximum accessory building size" controls the sum of the floor areas of those buildings.

Commented [LP9]: Changed to "all conditioned floor area" which allows for a second story above a garage, for example.

Table A—Accessory Building Allowance Based on Dwelling Unit Size

Dwelling unit ground floor area in square feet	Accessory building size
800	320
1,000	400
1,200	480
1,400	560
1,600	640
2,000	800
2,400	960
3,000	1,200
3,600	1,440
4,000	1,600

Table B—Accessory Building Allowance Based on Lot Size

Lot size in square feet	Accessory building size based on variable percentage of lot size
2,400	240
4,000	360
6,750	540
7,000	560
8,500	595
10,000	650
21,780	1,089
32,670	1,307
43,560	1,525
54,450	1,634

T

- (b) Outdoor residential cooking facilities, gazebos, arbors, pool equipment shelters, arbors, fireplaces, residential greenhouses and waste receptacle enclosures shall be exempt in calculating the maximum number of accessory structures on a lot.
- (c) The number of accessory buildings may vary depending on the size of the lot. Table C—Maximum number of accessory buildings establishes the schedule for number of accessory buildings allowed on a building lot.

Table C—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

- (d) The height of an accessory building shall not exceed 25 feet or the height of the principal residential structure measured from the average adjacent grade to the peak or ridgeline of the roof, whichever is less.

(2) Permitting

- (a) 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.
- (b) A building permit shall be required for the construction, erection or set-up of any accessory building in excess of 100 square feet or any accessory structures which include mechanical, electrical, or plumbing.
- (c) A separate certificate of occupancy shall be required for the construction, erection or set up of any accessory building intended for human occupancy such as an accessory dwelling unit, home office or any accessory building in excess of 144 square feet.
- (d) All accessory structures must meet all applicable fire, building, and safety codes.

Commented [LP10]: Permitting now required for 100 SF or more.

Commented [LP11]: CO required if accessory structure will be used for human occupation.

(3) Construction and Design Requirements

- (a) Accessory buildings shall be architecturally compatible with the principal dwelling on the lot and meet Architectural Design Standards.
- (b) All accessory structures in excess of 80 square feet must be placed on a slab or permanent foundation.
- (c) All accessory structures must meet all applicable building, fire, and safety codes.
- (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) When an accessory building is attached to the principal dwelling by a breezeway, passageway, deck, 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

Commented [LP12]: 80 SF or more requires a slab or permanent foundation.

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.

- (f) Additional construction and design requirements for Accessory Dwelling Units requirements are found in 93-2-26. Accessory Dwelling Units (ADUs).

(4) Placement

- (a) Accessory buildings shall be located on the same lot as the principal dwelling to which they are accessory.
- (b) Accessory buildings shall be allowed in rear yards only. An accessory building located within 20 feet of the principal dwelling shall comply with the setback requirements of the principal dwelling to which it is accessory. Accessory buildings located more than 20 feet from the principal dwelling may be placed five feet from a side or rear lot line.
- (c) 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) 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) Except as herein provided, the minimum yard requirements of section 93-22.1-1 of this chapter also apply to accessory buildings. 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 D—Distance from dwelling for very large accessory buildings. All distances shall be measured from outside wall to outside wall.

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

- (f) Notwithstanding standards of this chapter to the contrary, nothing shall prohibit the reconstruction 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.

3) Temporary Accessory Structures

- a) Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as the following:

-
- i) Temporary offices used for on-site apartment leasing, real estate sales office, and model sales home;
 - ii) Temporary offices used during the expansion or rehabilitation of an existing non-residential use;
 - iii) Temporary offices for construction and security personnel during the construction of a development for which the city has issued a grading permit or building permit;
 - iv) Construction storage during active construction phase. See Temporary Storage Structures and Uses below for additional requirements.
- b) Temporary structures allowed under Section 93-2-5(5) may be located anywhere on site, except within the following areas:
- i) Existing vegetated buffers or within the buffer setbacks.
 - ii) Areas designated for future vegetated buffers whether or not vegetation currently exists.
 - iii) Other areas designated on the site and/or subdivision plan for open space, vehicular use, or ingress/egress.
 - iv) Required parking areas
- c) *Other requirements.*
- i) The temporary structure shall be factory-fabricated and transportable.
 - ii) Underskirting shall be installed around all temporary structures requiring site plan approval.
 - iii) In addition to any other off-street parking required on the site, off-street parking shall be provided in accordance with the requirements set forth in article 22.1.
- d) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the community services department prior to installation of the temporary structure.
- e) Foundation plantings installed in accordance with section 93-23-18 shall be required for temporary structures intended for use as temporary offices, except when located on a paved surface or parking lot.
- f) A sketch plan containing sufficient information to show compliance with the above standards shall be submitted to and approved by the community services department prior to installation of the temporary structure.
- g) Temporary structures are not to include retail sales of new or used merchandise, or other uses not permitted within the zoning district where the structure is located.
- h) Temporary offices used for on-site apartment leasing, real estate sales office, and model sales home are permitted until construction allows for a model/sales office to be opened onsite as determined by the community services director, at which time the temporary office shall be removed.
- i) Temporary structures used during renovation of legally conforming or nonconforming structure shall be permitted so long as there is an active construction permit on file with the department of community services, not to exceed time limits established in the applicable code sections below. All other temporary structures under this section may remain on the site for no more than 12 months. This period may be renewed for up to two 12-month periods, for good cause shown, upon approval of a written request submitted to the community services director 30 days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than three years.
- j) All temporary and portable storage units and structures, construction trailers and the like, shall be constructed, altered, repaired, enlarged, placed, moved or demolished in accordance with applicable City building codes. The issuance of building permits, where required, verifying such compliance shall be administered by the community services director.
- k) *Temporary storage structures and uses.*

Commented [LP13]: Temporary structures are allowed during active construction - no longer requiring additional approval from Community Services Director.

Commented [LP14]: Temporary structures not related to construction are limited to 12 months with potential renewal by the Community Services Director.

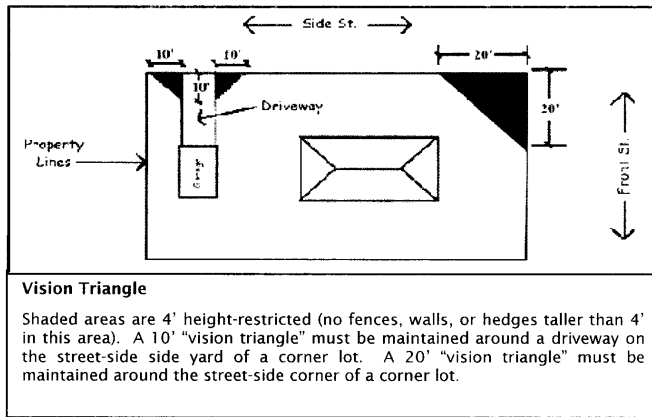
-
- i) With the exception of temporary storage structures for construction materials, enclosed portable storage units and structures intended only for temporary storage may be used following the receipt of a building permit, payment of the required fee, where applicable, and subject to the following provisions:
 - (1) The building permit submittal package must contain a site plan designating the proposed location of the temporary storage structure on the lot.
 - (2) Temporary storage structures and portable storage units shall not be placed on any street or alley right-of-way or public property. These structures must be placed on the lot in which the use is intended.
 - (3) Within all zoning districts, enclosed portable storage units and structures intended only for storage may be used for temporary storage of items related to the primary use located on the property for a period not to exceed 30 days. This period of time may be extended to 45 days upon request to and written approval of the community services director. This does not apply to storage for construction related activities. Registration shall be required for each such use of any temporary storage structures.
 - (4) Where practical, such structures shall not be located within front yard areas.
 - (5) No portable storage units shall be used to store any chemical, hazardous, flammable or combustible materials.
 - l) Prohibited Accessory and Temporary Structures
 - i) 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.

Fences and freestanding walls. Height limitations for fences and freestanding walls:

1. Fences and freestanding walls (other than retaining walls) cannot be located within any public right-of-way, and must comply with the following height restrictions:

In the R-SF, R-1, R-2, R-3, R-4, R-5, and R-O zoning districts, the following shall apply:

 - a. A fence in any front yard area shall not exceed four feet in height.
 - b. A fence in any side or rear yard area shall not exceed 6 feet in height, or eight feet in height on the property line that abuts an I-1, I-2, C-1, C-2 or C-T zoning district.
2. In the C-R, V, and UV zoning districts, the following shall apply:
 - a. A fence in any front yard area shall not exceed four feet in height.
 - b. A fence in any side or rear yard area shall not exceed 6 feet in height, or eight feet in height on the property line that abuts a residential or C-T zoning district.
3. In the C-1 and C-2, zoning districts, a fence in any yard area shall not exceed six feet in height, or eight feet in height on the property line that abuts a residential or C-T zoning district.
4. In the I-1 and I-2 zoning districts, a fence in any yard area shall not exceed eight feet in height.
5. In all zoning districts, fences or freestanding walls shall not obstruct visibility at street intersections (see section 93-2-7 and vision triangle diagram).



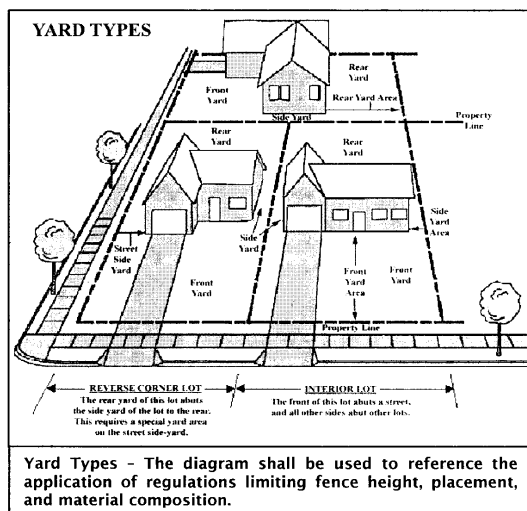
(3) *Materials and landscaping.*

- a. Fences in the front yards of R-SF, R-1, R-2, R-3, R-4, R-5, and R-O zoning districts must be constructed of ornamental metal, masonry, wood, vinyl, or other ornamental material specifically made for fence construction.
- b. Fences in the C-R, V, and UV zoning districts must be constructed of ornamental metal, masonry, wood, or other ornamental material specifically made for fence construction.
- c. Fences in the C-1 and C-2 zoning districts must be constructed of ornamental metal, masonry, wood, or other ornamental material specifically made for fence construction. The erection of any fence over four feet in height in these districts shall include a landscaped strip between the fence and the street right-of-way. The landscaped strip shall be a minimum of three feet wide and comply with the buffer requirements of chapter 93, article 29. Such landscaping shall be approved by the department of community services prior to the issuance of a building permit.
- d. Fences in the I-1 and I-2 zoning districts must be constructed of ornamental metal, masonry, wood, or other ornamental material specifically made for fence construction. The erection of any fence over four feet in height in these districts shall include a landscaped strip between the fence and the street right-of-way. The landscaped strip shall be a minimum of three feet wide and comply with the buffer requirements of chapter 93, article 29. Such landscaping shall be approved by the department of community services prior to the issuance of a building permit.

(4) *General fence regulations.*

- a. Reserved.
- b. The use of chain-link material is permitted only in rear yard areas on interior lots not adjacent to public right-of-ways. Fences along public right-of-ways must be constructed from ornamental metal, ornamental masonry, wood, or other ornamental material specially made for fence construction.
- c. On corner lots, chain-link fences are not permitted along the property line where it abuts a neighbor's front property line or along the frontage adjacent to the public right-of-way.
- d. It shall be unlawful to erect a fence of materials not specifically designed for fence construction. Materials prohibited for fence construction include, but are not limited to, tin roofing material, plastic roofing material, doors, or automobile parts.
- e. All fences shall be lawfully constructed, kept in good repair, and maintained in sound condition.

- f. Fences required for swimming pools shall comply with Georgia State Minimum Standards Swimming Pool Code, 1994 Edition, Georgia Swimming Code Amendments, 2000.
- g. Portions of fences with separations between slats of less than 50%, shall be constructed with the framing supports fronting the interior of the lot along those sections.



Sec. 93-2-6. Distance between buildings.

All accessory buildings shall be at least 10 feet from principal buildings. All multifamily buildings shall be at least 20 feet apart unless otherwise required by the Fire Marshal. All single-family attached buildings shall be at least 20 feet from any other principal building.



Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

November 13, 2023 6:00 PM

SUMMARY MINUTES

1. Called to Order at 6:02 PM.

2. Roll Call

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

3. Approval of Minutes

3.I. Minutes of October 10, 2023

MOTION ITEM: Jeanne Rast made a motion to approve the minutes of October 10, 2023, as submitted. The motion was seconded by Leah Davis. **MOTION CARRIED: 6-0.**

4. Old Business

4.I. 400 Porsche Avenue

Request for Tree Bank Contribution

Background:

The Redmond Company on behalf of Atlanta Postal Credit Union is requesting approval to allow for a contribution to the City's Tree Bank in lieu of full compliance with the City's Tree Conservation Code for the property located at 400 Porsche Avenue (Parcel ID: 14 0096 LL0585). The property is zoned B-P, Business Park.

MOTION ITEM: Lucy Dolan made a motion to remove item 4.I (400 Porsche Avenue) from the agenda as this request approved on October 10, 2023. The motion was seconded by Cliff Thomas. **MOTION CARRIED: 6-0.**

5.I. New Business

5.I. Subdivision Ordinance

Text Amendment

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions), Sections 90-1-1 (Purpose, authority and jurisdiction), 90-1-2 (Procedure for plat approval), 90-1-4 (Development prerequisite to final approval) for the purpose of amending the subdivision ordinance.

MOTION ITEM: Jeanne Rast made a motion and recommended the Mayor & Council approve the proposed subdivision text amendment. The motion was seconded by Rob Hall.

MOTION CARRIED: 6-0.

5.II. Accessory Structure Ordinance

Text Amendment

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Sections 93-1-2 (Definitions), 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, outbuildings and fences), and 93-2-6 (Abatement) for the purpose of amending the accessory uses ordinance.

MOTION ITEM: Jeanne Rast made a motion and recommended the Mayor & Council approve the proposed accessory structure text amendment. The motion was seconded by Lucy Dolan.

MOTION CARRIED: 6-0.

5.III. Nonconforming Uses and Structures Ordinance

Text Amendment

Background:

Consideration of an amendment to the Code of Ordinances, Article 3 (Nonconforming uses), Sections 93-3-2 (Nonconforming uses permitted), 93-3-5 (Restoration), 93-3-6 (Abandonment), 93-3-9 (Enlargement), and 93-3-11 (Notice to owners of nonconforming property) for the purposes of amending the nonconforming uses ordinance.

MOTION ITEM: Cliff Thomas made a motion and recommended the Mayor & Council approve the proposed nonconforming uses and structures text amendment. The motion was seconded by Lucy Dolan. MOTION CARRIED: 6-0.

5.IV. 2024 Planning Commission Meeting Schedule

Background:

Consideration and action to approve the 2024 Planning Commission meeting schedule.

MOTION ITEM: Lucy Dolan made a motion to approve the 2024 Planning Commission meeting schedule. The motion was seconded by Leah Davis. MOTION CARRIED: 6-0.

6. Next Meeting Date – December 12, 2023 at 6:00 p.m.

7. Adjourn

**MOTION ITEM: Cliff Thomas made a motion to adjourn the meeting at 7:05 p.m.
The motion was seconded by Miller Radford. MOTION CARRIED: 6-0.**

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary



CITY OF HAPEVILLE
3468 NORTH FULTON AVENUE
ATLANTA, GA 30354

PUBLISHER'S AFFIDAVIT

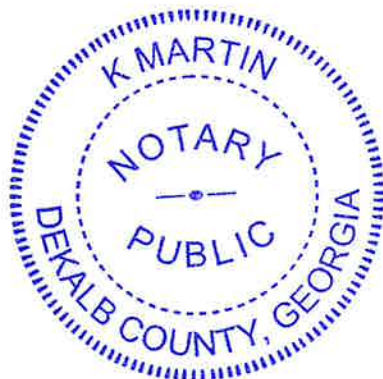
STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 11/06/2023.

Alicia Seals

[Signature]

Subscribed and sworn to before me this November 7, 2023



NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Mayor and Council on **Tuesday, December 5, 2023 at 6:00 p.m.** at the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. The meeting will be made available to the public by live streaming only via teleconference/videoconference in accordance with O.C.G.A. § 50-14-1(g) at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes> to consider the following:

Consideration of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions), Sections 90-1-1 (Purpose, authority and jurisdiction), 90-1-2 (Procedure for plat approval), 90-1-4 (Development prerequisite to final approval) for the purpose of amending the subdivision ordinance.

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Sections 93-1-2 (Definitions), 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, outbuildings and fences), and 93-2-6 (Abatement) for the purpose of amending the accessory uses ordinance.

Consideration of an amendment to the Code of Ordinances, Article 3 (Nonconforming uses), Sections 93-3-2 (Nonconforming uses permitted), 93-3-5 (Restoration), 93-3-6 (Abandonment), 93-3-9 (Enlargement), and 93-3-11 (Notice to owners of nonconforming property) for the purposes of amending the nonconforming uses ordinance.

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the City Clerk at ssteed@hapeville.org or called in at 404-766-3004 no later than 5:00 p.m. on December 4, 2023. When emailing or verbally delivering your comment to the City Clerk, please include your name, address, the agenda item, and the comment for or against the item. All comments submitted to the City Clerk will be read into the record during the meeting. Citizens may not make comments on public hearing agenda items via teleconference/videoconference.
#0000692882:11/06-1AS

93-1-2 Definitions.

Use, Nonconforming. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirement of the zoning district.

Structure, Nonconforming. A structure of building that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirement of the zoning district.

Commented [LP1]: Added definition for nonconforming structure

ARTICLE 3. NONCONFORMING USES AND STRUCTURES

Commented [LP2]: Added structures to Article

Sec. 93-3-1. Purpose and applicability.

In order to avoid individual hardship whenever reasonable and not in conflict with the general welfare of the city and for purposes herein outlined, the following provisions apply to all zones.

(Code 1981, § 8-5-41)

Sec. 93-3-1.2. Reserved.

Note(s)—Ord. No. 2016-19, § 2, adopted August 2, 2016, relocated the provisions of the former section 93-3-1.2, which pertained to the zoning map and derived from Ord. No. 2007-09, § 1, adopted July 3, 2007 and Ord. No. 2016-12, § 2, adopted April 5, 2016, to section 93-3-1-2.

Sec. 93-3-2. Nonconforming uses and structures permitted.

Except as herein specified in section 93-3-11, the lawful use of any building or land existing at the time of the enactment of the chapter may be continued without interruption, although such use does not conform to the provisions of this chapter. The use may be continued provided that, with proof, properties that have been developed for a minimum of 20 years may be used in the manner as originally and lawfully developed.

Nonconforming conditions, including parking, floor area, and sidewalk width requirements may be allowed subject to the unaltered continuation of the nonconforming use, however, no expansion on the building footprint or floor area may be made. A nonconforming structure may not be expanded without approval from the Board of Appeals.

Commented [LP3]: Added structures to section. Highlighted language added.

Commented [LP4R3]: Deleted language: "or used within a minimum of 20 years, provided that no expansion on the building footprint or floor area may be made and that the use is permitted in the zone assigned to the property with regards to area of parking, floor area and sidewalk width requirements."

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Sec. 93-3-3. Unsafe structures.

Any nonconforming structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition unless otherwise prevented by law.

(Code 1981, § 8-5-43)

Sec. 93-3-4. Construction approved prior to chapter.

Nothing contained in this chapter shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which has begun.

(Code 1981, § 8-5-44)

Sec. 93-3-5. Restoration.

Any nonconforming building or use which is damaged or destroyed, by fire or other such causes, may be restored or replaced to the extent of its existence immediately prior to such damage or destruction, provided that required permits for such restoration or replacement are secured **within 12 months**, work on restoration or replacement is initiated within a period of one year from the date of the damage or destruction, and such restoration or replacement complies with any nuisance abatement requirements. In addition, with the exception of single-family detached dwellings, such restoration or replacement shall **be brought into compliance** with current building, architectural, and zoning code structural and dimensional requirements.

(Code 1981, § 8-5-45; Ord. No. 75-3, 4-1-1975; Ord. No. 86-5, 7-1-1986; Ord. No. 87-20, 7-7-1987; Ord. No. 2013-04, § 1, 4-2-2013; Ord. No. 2014-05, § 1, 5-6-2014)

Formatted: Highlight

Commented [LP5]: Highlighted language added for clarification.

Formatted: Highlight

Sec. 93-3-6. Abandonment.

Whenever a nonconforming use has been discontinued for a period of **three months**, that use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this chapter. The following factors may be utilized to determine whether a nonconforming use has been discontinued:

- (1) Dilapidation or significant disrepair such as broken windows, peeling paint, roof deterioration, or other conditions or deficiencies that constitute a code violation; **or**
- (2) Unkempt lawn or poor maintenance of plants, trees, or other landscape materials; **or**
- (3) Poorly maintained parking surfaces or driveways; **or**
- (4) Inoperable or unregistered vehicles or vehicles otherwise in disrepair; **or**
- (5) Disconnection of electrical power or public water service at the request of the owner **or from failure to pay for a period of 90 days; or**
- (6) Failure of the owner to maintain an occupational tax permit, as applicable; **or,**
- (7) Revocation of a certificate of occupancy for a period of six months.

Commented [LP6]: Changed from six to three months. Shall changed to may for clarification. Highlighted language added.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Notwithstanding any such abandonment, a property that has been developed for a minimum of twenty years at the time of abandonment may conform to the parking, floor area, and sidewalk requirements as originally developed upon its re-use.

Sec. 93-3-7. Change to another nonconforming use not allowed.

No nonconforming use may be changed to another nonconforming use.

Sec. 93-3-8. Changes.

Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

Sec. 93-3-9. Enlargement.

A nonconforming use shall not be enlarged, expanded or extended either on the same or adjoining property.

Commented [LP7]: Language changed from "No nonconforming use shall be enlarged or extended in any way."

Sec. 93-3-10. Zone changes.

Approval of a rezoning by the mayor and council shall automatically adjust the minimum and maximum setbacks to the extent necessary to render such existing structures conforming.

Sec. 93-3-11. Reserved.

Commented [LP8]: Section removed: Sec. 93-3-11. - Notice to owners of *nonconforming* property. Upon a determination by the city planner that use or structure was rendered *nonconforming* by rezoning of a property or adoption of an ordinance or any amendment thereto, the city shall notify the owner, in writing, of the legal, *nonconforming* status of the use or structure.

Sec. 93-3-12. Demolition of nonconforming structures initiated by the owner.

Destruction or removal of buildings which preexisted rezoning shall reinstate the development standards of the then applicable zoning regulations.



Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

November 13, 2023 6:00 PM

SUMMARY MINUTES

1. Called to Order at 6:02 PM.

2. Roll Call

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

3. Approval of Minutes

3.I. Minutes of October 10, 2023

MOTION ITEM: Jeanne Rast made a motion to approve the minutes of October 10, 2023, as submitted. The motion was seconded by Leah Davis. **MOTION CARRIED: 6-0.**

4. Old Business

4.I. 400 Porsche Avenue

Request for Tree Bank Contribution

Background:

The Redmond Company on behalf of Atlanta Postal Credit Union is requesting approval to allow for a contribution to the City's Tree Bank in lieu of full compliance with the City's Tree Conservation Code for the property located at 400 Porsche Avenue (Parcel ID: 14 0096 LL0585). The property is zoned B-P, Business Park.

MOTION ITEM: Lucy Dolan made a motion to remove item 4.I (400 Porsche Avenue) from the agenda as this request approved on October 10, 2023. The motion was seconded by Cliff Thomas. **MOTION CARRIED: 6-0.**

5.I. New Business

5.I. Subdivision Ordinance

Text Amendment

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions), Sections 90-1-1 (Purpose, authority and jurisdiction), 90-1-2 (Procedure for plat approval), 90-1-4 (Development prerequisite to final approval) for the purpose of amending the subdivision ordinance.

MOTION ITEM: Jeanne Rast made a motion and recommended the Mayor & Council approve the proposed subdivision text amendment. The motion was seconded by Rob Hall.

MOTION CARRIED: 6-0.

5.II. Accessory Structure Ordinance

Text Amendment

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Sections 93-1-2 (Definitions), 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, outbuildings and fences), and 93-2-6 (Abatement) for the purpose of amending the accessory uses ordinance.

MOTION ITEM: Jeanne Rast made a motion and recommended the Mayor & Council approve the proposed accessory structure text amendment. The motion was seconded by Lucy Dolan.

MOTION CARRIED: 6-0.

5.III. Nonconforming Uses and Structures Ordinance

Text Amendment

Background:

Consideration of an amendment to the Code of Ordinances, Article 3 (Nonconforming uses), Sections 93-3-2 (Nonconforming uses permitted), 93-3-5 (Restoration), 93-3-6 (Abandonment), 93-3-9 (Enlargement), and 93-3-11 (Notice to owners of nonconforming property) for the purposes of amending the nonconforming uses ordinance.

MOTION ITEM: Cliff Thomas made a motion and recommended the Mayor & Council approve the proposed nonconforming uses and structures text amendment. The motion was seconded by Lucy Dolan. MOTION CARRIED: 6-0.

5.IV. 2024 Planning Commission Meeting Schedule

Background:

Consideration and action to approve the 2024 Planning Commission meeting schedule.

MOTION ITEM: Lucy Dolan made a motion to approve the 2024 Planning Commission meeting schedule. The motion was seconded by Leah Davis. MOTION CARRIED: 6-0.

6. Next Meeting Date – December 12, 2023 at 6:00 p.m.

7. Adjourn

MOTION ITEM: Cliff Thomas made a motion to adjourn the meeting at 7:05 p.m. The motion was seconded by Miller Radford. MOTION CARRIED: 6-0.

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary



CITY OF HAPEVILLE
3468 NORTH FULTON AVENUE
ATLANTA, GA 30354

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 11/06/2023.

Alicia Seals

[Signature]

Subscribed and sworn to before me this November 7, 2023



NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Mayor and Council on **Tuesday, December 5, 2023 at 6:00 p.m.** at the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. The meeting will be made available to the public by live streaming only via teleconference/videoconference in accordance with O.C.G.A. § 50-14-1(g) at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes> to consider the following:

Consideration of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions), Sections 90-1-1 (Purpose, authority and jurisdiction), 90-1-2 (Procedure for plat approval), 90-1-4 (Development prerequisite to final approval) for the purpose of amending the subdivision ordinance.

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Sections 93-1-2 (Definitions), 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, outbuildings and fences), and 93-2-6 (Abatement) for the purpose of amending the accessory uses ordinance.

Consideration of an amendment to the Code of Ordinances, Article 3 (Nonconforming uses), Sections 93-3-2 (Nonconforming uses permitted), 93-3-5 (Restoration), 93-3-6 (Abandonment), 93-3-9 (Enlargement), and 93-3-11 (Notice to owners of nonconforming property) for the purposes of amending the nonconforming uses ordinance.

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the City Clerk at ssteed@hapeville.org or called in at 404-766-3004 no later than 5:00 p.m. on December 4, 2023. When emailing or verbally delivering your comment to the City Clerk, please include your name, address, the agenda item, and the comment for or against the item. All comments submitted to the City Clerk will be read into the record during the meeting. Citizens may not make comments on public hearing agenda items via teleconference/videoconference.
#0000692882:11/06-1AS



CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

ALAN HALLMAN
MAYOR

MIKE RAST
ALDERMAN AT LARGE

BRETT REICHERT
COUNCILMAN AT
LARGE

MARK ADAMS
COUNCILMAN WARD I

CHLOE ALEXANDER
COUNCILMAN WARD II

MAYOR AND COUNCIL REGULAR SESSION

Join in person at 700 Doug Davis Drive, Hapeville, GA 30354 Or, visit the City's Website for live stream at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes>

November 14, 2023 6:00 PM

MINUTES

1. **CALL TO ORDER:** by Alderman Rast at 6:00 PM
2. **ROLL CALL:** All Members of Council were present with the exception of Mayor Hallman, which constituted a quorum.
 - × Alan Hallman
 - ✓ Mike Rast
 - ✓ Brett Reichert
 - ✓ Mark Adams
 - ✓ Chloe Alexander
3. **WELCOME:** Alderman Rast welcomed all to the November 14th Meeting.
4. **PLEDGE OF ALLEGIANCE:** The pledge of allegiance was recited in unison.
5. **INVOCATION:** Given by Rev. Johnetta Johnson.
6. **PRESENTATIONS:**
 - 6.I. Proclamation honoring Capt. Jackson Lynn “Jack” Hudson.

Alderman Rast read into record a Proclamation recognizing and honoring Capt. Jackson Lynn “Jack” Hudson. The proclamation acknowledges his achievements and contributions.
 - 6.II. Proclamation honoring Charlotte Rentz – City Historian

Alderman Rast read into record a Proclamation recognizing and honoring Charlotte Rentz. The proclamation acknowledges Dr. Rentz’s achievements and contributions to the City of Hapeville. Dr. Rentz was named and honored as the City Historian.
7. **PUBLIC HEARING:**
 - 7.I. Consideration and Action to Approve the Alcohol Beverage License Request for Convo Tapas Lounge, LLC, located at 3259 Dogwood Dr, Hapeville, GA 30354.

Background

Convo Tapas Lounge, LLC has completed all of the necessary steps in the alcohol license application process, and therefore, they are requesting approval from the Mayor and Council. All departmental reports have been received, and advertising has been completed.

Staff Comments: No additional comments were provided by staff.

Applicant Comments: The establishment's owner, Ms. Lorraine Patterson, was presented to answer any questions or concerns regarding the requested license.

Public Comments:

1. Susan Bailey

MOTION: Councilman Adams made a motion to approve Alcohol Beverage License request by Convo Tapas Lounge, LLC, located at 3259 Dogwood Dr, Hapeville, GA 30354, with the condition the to not allow parking to interfere with the traffic on North Avenue, Councilman Reichert provided a second. **Motion carried 3-0.**

- 7.II. Consideration and Action to Approve the Alcohol Beverage License Request for WiseAsh Cigars 3, LLC, located at 1155 Virginia Avenue, Ste J, Hapeville, GA, 30354.

Background

WiseAsh Cigars 3, LLC has completed all of the necessary steps in the alcohol license application process, and therefore, they are requesting approval from the Mayor and Council. All departmental reports have been received, and advertising has been completed.

Staff Comments: No additional comments were provided by staff.

Applicant Comments: No additional comments were provided by the applicant.

Public Comments:

1. Louise Applequist

MOTION: Councilman Alexander made a motion to approve Alcohol Beverage License request by WiseAsh Cigars 3, LLC, located at 1155 Virginia Avenue, Ste J, Hapeville, GA, 30354, Councilman Adams provided a second. **Motion carried 3-0.**

8. QUESTIONS ON AGENDA ITEMS:

1. Melvin Traynum

9. CONSENT AGENDA:

- 9.I. Consideration and Action to Approve October 17, 2023, Council Meeting minutes.
- 9.II. Consideration and Action to Approve the October 17, 2023, Executive Session Meeting minutes.
- 9.III. Consideration and Action to Approve the Purchase of a 2018 Ditch Witch Vacuum Excavator from United Rentals in the amount of \$ 28,567.00

MOTION: Councilman Adams made a motion to approve the consent agenda, Councilman Reichert provided a second. **Motion carried 3-0.**

10. OLD BUSINESS: None

AMEND AGENDA:

MOTION: Councilman Reichert made a motion to amend the agenda and add item 11. VI. under New Business section: *Discussion to accept an Additional Right of Way Dedication from South City Developers*, Councilman Adams provided a second. **Motion carried 3-0.**

11. NEW BUSINESS:

- 11.I. Consideration of the Mayor and Council 2024 Meeting Schedule Ordinance - First Reading.

This was the first reading for the Mayor and Council 2023 Meeting Schedule Ordinance. **This was a discussion item only; No action was taken.**

- 11.II. Consideration and Action to Approve the 2024 Holiday Schedule.

MOTION: Councilman Alexander made a motion to approve the 2024 Holiday Schedule with recommendation, Councilman Reichert provided a second. **Motion carried 3-0.**

- 11.III. Consideration and Action to Approve the One-Time Payment to Employees.

MOTION: Councilman Adams made a motion to approve the One-Time Payment to Employees, Councilman Alexander provided a second. **Motion carried 3-0.**

- 11.IV. Discussion on Outdoor Amplified sound.

DISCUSSION: City Manager, Tim Young stated that the discussion will begin with an overview, followed by insights from a resident who likely has firsthand experienced. The recurring issue pertains to loud outdoor music during the spring and summer, prompting comments or complaints. While it may or may not have been reported to code enforcement and potentially exceeded current decibel limits, the disturbance to others remains a concern. The matter is being brought to the council's attention due to its repeated occurrence. Ms. Susan Bailey will now provide additional details as one of the residents who has raised concerns.

Resident, Ms. Susan Bailey expresses gratitude for assistance in connecting with Jeff Dake, Co-Founder of Arches to address ongoing noise issues. Following a successful meeting where concerns were understood, an agreement was reached to collaborate on resolving the problem. The meeting also led to discussions about the Butterfly parade, showcasing positive outcomes. Ms. Bailey acknowledges the challenges of addressing issues with neighbors or businesses but emphasizes the importance of a productive meeting. She compiles previous emails into a summary, highlighting ongoing noise problems generated by entertainment venues on Dogwood Drive affecting Azalea Park. Specific incidents are detailed, originating from various buildings that have undergone changes in use over the years. Ms. Bailey requests a revisit of zoning in the Dogwood area and all of Hapeville, particularly where entertainment businesses adjoin residential properties, leading to a significant quality of life issue.

This was a discussion item only; No action was taken.

11.V. Consideration and Action to Extend the Moratorium on New Construction Multifamily Dwelling.

City Manager Tim Young provided a preface before Dr. Patterson spoke. Mr. Young detailed that the staff's duty was to evaluate the city's readiness for growth, focusing on roads, parking, fire, and police services. Mr. Young reports that, based on evaluations, the city is well-positioned to accommodate growth, including incremental increases. He further indicated that delays in equipment production have occurred but are being addressed. A parking study is underway and expected within two weeks. Young, from his perspective, doesn't see an immediate need to extend the moratorium. Dr. Patterson will share additional details from the planning side.

City Planner, Dr. Lynn Patterson acknowledges Mr. Young's review and assures that there are no issues with infrastructure, water, or sewer. Dr. Patterson stated that the transportation funds are available for sidewalk improvements, promoting pedestrian activity. The police department is well-staffed and recommends maintaining higher-than-recommended police ratios as the city grows. Patterson applauds the police force's impressive response times and emphasizes the city's safety as a draw for residents. Fire department challenges, including equipment, facilities, and personnel issues, are outlined in the provided packet.

She informed the Governing Body that from a zoning perspective, specific areas like Urban Village (UV) and Village allow townhomes, multifamily, duplexes, and multiplexes. UV mandates a conditional use permit for multifamily developments, requiring approval from the planning commission and the city. Village does not allow traditional apartments but permits condominiums and townhomes. Certain areas like Open Village, R4, and R3 zones allow denser housing options. Dr. Patterson emphasizes the city's reluctance to modify or rezone areas dedicated to single-family residential use. Dr. Patterson suggested shifting the focus towards mixed-use developments rather than exclusive use for multifamily projects. Her recommendation to Council is to consider text amendments to accommodate this approach. Dr Patterson stated that she would present these suggestions for further discussion or consideration.

MOTION: Councilman Alexander made a motion to approve extension of the Moratorium on New Construction Multifamily Dwelling until February 2024, Councilman Adams provided a second. **Motion carried 3-0.**

- ~~Discussion~~ Consideration and Action to accept an Additional Right of Way Dedication from
11. VI. South City Developers.

Background

The City Code requires during subdivision that right-of-way standards should be met. When current right of way is deficient, the Planning Commission may require a property owner to dedicate additional right of way to the City to meet these standards. Signal 397 N. Central, had a required right of way dedication along LaVista and is requesting the City Council accept the right of way as shown on the approval plat. Staff recommends this item for Council consideration and approval.

Dr. Lynn Patterson indicated that in consolidating plat or subdivisions, our city standards often require a specific right-of-way width, which can vary depending on the type of road. In the case of the South City development, La Vista had a narrow right-of-way, and we mandated an increase to meet the 50-foot requirement. This involves one side of the street giving five feet and the other side giving five feet when they develop. The developers have dedicated five feet of right-of-way along La Vista, where Junior's is located. However, as a procedural requirement, staff cannot accept this dedication, and it needs formal acceptance by the city council to ensure proper adherence to current standards. This is essentially a housekeeping matter to bring the right-of-way into compliance with our city standards.

AMEND AGENDA:

MOTION: Councilman Reichert made a motion to amend the agenda and revert item 11. VI. under New Business section from Discussion to an Action item, Councilman Adams provided a second. **Motion carried 3-0.**

MOTION: Councilman Reichert made a motion to accept an Additional Right of Way Dedication from South City Developers, Councilman Alexander provided a second. **Motion carried 3-0.**

12. CITY MANAGER REPORTS: City Manager, Tim Young spoke about the Following items:

Audit Update:

- Audit progress is on track.
- Anticipate receiving the audit report before the end of the year.
- No significant adjustments expected; the provided information is deemed solid.
- Internal controls appear to be in place, indicating a favorable audit report.

License Renewals - Alcohol Licenses/Short-Term Rental:

- Preparations are underway for end-of-year license renewals.
- Inclusive of alcohol licenses and short-term rentals.
- Approximately 25 to 27 short-term rentals registered, with follow-ups on about 20 others.
- Registration progress exceeds expectations, with 27 being a higher number than anticipated.

Junior's Pizza Ribbon Cutting:

- The ribbon cutting for Junior's Pizza is scheduled for November 15 at 11:00 AM.

Hapeville Holidays:

- The Hapeville Holidays event is scheduled for 6:00 PM on the 21st, building anticipation for Thanksgiving and the upcoming holiday season.

13. PUBLIC COMMENTS:

1. Lucy Dolan
2. Carol Cahill
3. Sherry Cranford
4. Charlotte Rentz

14. MAYOR AND COUNCIL COMMENTS:

Councilman Alexander Thanked all for attending the Council meeting.

Councilman Adams Thanked staff for the freshly flower beds and thanked all for coming out.

Councilman Reichert Congratulated to the honorees and express his gratitude to community services for the beautiful lights on the rail fences and the flags displayed for Veterans Day. He also thanked the residents who shared their ideas; stating that Council values their input, and it contributes to the City's collective learning and improvement.

Alderman Rast agreed with the sentiments of his fellow council members regarding expressing gratitude for audience attendance. He wished everyone a great Thanksgiving and looked forward to seeing everyone in December. Alderman Rast expressed his appreciation for their patience with him and various interruptions throughout the evening.

15. EXECUTIVE SESSION: An Executive Session was not conducted at this meeting.

16. ADJOURN:

MOTION: Councilman Alexander made a motion to adjourn at 7:46PM, Councilman Adams provided a second. **Motion carried 3-0**

Respectfully submitted,

Alan Hallman, Mayor

Sharee Steed, City Clerk



CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

ALAN HALLMAN
MAYOR

MIKE RAST
ALDERMAN AT LARGE

BRETT REICHERT
COUNCILMAN AT
LARGE

MARK ADAMS
COUNCILMAN WARD I

CHLOE ALEXANDER
COUNCILMAN WARD II

MAYOR AND COUNCIL REGULAR SESSION

Join in person at 700 Doug Davis Drive, Hapeville, GA 30354 Or, visit the City's Website for live stream at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes>

December 5, 2023 6:00 PM

MINUTES

1. **CALL TO ORDER:** by Alderman Rast at 6:01 PM
2. **ROLL CALL:** All Members of Council were present with the exception of Mayor Hallman, which constituted a quorum.
 - × Alan Hallman
 - ✓ Mike Rast
 - ✓ Brett Reichert
 - ✓ Mark Adams
 - ✓ Chloe Alexander
3. **WELCOME:** Alderman Rast welcomed all to the December 5th Meeting.
4. **PLEDGE OF ALLEGIANCE:** The pledge of allegiance was recited in unison.
5. **INVOCATION:** Given by Dr. Stuart Gulley
6. **PRESENTATIONS:** None
7. **PUBLIC HEARING:**
 - 7.I. Consideration and Action to Approve the Alcohol Beverage License Request for Junior's Pizza 2, LLC, located at 397 N. Central Ave Ste 203, Hapeville, GA 30354.

Background:

Junior's Pizza 2, LLC has completed all the necessary steps in the alcohol license application process, and therefore, they are requesting approval from the Mayor and Council. All departmental reports have been received, and advertising has been completed.

Staff Comments: No additional comments were provided by staff.

Applicant Comments: The establishment's owners, Ms. Jennifer Spear and Mr. Alex Spear were presented to answer any questions or concerns regarding the requested license.

Public Comments: No public comments were made for this public hearing item.

MOTION: Councilman Adams motioned to approve the Alcohol Beverage License request by Junior's Pizza 2, LLC, located at 397 N. Central Ave Ste 203, Hapeville, GA 30354; Councilman Reichert provided a second. **Motion carried 3-0.**

- 7.II. Consideration of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions)- First Reading.

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 90 (Subdivisions), Sections 90-1-1 (Purpose, authority and jurisdiction), 90-1-2 (Procedure for plat approval), 90-1-4 (Development prerequisite to final approval) for the purpose of amending the subdivision ordinance.

The Planning Commission considered this item on November 13, 2023, and recommended approval. Staff supports their recommendation.

Staff Comments: City Planner, Dr. Lynn Patterson indicated that the City utilizes its subdivision ordinance for consolidations, and the recent text amendments address several key points. Firstly, there is a clarification in the language to acknowledge that specific changes involve consolidations rather than strictly subdividing one parcel into two—annotations in the document highlight where the language was added. Procedurally, we have shifted the responsibility to the applicant to ensure they meet all requirements, removing the 30-day time limitation for planning commission actions. An additional change would limit the extension to one year for those with preliminary plat approval but not yet ready for the final stage. The last modification pertains to boundary markers; we have adjusted the language to allow for concrete monuments or simpler boundary markers, depending on the situation. These changes are detailed in section 90-1-4 of the ordinance.

Public Comments: No public comments were made for this public hearing item.

This stood as the First reading on this item, which was only a discussion item. **No action was taken.**

- 7.III. Consideration of an amendment to the Code of Ordinances, Chapter 93 (Accessory Uses)-First Reading.

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 1 (Title, definitions and application of regulations), Sections 93-1-2 (Definitions), 93-2-5 (Accessory uses, accessory structures, yard requirements of accessory structures, outbuildings and fences), and 93-2-6 (Abatement) for the purpose of amending the accessory uses ordinance.

This Planning Commission considered this item at the November 13, 2023, meeting and recommended approval. Staff supports their recommendation.

Staff Comments: Dr. Patterson expressed that the goal of the recent changes was to clarify certain aspects of the code that were unclear. She stated that the definitions were revised, replacing "buildings" with "structures" to account for situations where it might not be a complete building but still qualifies as a structure. The section was reordered to present general information about accessory structures first, distinguishing between permanent and temporary ones and separating residential and commercial structures. Dr. Patterson stated that specific attention was given to permanent accessory structures, emphasizing number, size, and height restrictions. The focus was ensuring that these structures adhere to building codes, involving conversations with building inspectors about foundations and permitting. She further indicated that the amendments also addressed issues related to commercial outdoor cooking facilities, providing clear definitions and guidelines for placement. Additionally, considerations for accessory structures in commercial areas were outlined, emphasizing that they should not obstruct required parking. Dr. Patterson indicated that changes to definitions and limitations on conditioned floor areas for residential properties were included. The code was adjusted to address long-term construction situations, particularly the use of construction trailers, with a 12-month limit for temporary structures not linked to construction activities. Annotations detailing these changes are available for reference.

Public Comments:

1. Melvin Traynum

This stood as the First reading on this item, which was only a discussion item. **No action was taken.**

- 7.IV. Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 3 (Nonconforming Uses)- First Reading.

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Article 3 (Nonconforming uses), Sections 93-3-2 (Nonconforming uses permitted), 93-3-5 (Restoration), 93-3-6 (Abandonment), 93-3-9 (Enlargement), and 93-3-11 (Notice to owners of nonconforming property) for the purposes of amending the nonconforming uses ordinance.

Staff Comments: Dr. Patterson updated the Council on the recent amendments to clarify the distinction between non-conforming use and non-conforming structure. A new definition for the non-conforming structure was added, and the language in Article Three was refined. She further stated that Section 93-3-2 was revised to state that structures or uses existing for more than 20 years can only be enlarged with bringing them up to code. Restoration requirements were clarified, emphasizing that commercial buildings must be brought into compliance during restoration or replacement. The section addressing abandonment of non-conforming use was updated, reducing the discontinuation period to three months and providing criteria for evaluation. Criteria include disconnection of utilities, failure to pay, and other factors. The provision requiring notice to owners of non-conforming property was removed due to practical challenges in inspecting every structure during broad rezoning efforts. Dr. Patterson stated that the amendments aim to clarify and ensure adherence to current zoning requirements for non-conforming structures and uses.

Public Comments: No public comments were made for this public hearing item.

This stood as the First reading on this item, which was only a discussion item. **No action was taken.**

8. QUESTIONS ON AGENDA ITEMS: None

AMEND AGENDA:

MOTION: Councilman Alexander motioned to amend the agenda and remove item 9.III. under Consent Agenda section: *Consideration and Action to approve November 14, 2023, Council Meeting minutes.*, Councilman Adams provided a second. **Motion carried 3-0.**

9. CONSENT AGENDA:

- 9.I. Consideration and Action Hotel Motel Service Agreement
- 9.II. Consideration and Action to approve the September 26, 2023, Special Called meeting minutes.
- ~~9.III. Consideration and Action to approve November 14, 2023, Council Meeting minutes.~~
~~-Removed~~
- 9.IV. Consideration and Action to approve November 27, 2023, Council Meeting minutes.
- 9.V. Consideration and Action to approve November 27, 2023, Executive Session minutes.

MOTION: Councilman Adams motioned to approve the consent agenda; Councilman Reichert provided a second. **Motion carried 3-0.**

10. OLD BUSINESS: None

11. NEW BUSINESS:

- 11.I. Consideration and Action of the Mayor and Council 2024 Meeting Schedule Ordinance. - Second Reading.- **Ordinance 2023-09**

MOTION: Councilman Reichert motioned to approve the Mayor and Council 2024 Meeting Schedule Ordinance; Councilman Alexander provided a second. **Motion carried 3-0.**

- 11.II. Consideration and Action to Approve an Intergovernmental Agreement (IGA) with Fulton County for Animal Control Services.

MOTION: Councilman Alexander motioned to approve an Intergovernmental Agreement (IGA) with Fulton County for Animal Control Services; Councilman Adams provided a second. **Motion carried 3-0.**

- 11.III. Consideration and Action to approve Sol Construction LLC in the amount of \$339,877.00 for the construction of the S. Central Avenue Sidewalk and Gateway Project.

MOTION: Councilman Alexander motioned to approve the Sol Construction LLC in the amount of \$339,877.00 for the construction of the S. Central Avenue Sidewalk and Gateway Project; Councilman Reichert provided a second. **Motion carried 3-0.**

- 11.IV. Consideration and Action to Approve the GA DOT – Interstate 85 Lighting Agreement.

MOTION: Councilman Reichert motioned to approve the GA DOT – Interstate 85 Lighting Agreement; Councilman Adams provided a second. **Motion carried 3-0.**

12. CITY MANAGER REPORTS: City Manager, Tim Young spoke about the following items:

Property Tax Collection Status:

- The deadline passed on November 29th.
- Currently at 83-84% collected of the \$6.5 million billed.
- Expected to reach 97-98% of total collection before the fiscal year-end.

December Deadline:

- Focus on alcohol permit renewals and short-term rental permits.
- Preparing for public utility billing in January.

Budget Planning:

- Initiating midyear budget adjustments and projections in January or early February.

Main Street Free Fill Event:

- Scheduled for Saturday, December 9th, at 4:30 PM.
- Offers free arts in the art alley behind City Hall.
- Encourages community participation.

Upcoming Holiday Season:

- Employee Holiday Lunch Friday December 15th.

13. PUBLIC COMMENTS:

1. Linda William

14. MAYOR AND COUNCIL COMMENTS:

Councilman Reichert thanked everyone for attending the meeting and acknowledging another successful year in Hapeville. He expresses that it is an honor and privilege to serve and wishes all a wonderful holiday season in the coming weeks.

Councilman Adams thanked everyone for coming out and wished everyone Happy Holidays.

Councilman Alexander expressed appreciation for the meet and greet event held today. She thanked everyone for attending and wished everyone a wonderful holiday season.

Alderman Rast agreed with Councilman Alexander's sentiments. He thanked the City Clerk for organizing the meet and greet event and mentioned it as the first in several years. Alderman Rast further stated that he enjoys meeting new people and extends his wishes for a happy holiday season and a prosperous new year on behalf of the Mayor and Council.

15. EXECUTIVE SESSION: An Executive Session was not conducted at this meeting

16. ADJOURN:

MOTION: Councilman Adams motioned to adjourn at 6:56PM, Councilman Alexander provided a second. **Motion carried 3-0**

Respectfully submitted,

Alan Hallman, Mayor

Sharee Steed, City Clerk



CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

ALAN HALLMAN
MAYOR

MIKE RAST
ALDERMAN AT LARGE

BRETT REICHERT
COUNCILMAN AT
LARGE

MARK ADAMS
COUNCILMAN WARD I

CHLOE ALEXANDER
COUNCILMAN WARD II

MAYOR AND COUNCIL SPECIAL-CALLED MEETING

Join in person at 3468 North Fulton Ave. Hapeville, GA 30354

December 12, 2023 6:00 PM

MINUTES

1. **CALL TO ORDER:** by Mayor Hallman at 6:06 PM
2. **ROLL CALL:** All Members of Council were present with the exception of Councilman Reichert, which constituted a quorum.
 - ✓ Alan Hallman
 - ✓ Mike Rast
 - × Brett Reichert
 - ✓ Mark Adams
 - ✓ Chloe Alexander
3. **EXECUTIVE SESSION:**

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

MOTION: Councilman Alexander made a motion to go into executive session at 6:07PM. Councilman Adams provided a second. **Motion carried 3-0.**

MOTION: Councilman Adams made a motion to convene back into regular session at 6:31PM, Alderman Rast second. **Motion carried 3-0.**
4. **ADJOURN:**

MOTION: Councilman Adams made a motion to adjourn at 6:32 PM, Alderman Rast provided a second. **Motion carried 3-0**

Respectfully submitted,

Alan Hallman, Mayor

Sharee Steed, City Clerk

1 **STATE OF GEORGIA**

2
3 **CITY OF HAPEVILLE**

4
5 **ORDINANCE NO. 2024-01**

6
7 **AN ORDINANCE FOR THE APPOINTMENT OF OFFICERS OF THE CITY OF**
8 **HAPEVILLE PURSUANT TO PART I (“CHARTER AND RELATED LAWS”),**
9 **SUBPART A (“CHARTER”), ARTICLE II (“THE MAYOR AND COUNCIL”),**
10 **CHAPTER 4 (“ORGANIZATION AND PROCEDURE”), SECTION 2-401 (“ANNUAL**
11 **ORGANIZATIONAL MEETING”) AND ARTICLE IV (“ORGANIZATION AND**
12 **ADMINISTRATION”), CHAPTER 2 (“CITY OFFICERS”) OF THE CITY CHARTER;**
13 **TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO**
14 **PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**
15 **PURPOSES.**

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

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

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

27
28 **WHEREAS**, the Mayor and Council has the right to establish, abolish, merge, or
29 consolidate officers, positions of employment, departments and agencies of the City that are
30 necessary and proper for the administration of the affairs and government of the City; and

31
32 **WHEREAS**, the Mayor and Council nominate and appoint the following persons for the
33 following officers for the 2024 Calendar Year in accordance with the City Charter.

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

37
38 **Section One. Appointments of Office.** The Mayor and City Council make the following
39 appointments for the 2024 Calendar Year:

40

OFFICE	NAME
City Attorney	Andrew J. Welch, III, Lajuana C. Ransaw, and the attorneys at Smith, Welch, Webb & White, LLC
City Clerk	Sharee Steed
City Solicitors	Kim Cornwell
Public Defender	Dameon Mitchell
City’s Legal Organ	South Fulton Neighbor Newspaper
Official Publication	South Fulton Neighbor Newspaper

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

Section Three. Severability.

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

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

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

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

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

ORDAINED this 9th day of January 2024.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

City Clerk

APPROVED BY:

City Attorney

From: LTesse Wise <[REDACTED]>
Sent: Thursday, January 4, 2024 1:26:37 PM
To: Mike Rast <mrast@hapeville.org>; Chloe Alexander <calexander@hapeville.org>; Mark Adams <MAAdams@hapeville.org>; Brett Reichert <breichert@hapeville.org>
Subject: Hapeville Service League

L'Tesse Reese
Hapeville Service League
612 College Street
Attn: Hapeville Service League
Atlanta, Georgia 30354

Council Members
City Of Hapeville
3468 N Fulton Ave
Hapeville, Georgia 30354

Dear Council Members,

My name is L'Tesse Reese, and I am writing on behalf of the Hapeville Service League. Our organization is dedicated to serving the Hapeville Community while aiding to preserve the city's family-life charm. The Hapeville Service League is currently working on our annual fundraiser. We are aiming to provide a quality affordable meal to the Hapeville residents while promoting fellowship during our Annual Spaghetti Dinner on February 8, 2024. The event will be held at the Hapeville Family Life Center from 5pm-7pm. Please come out to join us!

In order to make a difference, we rely on the support of generous individuals and businesses in our community. We would be most grateful if the City Of Hapeville would consider providing a financial donation of any amount to our organization. Your support is critical to the completion of our latest project, and we will gladly keep you updated regarding our progress should you wish.

Please contact me at [REDACTED] if you can support our efforts in making a difference in our Hapeville community. Thank you so much for your kind consideration of our request, and we hope to hear from you soon.

L'Tesse Reese