



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.

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

Planning Commission Meeting

700 Doug Davis Drive
Hapeville, GA 30354

October 8, 2024 6:00 PM

AGENDA

1. Call to Order

2. Roll Call

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

3. Approval of Minutes

3.I. Minutes of September 10, 2024

Documents:

1. Minutes - 09-10-2024_draft

4. New Business

4.I. 736 South Central Avenue Conditional Use Permit

Background:

Kohaleth Knight of Donehoo-Lewis Funeral Home is requesting a Conditional Use Permit to operate a funeral home at 736 South Central Avenue, Hapeville, Georgia 30354, Parcel Identification Number 14-0098-0006-003-2. The property is zoned V, Urban Village, and is subject to the zoning regulations under Section 93-11.1-4 (Conditional uses) of the City of Hapeville Zoning Ordinance.

Documents:

1. Application - 3409 Dogwood Drive_CUP_Funeral Home_Redacted
2. Plans - 736 South Central Avenue_CUP_Funeral Home
3. Planner's Report - 736 South Central Avenue_Conditional Use Permit_Funeral Home

4.II. 3409 Dogwood Drive Conditional Use Permit

Background:

Jeressa Sherri White is requesting a Conditional Use Permit to operate a daycare center at 3409 Dogwood Drive, Parcel Identification Number 14-0098-0017-017-9. The property is zoned U-V, Urban Village, and is subject to the zoning regulations under Section 93-11.2-5 (Conditional uses) of the City of Hapeville Zoning Ordinance.

Documents:

1. Application - 3409 Dogwood Drive_CUP_Daycare_Redacted
2. Plans - 3409 Dogwood Drive_CUP_Daycare
3. Planner's Report - 3409 Dogwood Dr_CUP_Daycare Revised 090424
4. Fire Marshal Report - 3409 Dogwood Drive_CUP Daycare
5. Police Dept Report - 3409 Dogwood Drive - Site visit_CUP_Daycare

4.III. Text Amendment Regulations for Event Centers

Background:

Consideration of an amendment to the Code of Ordinances, Article 1 (Title, Definitions and Applications of Regulations), Section 93-1-2 (Definitions), Article 11.2, U-V Zone (Urban Village), Section 93-11.2-5 (Conditional uses), Article 11.1 V Zone (Village), Section 93-11.1-4 (Conditional uses), Article 11.5 RMU Zone (Residential Mixed Use), Section 93-11.5-5 (Uses requiring a special use permit), Article 14, C-2 Zone (General Commercial), Section 93-14-3 (Permitted uses) to update the regulations for event centers.

Documents:

1. Planner's Report - Text Amendment_Event Centers
2. Sec._93_1_2.____Definitions_event center
3. Sec._93_11.1_4.____Conditional_uses_Event Centers
4. Sec._93_11.2_5.____Conditional_uses_Event centers
5. Sec._93_11.5_5.____Uses_requiring_a_special_use_permit_Event Centers
6. Sec._93_14_3.____Permitted_uses_Event centers

5. **Next Meeting Date - November 19, 2024 at 6:00 PM**

6. **Adjourn**



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

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

September 10, 2024 6:00 PM

MINUTES

1. Called to Order at 6:06 PM.

2. Roll Call

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Miller Radford - Teleconference
Jeanne Rast - Absent
Cliff Thomas

3. Approval of Minutes

3.I. Minutes of May 14, 2024

MOTION ITEM: Leah Dolan made a motion to approve the minutes of May 14, 2024, as submitted. Lucy Davis seconded the motion. Motion Carried: 4-0.

4. New Business

4.I. 609 – 627 College Street (Pod B)

Final Plat

Background:

Dan Gibbs of Atwell, LLC and on behalf of Sharonda Rahming of D.R. Horton, Inc. requested final plat review for the properties located at 609 - 627 College Street, Parcel Identification Numbers 14-0098-0020-052-1, 14-0098-0020-038-0, 14-0098-0020-037-2, 14-0098-0020-036-4 for the purpose of constructing townhomes. The properties are zoned RMU, Residential Mixed Use.

Findings

The final subdivision plat application for Hapeville Townhomes Pod B involves a consolidated parcel located on College Street between South Fulton and Perkins Street, which includes 609, 613, 623, and 627 College Street. The property consists of Tax Parcels 14 0098002 00364, 14 0098002 00372, 14 0098002 00380, and 14 0098002 005-2. The properties are located in the RMU (Residential Mixed Use) zoning district.

Recommendation

Upon completion of the deficiencies outlined in this Planner's Report and from the City Engineer's Report, the Planning Commission may approve the final plat.

Deficiencies:

- Blurry text

- Show monuments
- Address Engineer's comments

Public Comment: None.

MOTION ITEM: Cliff Thomas made a motion to approve the final plat application for 609-627 College Street (Pod B) subject to the deficiencies outlined in the staff reports. Lucy Dolan seconded the motion. MOTION CARRIED: 4-0.

4.II. Text Amendment Tree Preservation Trust Fund

Background:

Consideration of an amendment to the Code of Ordinances, Chapter 93 (Zoning), Section 93-29-13 (Tree preservation trust fund) for the purpose of amending the Code of Ordinances.

Findings

City Council and Staff have been researching avenues to increase the tree canopy throughout Hapeville. The City's Tree Preservation Ordinance allows developers who cannot in good faith meet the Tree Preservation Ordinance required replanting/tree save requirements to contribute to the Tree Preservation Trust Fund (a.k.a tree bank). Per Code, these funds are to be used to purchase, install, and maintain trees throughout the city's public areas. With limited opportunities for planting in public spaces, Staff has identified opportunities to partner with non-profits to increase the tree canopy with yard tree programs. The Code requires an amendment allowing the City to enter into an agreement with approved non-profits to utilize tree bank funds for this purpose.

Recommendation

Staff recommends approval of the text amendment.

Public Comment: None.

5. Next Meeting Date: October 8, 2024 at 6:00 PM.

6. Adjourn

MOTION ITEM: Lucy Dolan made a motion to adjourn the meeting at 6:17 p.m. The motion was seconded by Cliff Thomas. MOTION CARRIED: 4-0.

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary

24-PC-10-12

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION**

Name of Applicant DONEHOO-LEWIS FUNERAL HOME

Mailing Address: 736 SOUTH CENTRAL AVENUE HAPEVILLE GA 30354

Telephone [REDACTED] Mobile # [REDACTED] Email [REDACTED]

Property Owner (s) KOHALETH KNIGHT

Mailing Address 736 SOUTH CENTRAL AVENUE HAPEVILLE GA 30354

Telephone [REDACTED] Mobile # [REDACTED]

Address/Location of Property: [REDACTED]

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14 009800060032

Present Zoning Classification: (V) Village C-2(C2) Size of Tract: 0.25 acre(s)

Present Land Use: FUNERAL HOME

Please check the following as it applies to this application

☐ Site Plan Review

☒ Conditional Use Permit

☐ Temporary Use Permit

Other (Please State) _____

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

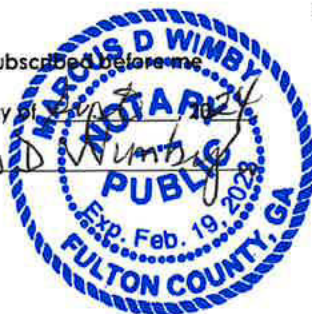
[Signature]
Applicant's signature

Date: 9-17-24

Sworn to and subscribed before me

This 17th day of September, 2024

Marcus D Wimby
Notary Public



**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION**

WRITTEN SUMMARY

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

DONEHOO-LEWIS FUNERAL HOME WILL CONTINUE TO OPERATE AS IT HAS AS A FUNERAL HOME SINCE 1934. THE SIGNAGE WILL REMAIN

THE SAME. THE PARKING LOT WILL REMAIN THE SAME WITH THE ENTRANCE AND EXITS AS THEY ARE NOW.

THIS IS A CHANGE OF OWNERSHIP WITH NO CHANGE OF BUILDING PLANS, RENOVATIONS, ETC.

THE SURVEY AND DESCRIPTION OF THE PROPERTY ARE ATTACHED. THERE IS NO SITE PLAN AS WE ARE NOT DEVELOPING ANYTHING.

THE NEW OWNER, KOHALETH KNIGHT, IS COMMITTED TO SERVE THE COMMUNITY OF HAPEVILLE

WITH THE SAME EMPATHETIC, CARING, SERVICE REGARDLESS OF FAITH AND ABILITY TO PAY AS IT HAS

BEEN DONE SINCE 1934.

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:
736 SOUTH CENTRAL AVE
HAPEVILLE GA 30354

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED
BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING
COMMISSION REVIEW.

Name of Applicant Kott Donehoo - Lewis Funeral Home
Kottaleth Knight
Address of Applicant
736 S. Central Ave Hapeville
ga 30354

Telephone of Applicant [REDACTED]

Kottaleth Knight
Signature of Owner

Kottaleth Knight
Print Name of Owner

Personally Appeared Before Me this 2nd day of October, 2024
Adrienne Fayson
Notary Public



Site Plan Checklist – Please include with your application.

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

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

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

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

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

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

- 1514 The location and general design cross-section characteristics of all driveways, curb cuts and sidewalks including connections to building entrances. A walkway from the primary entrance directly to the public sidewalk is required for all single-family residential development.
- 1515 The locations, area and number of proposed parking spaces. Please refer to Article 22.1 Chart of Dimensional Requirements to determine the correct number of parking spaces for your particular type of development.
- 1516 Existing and proposed grades at an interval of five (5) feet or less.
- 1517 The location and general type of all existing trees over six (6) inch caliper and, in addition, an identification of those to be retained. Requirements for the tree protection plan are available in Code Section 93-2-14(f). Please refer to Sec. 93-2-14(y) to determine the required tree density for your lot(s).
- 1518 A Landscape Plan: The location and approximate size of all proposed plant material to be used in landscaping, by type such as hardwood deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included, as required in Section 93-23-18.
- 1519 The proposed general use and development of the site, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed, outdoor furniture (seating, lighting, telephones, etc.). Detached single-family residential development may be exempt from this requirement.
- 1520 The location of all retaining walls, fences (including privacy fences around patios, etc.) and earth berms. Detached single-family residential development may be exempt from this requirement.
- 1521 The identification and location of all refuse collection facilities, including screening to be provided. Detached single-family residential development may be exempt from this requirement.

- 1515 Provisions for both on-site and offsite storm-water drainage and detention related to the proposed development.
- 1515 Location and size of all signs. Detached single-family residential development may be exempt from this requirement.
- 1515 Typical elevations of proposed building provided at a reasonable scale (1/8" = 1'0") and include the identification of proposed exterior building materials. Exterior elevations should show all sides of a proposed building.
- 1515 Site area (square feet and acres).
- 1515 Allocation of site area by building coverage, parking, loading and driveways, and open space areas, including total open space, recreation areas, landscaped areas and others. Total dwelling units and floor area distributed generally by dwelling unit type (one-bedroom, two-bedroom, etc.) where applicable.
- 1515 Floor area in nonresidential use by category. Detached single-family residential development may be exempt from this requirement.
- 1515 Total floor area ratio and/or residential density distribution.
- 1515 Number of parking spaces and area of paved surface for parking and circulation
- 1515 At the discretion of the planning commission, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, storm water and erosion control, etc. of the proposed development.

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

Applicant Signature: Thelath Thelth
 Date 9-17-24

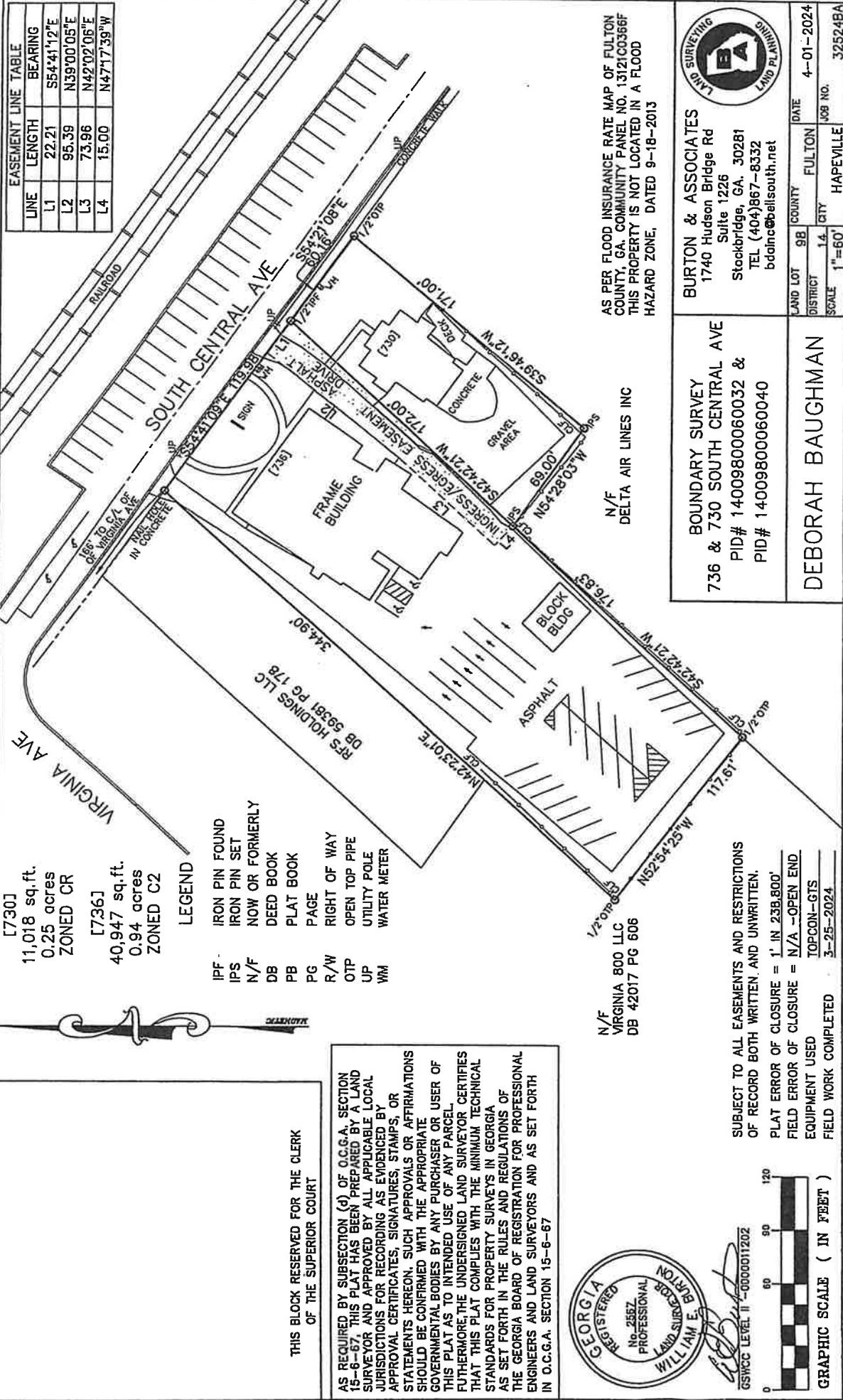
EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in land Lot 98 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the southwest side of Central Avenue 136 feet southeast, as measured along the southwest side of Central Avenue, from the point of intersection of the southwest side of Central Avenue and the southerly side of Virginia Avenue; thence running southeast, along the southwest side of Central Avenue, 120 feet to an iron pin; thence running southwest 345 feet to an iron pin; thence running northwest 117 feet to an iron pin; thence running northeast 345 feet to a point on the southwest side of Central Avenue and at said point forming an interior angle of 95 degrees 47 minutes with the southwest side of Central Avenue, said point being the POINT OF BEGINNING; said property being improved property having located thereon a one store brick and frame building known as 736 Central Avenue, according to the present system of numbering houses in the City of Hapeville, Georgia, and being the same property as shown on Plat of Survey of the property of Paul T. Donahoo, by A. S. Giometti & Associates, Inc., dated March 15, 1961, a copy of which is on file at the office of Tri-City Federal Savings and Loan Association in Hapeville, Fulton County, Georgia.

Parcel No. 14 009800060032

EASEMENT LINE TABLE			
LINE	LENGTH	BEARING	
L1	22.21	S54°41'12"E	
L2	95.39	N39°00'05"E	
L3	73.96	N42°02'06"E	
L4	15.00	N47°17'39"W	





**DEPARTMENT OF PLANNING AND ZONING
PLANNER'S REPORT**

To: Adrienne Senter
From: Lynn M. Patterson
Date: October 3, 2024
RE: Conditional Use Permit – 736 South Central Ave

BACKGROUND

The City of Hapeville received a request for a Conditional Use Permit from Kohaleth Knight to operate a funeral home named Donehoo-Lewis Funeral Home at 736 South Central Avenue. This is a change of ownership with no modifications to the signage, parking lot, entrance and exit, or the building. The property has been used as a funeral home since 1934.

The application and included survey shows parking provided on the site to the rear (23 parking spaces, including 2 ADA compliant at the rear building entrance).

The property is located in the V, Village Zoning District and in the Arts Overlay Zoning District. A funeral home is permitted as a Conditional Use within the V Zoning District and is subject to the provisions of Article 3.2 below.

CODE

ARTICLE 11.1. - V ZONE (VILLAGE)

Sec. 93-11.1-1. - Intent.

The V district is established in order to:

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

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

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

- (1) SIC Code 5261, lawn and garden supplies:
 - a. No outdoor storage of merchandise in the front yard.
 - b. Outdoor storage in the rear yard, only, is permitted, provided storage areas are completely screened.
- (2) SIC Code 5411, grocery stores and food stores;
- (3) SIC Code 7011, Hotels and motels;
- (4) SIC Code 7641, Reupholstery and furniture repair;
- (5) Laundry and dry cleaning shops;
- (6) **Undertaking establishments and funeral homes.**

ARTICLE 3.2 – Conditional Uses

Sec. 93-3.2-1. - Permit required.

Zoning districts established herein permit certain uses which are allowable therein provided they meet specified conditions, as set forth therein and here. No such use shall be permitted until a conditional use permit has been issued authorizing such use. The procedures for granting such permits shall be the same as for amendments to the zoning ordinance or zoning map.

Sec. 93-3.2-2. - Review of applications.

Those conditions specified in the zoning district regulations shall be considered to be the minimum standards which must be met before the conditional use application may be considered by the planning commission for review and recommendation and the mayor and council for decision. In deciding upon whether or not a conditional use meets the minimum standards and promotes the health, safety, morals, or general welfare of the city, the mayor and council shall utilize the applicable standards of review of [section 93-25-6](#).

Sec. 93-3.2-3. - Issuance of permit.

If the mayor and council, after applying the evidence to the standards of review, have been convinced that the allowance of the conditional use will promote the health, safety, morals, or general welfare of the city, a conditional use permit may be granted, subject to those provisions that may be imposed by the mayor and council.

Sec. 93-3.2-4. - Procedures regarding delays in use of condition.

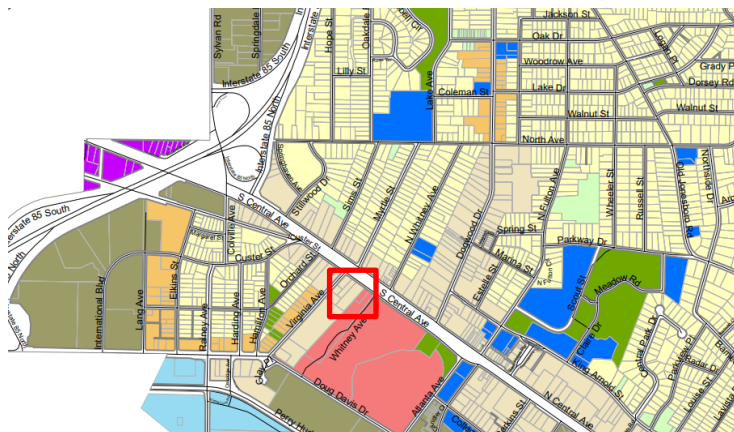
If a building permit, grading permit or occupation tax permit has not been issued and construction (if any is necessary) begun within a 12-month period after such conditional use is approved, the conditional use is invalid and prior zoning district regulations are automatically reinstated. Prior to the 12 month expiration, the applicant may request an extension from the Planning Commission and City Council of the conditional use for a period of 12 months by only one such period at a time.

Sec. 93-3.2-5. - Special use permit procedures.

Mayor and Council may in considering a special use permit following a public hearing impose reasonable conditions deemed necessary to the protection or benefit of owners of adjacent and nearby properties to ensure compatibility of the proposed development or use with surrounding uses. The decision of mayor and council concerning consideration of a special use shall be given to the applicant in writing, by certified U.S. mail to the address indicated in the application. Aggrieved applicants shall have 30 calendar days from the date of receipt of the notice in which to petition the superior court of Fulton County for writ of certiorari.

Sec. 93-3.2-6. - Special use permit criteria and standards.

- (a) *Special use permit criteria.* Special uses are compatible uses of land or the improvement of structures within a zoning district that reasonably require special consideration and therefore, are not allowed "by right." The following standards shall be considered in evaluating the appropriateness of all proposed special uses of property:
 - (1) Impact on the use or development of adjacent properties, or the surrounding area, as concerns public health, safety or general welfare;
The use of the property as a funeral home has no foreseeable negative impact regarding adjacent properties or the surrounding area.
 - (2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance;
The property has been utilized as a funeral home since 1934 and this is a change of ownership.
 - (3) Compatibility with adjacent properties and other land uses in the vicinity;
The area has been designated as medium intensity mixed-use in the future land use map, the zoning is Village. Adjacent properties are zoned Village (V) and Urban-Village (U-V)



A funeral home is consistent with the intent of the district and is compatible with adjacent properties and other land uses.

- (4) Potential nuisance or hazardous characteristics, specifically as concerns the number of individuals projected to use such facility or nature of the activity;
There are no expected nuisance or hazardous characteristics associated with this use.
- (5) Impact on traffic movement, availability of off-street parking, options for buffering or protective screening, hours and manner of operation, lighting, signs and access to the property;
Based upon historical use, there are no expected negative impacts on traffic movement, off street parking, operations, access to the property, etc.
- (6) Conformance of the special use to other requirements of the ordinance.
Not applicable.

RECOMMENDATION

The proposed use of a funeral home is compatible with the-V Zoning District and meets the intent of the district. The conditional use application is recommended for approval.



Subject property: 736 South Central Avenue

24-PC-09-11

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION**

Name of Applicant Jeresha Sherri White
Mailing Address: 1972 River Birch Lane Atlanta, GA 30316

Telephone [REDACTED] Mobile # [REDACTED] Email [REDACTED]

Property Owner (s) Early Achievers Preschool Academy Inc
Mailing Address 3409 Dogwood Dr, Hapeville, GA 30354

Telephone [REDACTED] Mobile # [REDACTED]

Address/Location of Property: 3409 Dogwood Drive Hapeville, GA 30354

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14-0098-0017-017-9

Present Zoning Classification: UV Size of Tract: [REDACTED] acre(s)

Present Land Use: Office Building

Please check the following as it applies to this application

☒ Site Plan Review
☒ Conditional Use Permit
☐ Temporary Use Permit

Other (Please State) [REDACTED]

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

[Signature]
Applicant's signature

Date: 8/30/24

Sworn to and subscribed before me

This 30 day of Aug, 2024

[Signature]
Notary Public



**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION**

WRITTEN SUMMARY

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

See Attached



3409 Dogwood Drive
Hapeville, Ga 30354
678-860-0372

8/23/24

RE: Written Summary of Proposed Project for Childcare Center at 3409 Dogwood Drive

Success Souvenirs Dogwood Park proposes to care for children ages Walking -9 years old. The capacity for the center is slated to be licensed for approximately 40-50 children based on allowable sq ft per Bright From The Start Licensing agency rules. Success Souvenirs is an upscale boutique style childcare center that provides high quality care to a low number of children for personalization and individualized attention. More information about the enterprise can be found at www.atlantapremiumchildcare.com

Operating Hours . Success Souvenirs Dogwood Park Proposes for its operating hours to be:

Operating Months: January -December

Operating Days: Monday – Friday

Operating Hours: 6:30 AM – 6:00 PM

Site Plan:

Please find attached a site plan that is to scale, and that indicates the number of parking spaces, flow of traffic, outdoor play area size (equipment, fencing, etc)

Current Tenants and Parking Operational Plan:

There is a total of 8 parking spaces located in the front of the building that will house Success Souvenirs

Dogwood Park, and approximately a minimum 10-15 more parking spaces in the rear.

There is currently one other tenant who shares the building located at 3409 Dogwood Drive

1. Belle Lux Day Spa (987 sq ft): This business belongs to my daughter who is a service-based salon with the only employee being herself, her lease includes a maximum of 2

parking spaces in the front with additional parking in the rear of the building if needed. The makeup artists for her business, Whipped by Kiara (216sq ft), also has one parking spaces in the front of the building leaving 5 parking spaces designated to Success Souvenirs Dogwood Park in the front of the building.

- 2. There is also a parking agreement with the business across the street Co-Cre8tive Arts. This agreement has been attached and allows for this business to use the rear parking in the event there is a need for overflow parking for his business. Please note this agreement has a contingency that allows for an agreement cancellation of 21 days. Should this agreement be deemed to interfere with this proposition, the agreement with co-cre8tive can be altered, or voided as this business takes priority.**

3. Success Souvenirs Dogwood Park: The proposed business will have, based on the licensing capacity/ child enrollment size, a total of 3-5 employees who if mobile will always all park in the rear of the building. 5 dedicated parking spaces for the operation of the childcare program will be housed in the front of the building, with the option for parents to park in the back at their discretion when front parking is fully occupied.

Pick up and Drop off Times:

Success Souvenirs Dogwood Park will operate on a pickup and drop off schedule. Parents will be able to drop off their kids Monday-Friday between 6:30 am and 8:40 am, afternoon pick up is designated from 4:00pm- 6:00 pm. Parents will arrive various times between those hours to drop their children off and pick their children up from school.

Please note, the other business (Belle Luxe) are not open during morning drop off hours of 6:30 am and 8:40 am opening up 4 additional parking spaces in the morning time.

Entry and Exit Points for parents and children:

Parents will be able to enter from the front of the building located directly off of Dogwood Drive if they are parked in one of the 5 designated spaces located in the front of the building, and parents will also be able to enter the building from the back of the building, should they choose to park in the rear of the building. All staff who drive to work are to always park and enter in the rear of the building.

Loading Dock adjacent to playground:

There is a permanent brick wall that measures approximately 3ft in height that separates the property lines for the proposed daycare center, and the property that houses the loading dock. In addition to this barrier, the playground fencing will start approximately 1 ft off of the brick wall, and will measure 6ft in height creating no access or adjoining of the playground and loading dock.

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

AUTHORIZATION OF PROPERTY OWNER

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

3409 Dogwood Drive
Hapeville, GA 30354

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant Teresha S White

Address of Applicant 1972 River Birch Lane Atlanta, GA 30316

Telephone of Applicant [REDACTED]

[Signature]

Signature of Owner

Teresha White Early
Print Name of Owner

Adrienne's
Preschool
Academy Inc

Personally Appeared Before Me this 30 day of April, 2024

[Signature]
Notary Public



Site Plan Checklist – Please include with your application.

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

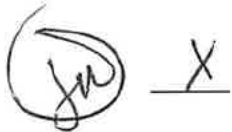
(Please **initial** each item on the list above certifying the all required information has been included on the site plan)



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



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



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



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

(sw) X

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

(sw) X

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

(sw) X

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

(sw) X

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

(sw) X

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

(sw) X

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

(sw) X

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

(sw) X

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

ju X

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

ju X

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

ju X

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

ju X

Site area (square feet and acres).

ju X

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

ju X

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

ju X

Total floor area ratio and/or residential density distribution.

ju X

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

GN X

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

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

Applicant Signature

Date 8/30/24

Exhibit "B"

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 98 OF THE 14TH LAND DISTRICT, CITY OF HAPEVILLE, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY OF NORTH CENTRAL AVENUE (HAVING A VARIABLE WIDTH, PUBLICALLY DEDICATED RIGHT OF WAY) AND THE NORTHWESTERLY RIGHT OF WAY OF DOGWOOD DRIVE (AKA STATE ROUTE #3 AND US HIGHWAY #19/41) (HAVING A VARIABLE WIDTH PUBLICALLY DEDICATED RIGHT OF WAY); THENCE CONTINUING ALONG SAID RIGHT OF WAY OF DOGWOOD DRIVE NORTH 23 DEGREES 22 MINUTES 28 SECONDS EAST A DISTANCE OF 431.50 FEET TO A MAG NAIL SET, SAID MAG NAIL BEING THE TRUST POINT OF BEGINNING. THENCE LEAVING SAID RIGHT OF WAY NORTH 54 DEGREES 47 MINUTES 10 SECONDS WEST A DISTANCE OF 310.33 FEET TO A 5/8- INCH REBAR FOUND; THENCE NORTH 24 DEGREES 16 MINUTES 56 SECONDS EAST A DISTANCE OF 96.22 FEET TO A 1-INCH OPEN TOP FOUND; THENCE 20 DEGREES 53 MINUTES 38 SECONDS EAST A DISTANCE OF 6.37 FEET TO A 3/4-INCH ROD FOUND; THENE SOUTH 54 DEGREES 18 MINUTES 05 SECONDS EAST A DISTANCE OF 309.61 FEET TO AMAG NAIL SET ON THE NORTHWESTERLY RIGHT OF WAY OF DOGWOOD DRIVE; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF DOGWOOD DRIVE SOUTH 23 DEGREES 22 MINUTES 28 SECONDS WEST A DISTANCE OF 100.16 FEET TO A MAG NAIL SET; SAID MAD NAIL BEING THE TRUE POINT OF BEGINNING; AS PER THAT CERTAIN SURVEY DATED MAY 13, 2020 AS PREPARED FOR MILLER LOWERY DEVELOPMENT, LLC AND AS PREPARED BY MITCHELL LOWRY GRLS#3109; SAID TRACT OF PARCEL OF LAND CONTAINING 0.706 ACRES MORE OR LESS

And also the following:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 57 OF THE 14TH, DISTRICT OF FULTON COUNTY, GEORGIA, BEING PART OF LOT 21 OF ADAIR PROPERTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE NORTHWEST CORNER OF THE INTERSECTION OF LAKEWOOD AVENUE AND ADAIR AVENUE; THENCE NORTHERLY WITH LAKEWOOD A VENUE 59.1 FEET TO PROPERTY NOW OR FORMERLY OF WATKINS OR RUSH; THENCE WESTERLY WITH WATKINS/RUSH 117 FEET MORE OR LESS TO PROPERTY NOW OR FORMERLY OF H.L WATTS OR RUSH; THENCE SOUTHERLY WITH WATTS/RUSH 59 FEET TO ADAIR A VENUE; THENCE EASTERLY WITH ADAIR AVENUE 114 FEET TO THE POINT OF BEGINNING: BEING KNOWN AS 1755 LAKEWOOD A VE SE ACCORDING TO THE PRESENT SYSTEM NUMBERING IN FULTON COUNTY, GEORGIA.

PARCEL ID#: 14-0057-0025-017-8

S U C C E S S *Souvenirs*

Outside Parking Agreement

Additional Parking Space Agreement

This Additional Parking Space Agreement is made and entered into as of 6/04/24, by and between the owner of Co-Cre8ive Arts, Antoine Carmichael located at 3400 Dogwood Dr. Hapeville, GA 30354, and Sherri White, owner of 3409 Dogwood Drive Hapeville, GA 30354.

1. Property Address:

Street 3409 Dogwood Drive, Hapeville, Georgia 30354

2. Additional Parking Space:

The owner hereby agrees to provide Co-Cre8ive Arts with three additional parking spaces located at 3409 Dogwood Drive, Hapeville, GA rear of the building only.

3. Term/Rate

This Agreement shall commence on 6/04/24 until otherwise stated and shall continue on a month-to-month basis until terminated by either party. When needed, the rate for parking will be \$50 per day to be paid at the end of each day via cash or zelle, payment not received at the end of each day will result in suspension of parking privileges until the payment is received

4. Use of Parking Space:

The Co-Cre8ive Arts agrees to use the three additional rear parking spaces solely for the purpose of overflowing customer parking only. Co-Cre8ive Arts shall NOT use the parking space for over-night parking, storage, repair work, or any other purpose.

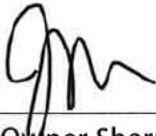
5. Maintenance and Condition:

Co-Cre8ive Arts agrees to keep the three additional parking spaces clean and free of debris.

6. Termination:

Either party may terminate this Agreement with twenty one (21) days written notice to the other party. Upon termination, Co-Cre8ive Arts shall remove any vehicles and any personal belongings from the additional parking spaces.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

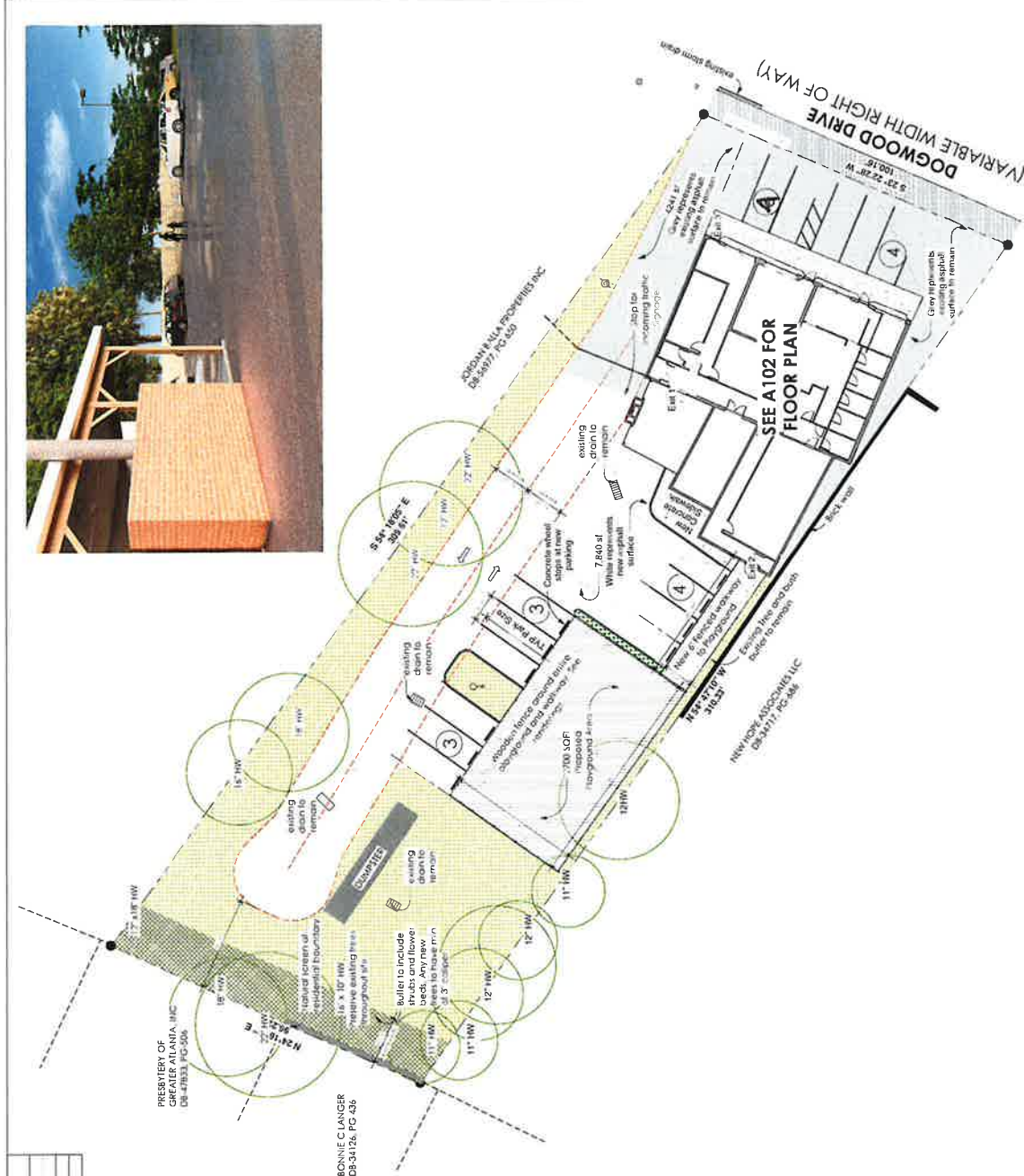


[Property Owner Sherri White]

[Tenant / Co-Cre8ive Arts / Antoine Carmichael]

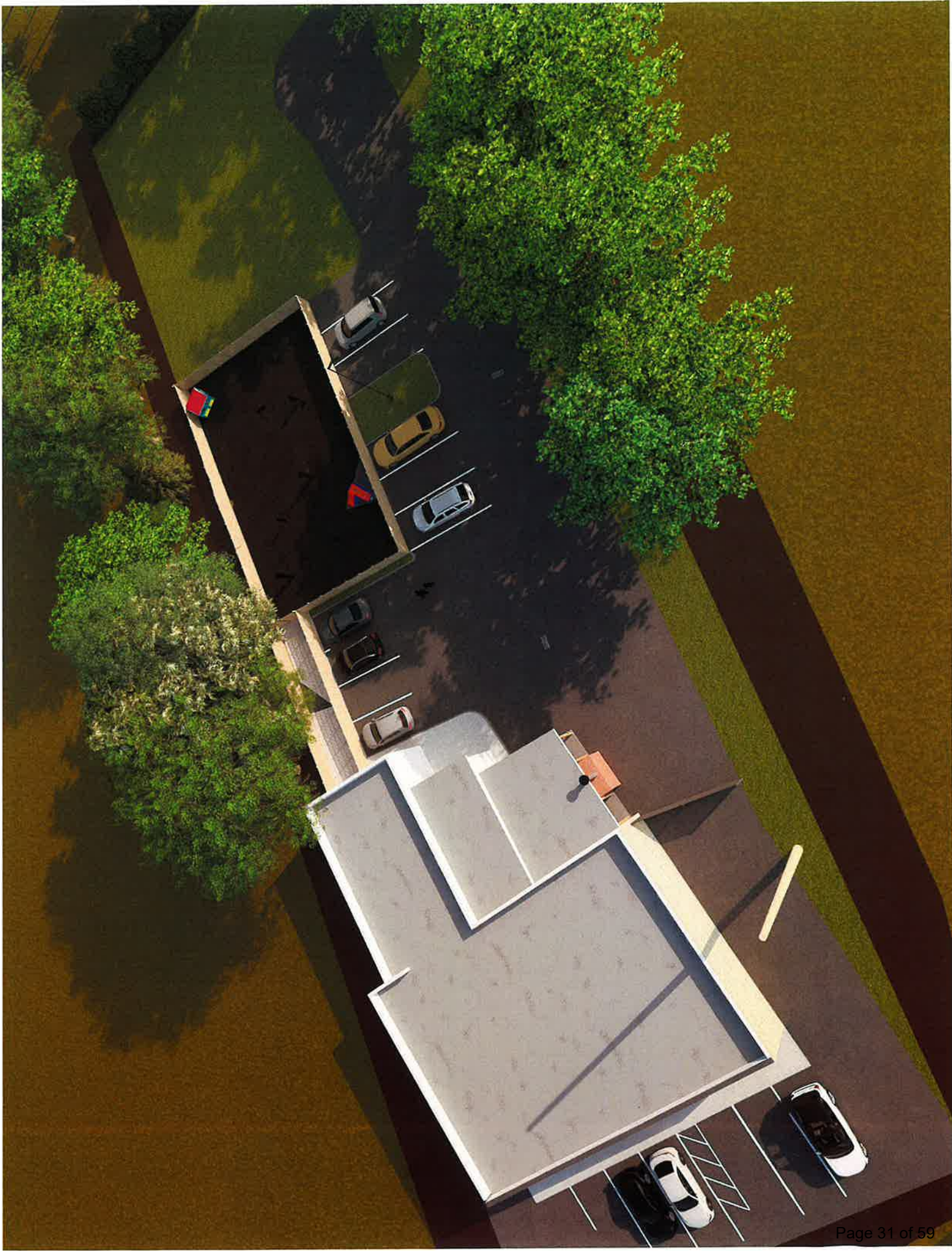
Tenant

Date: 06/19/2024

[illegible]

																																																																																	
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S U C C E S S *Summers*

Floor Plan



PLANNER'S REPORT

To: Adrienne Senter
From: Lynn M. Patterson
RE: Conditional Use Permit for Success Souvenirs Dogwood Park, 3409 Dogwood Dr
Date: October 1, 2024

BACKGROUND

The City of Hapeville received a request for a conditional use permit from Jeresha Sherri White to operate a childcare center named Success Souvenirs Dogwood Park at 3409 Dogwood Dr., Hapeville, GA 30354. The center will serve between 40 and 50 children between the ages of "walking" and 9 years. The center will be licensed through Bright from the Start Childcare.

The property, zoned U-V, Urban Village, requires kindergarten schools/day care center to obtain a conditional use permit.

Operating hours: The application states that the care provided is 12 months per year, 5 days per week (Monday through Friday), from 630am to 6pm. Drop-off is typically between 630a and 840a. Pick-up is typically between 4pm and 6pm. The applicant has noted that Belle Luxe is not open during the morning drop-off period.

The application states there will be between 3 and 5 employees on-site during business hours who will park at the rear.

Building layout: The location of the daycare in the building, including entrances and exits have been shown. There are two entrances, one at the front and one at the rear of the building. The floor plan does not seem correct as Whipped by Kiara space does not indicate any restrooms and is closed off from the rest of the building. Please provide correct floor plan correct.

Site plan: The site plan provided shows 10 parking spaces in the rear, an enclosed play area, and illegible landscaping plans.

Circulation: The application proposes that drop-off would occur either at the front or rear of the building. The front parking requires drivers to back onto Dogwood Drive, a state highway. The proposed layout, which differs from the current layout, shows a two-way drive starting at the rear of the building with an inadequate turn radius to accommodate cars changing direction. Furthermore, the width between the property line and the front of the building is narrow and not wide enough to accommodate two-way traffic. It would only allow for either an entering car or a departing car. This could create a back up on Dogwood Drive during drop-off or pick-up times. There is no secondary exit from the rear.

Buffer: A 15' evergreen landscape buffer with a fence or wall is required. The landscaping plans indicate the remainder of the property will be softscaped with trees and presumably grass or ground cover.

There is a 3' brick wall that separates the adjacent property loading dock. Playground fencing (6') will further separate the property.

Parking: The application and view of the site indicate 8 parking spaces at the front of the building, however only 7 are shown on the plan and "10-15" more parking spaces in the rear, however 10 are shown on the proposed site plan for a total of 18 parking spaces. There are three tenants with active occupational tax permits with the City. Tenant spaces include Whipped by Kiara (396 SF) requiring 2 parking spaces, Belle Luxe Day Spa (1400 SF per OTP), and Tax Academy (1500 SF). The proposed childcare facility will replace Tax Academy. The remaining two tenants require 5 spaces, so 13 would be available for the daycare. The front spaces are not recommended for pick up and drop off. Should the 3 to 5 employees of the childcare utilize the rear parking spaces, that would limit the available parking to 5 to 7 spaces.

Note: the property owner also has a parking agreement for 3 of the remaining 13 spaces reducing the available spaces to 10. approved by the Board of Appeals, with Co-Creative Arts for overflow parking as needed. The applicant noted this arrangement may be terminated, however, if it is required for the operation of the childcare.

*Please note most of the site plans are illegible. Please resubmit so they can be clearly read.

CODE

Sec. 93-11.2-3. - Permitted uses.

The following are permitted within the U-V zone:

(12) Public, private and parochial schools operated for the purpose of instructing in elementary and high school general education subjects. In addition, other schools are allowed subject to a finding by the city planning commission that the proposed method of establishment and operation would not adversely impact the use and enjoyment of surrounding properties.

Sec. 93-11.2-5. - Conditional uses.

Specific uses may be permitted as conditional uses, provided conformance to the purpose and intent of the applicable code. Such uses are:

(7) Kindergarten schools as defined under [section 93-1-2](#), and the following facilities as defined herein:

a. "Day care center" or "center" means any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for a group care, for fewer than 24 hours per day without transfer of legal custody, 19 or more children under 18 years of age.

Sec. 93-25-6. - Standards of review.

- (a) In ruling on any matter herein in which the exercise of discretion is required, or in ruling upon any application for zoning map amendment, the administrative official or legislative body shall act in the best interest of the health, safety, morals, and general welfare of the city. In doing so, they will consider one or more of the following factors as they may be relevant to the application:

- (1) The existing land use pattern;

The existing land use is commercial/mixed use.

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

This use will not create an isolated district unrelated to adjacent and nearby districts.

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

The impact to streets is a concern with regard to traffic during pick-up and drop-off periods. As the front parking requires drivers to back into Dogwood, this is not recommended.

Furthermore, the narrow driveway neck could create backup issues on Dogwood Drive during peak hours. The rear turnaround would need to be widened for a proper turning radius.

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

Depending upon traffic flow, traffic control may be required on Dogwood during pick-up and drop-off.

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

There is no indication that any adverse impacts to the environment would result from this use.

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

There is no indication the use of the property as a daycare will adversely affect the value or development of adjacent properties. A 15' evergreen buffer and opaque fence/wall are required to reduce noise and visual impacts.

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

A daycare requires a conditional use permit.

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

There is no indication the use of property as a daycare should adversely affect the aesthetics of the property and the surrounding area.

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

The conditional use permit requested is consistent with the future land use map as mixed use.

(10) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;
As stated above, the major concern for this use is the impact of circulation on Dogwood and the ability to accommodate the 40+ children during drop-off and pick-up.

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

(12) Applications for a zoning map amendment which do not contain specific site plans carry a rebuttable presumption that such rezoning shall adversely affect the zoning scheme;
Provided but illegible. Please resubmit a legible copy for City records. Please see previous comments regarding insufficiencies.

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;
A daycare is a reasonable use to preserve the integrity of the residential area behind the property as long as the buffer is properly installed and maintained.

(14) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.
Not applicable

FINDINGS

Please correct the floor plan as per above for the correct layout for Whipped by Kiara and also ensure all documents are legible.

Please also provide the total square footage for the proposed childcare center.

There are two key circulation issues as determined by the Chief of Police (see attached). The driveway to access rear parking can only accommodate one lane of traffic to the rear of the building. There are only 5 to 7 spaces available after staff has parked in the rear. The turnaround at the rear of the property does not have an adequate turning radius. Vehicles parked in the front of the building would be required to back into traffic onto Dogwood Drive, a state highway.

The site plan should be clarified for softscape areas and the evergreen buffer/opaque fence. While the proposed use of the property as a day care is consistent with the U-V zoning district, the circulation and parking for this property remains problematic and with consequences to the surrounding street and properties.

The proposed use of a childcare center serving 40 to 50 children is not supported by City Staff.

From: [Lynn Patterson](#)
To: [Adrienne Senter](#)
Subject: Fw: 3409 Dogwood Drive
Date: Friday, October 4, 2024 9:46:26 AM

Get [Outlook for iOS](#)

From: William Pildner <wpildner@hapeville.org>
Sent: Friday, October 4, 2024 9:14:11 AM
To: Lynn Patterson <lynnpatterson@hapeville.org>
Subject: 3409 Dogwood Drive

After reviewing the plans and the site of the proposed daycare at 3409 Dogwood Drive. The property does not have sufficient access or width of roadway to accommodate this request. The fire department denies the proposal and will not allow the business to operate in this location.

William Pildner
Division Chief/Fire Marshal
3468 N. Fulton Ave
Hapeville, GA. 30354
470-374-1845-cell
404-766-4388

From: [Bruce Hedley](#)
To: [Lynn Patterson](#)
Cc: [Adrienne Senter](#)
Subject: 3409 Dogwood Drive - Site visit
Date: Tuesday, October 1, 2024 3:16:41 PM
Attachments: [image001.png](#)

Lynn,

I just completed a site visit to 3409 Dogwood Drive. After inspecting the property, I found the following:

1. There is insufficient space to accommodate a two-way queue line on the right side and rear area of the property. A two-way queue line would be necessary to accommodate the flow of approximately 50 vehicles.
2. There is insufficient space to turn around in the rear of the property without having to execute a three-point turn. This would cause confusion and would be a hazard during peak drop off and pick up hours.
3. Because of the lack of queue line space, backlog would occur both in the morning and afternoon causing vehicles to temporarily be stopped on Dogwood Drive.
4. I would not recommend dropping off and picking up children in the front of the building. Once again, there is not enough parking on the front of the building site to accommodate the flow of approximately 50 vehicles without creating a backlog onto Dogwood Drive.

For these reasons, I would not recommend approval of current plan, as presented.

v/r

Bruce

Bruce M. Hedley
Chief of Police
Hapeville Police Department
700 Doug Davis Drive
Hapeville, Ga 30354
404-516-0101
FBINA 239
Ga Command College 19A





**Department of Planning and Zoning
Planner's Report**

DATE: September 3, 2024
TO: Adrienne Senter
FROM: Lynn Patterson
RE: **Text Amendments**

BACKGROUND

The City has received an increase in the number of proposed event centers in Hapeville. The city has not had a formal definition for an event center listed and therefore the Planner has been evaluating event centers as similar or like uses (Sec. 93-1-3. Application of regulations.). An event center as a proposed use includes parking, traffic, noise and other community impacts to a greater degree than a typical retail or commercial business. Staff is proposing the following: (1) the definition of an event center be added to the code; (2) an event center requires a special use permit which would be reviewed by Planning Commission with a recommendation to the Mayor & Council for their final decision; and, (3) an event center may be approved by right in the C-2 commercial district providing it meets all of the zoning requirements.

The following sections of the City Zoning Code of Ordinances are recommended for change (see attached):

- Title, Definitions and Application Of Regulations, Sec_93_1_2. Definitions
- U-V, Urban Village Zoning District, Sec. 93-11.2-5 Conditional uses
- V, Village Zoning District, Sec. 93-11.1-4. Conditional uses
- RMU, Residential Mixed Use District. Sec_93-11.5-5 Uses requiring a conditional use permit
- C-2, General Commercial, Sec. 93-14-3. Permitted uses

RELEVANT CODE SECTIONS

ARTICLE 1. - TITLE, DEFINITIONS AND APPLICATION OF REGULATIONS

Sec. 93-1-3. Application of regulations.

- (a) *Use.* Except as hereinafter provided, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered except in conformity with the use regulations herein specified for the zone in which it is located.

- (1) Where a use is applied for in a zone and such use is not listed in the list of specifically permitted uses allowed per zone, the building official may exercise his/her discretion to:
 - a. Deny the use as unpermitted in accordance with subsection (a)(1) above and the list of permitted uses per zone; or
 - b. Allow the use if such use is substantially like a use which is already listed in the permitted use section per zone.
 - (2) The building official shall consider the following factors to determine substantial similarities between the nonpermitted uses and permitted uses in occupations, residences, types of businesses, and other uses by applying the following standard, based upon the following considerations:
 - a. The proposed use generates the same or similar amounts in type of vehicular and pedestrian traffic as permitted uses in the desired zone;
 - b. The proposed use is aesthetically similar in design, construction, and street facade presentation as permitted uses in the desired zone;
 - c. The proposed use is no more taxing on city services and infrastructure than permitted uses in the desired zone;
 - d. The proposed use provides the same or similar activity, work, or business as permitted uses in the desired zone;
 - e. The proposed use comports with the listed purposes in the intent section of the desired zone;
 - f. The proposed use will not introduce activity at times of the day or week that are incompatible with normal hours associated with permitted uses in the desired zone; and
 - g. The proposed use is consistent with the goals and objectives of the comprehensive plan.
 - (3) The applicant is responsible for submitting evidence and information establishing the comparative similarities set forth above upon application for the desired zoning or use approval.
 - (4) A decision of the building official to deny a previously nonlisted use is appealable to the board of appeals pursuant to subsection 87-3-3(a)(1). The standard of review used by the board of appeals shall be a determination of whether or not the building official erred in his decision based upon the purposes of the zone as stated in the ordinance and the consistency of the proposed use as compared to other allowed uses.
- (b) *Height and density.* Except as hereinafter provided, no building shall hereafter be erected or altered so as to exceed the height limit, nor shall any building or land be used or occupied hereafter in excess of the maximum density requirements of article 22.1 of this chapter for the zone in which it is located.
 - (c) *Lot occupancy.* Except as hereinafter provided, no buildings shall hereafter be erected or altered so as to occupy a greater percentage of the lot area, nor shall any side, rear or front yard be narrower or smaller than is required for the zone in which it is located.
 - (d) *Yard use limitation.* Except as hereinafter provided, no yard or other open space provided about any building for the purpose of complying with the regulations of this chapter shall be included or construed to be a part of a yard or other open space for any other building for the purpose of allowing the second building to comply with the provisions of this chapter.

ARTICLE 3.2. CONDITIONAL USES

Sec. 93-3.2-1. Permit required.

Zoning districts established herein permit certain uses which are allowable therein provided they meet specified conditions as set forth therein and here. No such use shall be permitted until a conditional use permit has been issued authorizing such use. The procedures for granting such permits shall be in accordance with the following stated procedures.

- (1) When an application for a conditional use permit is received, the building official shall review for compliance, and provided that the application is compliant with the standards of this Code, the planning commission shall set a time and place for a meeting to review and issue its recommendation for the conditional use permit.
- (2) After the planning commission has made their recommendation the city shall hold a public hearing and cause notice of the hearing to be published in a newspaper of general circulation in the city at least 30 days before the hearing. Such notice will state the application number (if any number is assigned), owner's name, property location its area, time, place and subject of the hearing. At least 30 days before the public hearing, notice of the time, place and subject of the hearing will be sent in writing by U.S. mail to the owner whose property or interest is the subject of such hearing. Copies of all such letters will be maintained in the applicant's file for permanent record.

Sec. 93-3.2-2. Review of applications.

Those conditions specified in the zoning district regulations shall be considered to be the minimum standards which must be met before the conditional use application may be considered by the planning commission for review and recommendation and the mayor and council for decision. In deciding upon whether or not a conditional use meets the minimum standards and promotes the health, safety, morals, or general welfare of the city, the mayor and council shall utilize the applicable standards of review of section 93-25-6.

Sec. 93-3.2-3. Issuance of permit.

If the mayor and council, after applying the evidence to the standards of review, have been convinced that the allowance of the conditional use will promote the health, safety, morals, or general welfare of the city, a conditional use permit may be granted, subject to those provisions that may be imposed by the mayor and council.

Sec. 93-3.2-4. Procedures regarding delays in use of condition.

If a building permit, grading permit or occupation tax permit has not issued and construction (if any is necessary) begun within a 12-month period after such conditional use is approved, the conditional use may be withdrawn at a meeting of the mayor and council. The mayor and council may then reinstate the prior zoning district and regulations. In the alternative, the mayor and council may extend the conditional use for 12 months and any number of subsequent 12-month periods by only one such period at a time.

Sec. 93-3.2-5. Special use permit procedures.

Mayor and council may in considering a special use permit, following a public hearing that shall follow the notice procedures stated below, impose reasonable conditions deemed necessary to the protection or benefit of owners of adjacent and nearby properties to ensure compatibility of the proposed development or use with surrounding uses. The decision of mayor and council concerning consideration of a special use shall be given to the applicant in writing by certified U.S. mail to the address indicated in the application. Aggrieved applicants shall have 30 calendar days from the date of receipt of the notice in which to petition the county superior court for writ of certiorari.

- (1) When an application for a special use permit is received the mayor and council will set a time and place for a public hearing on the special use permit. Notice of the hearing must be published in a newspaper

of general circulation in the city at least 30 days before the hearing. Such notice will state the application number (if any number is assigned), owner's name, property location, its area, time, place and subject of the hearing. At least 30 days before the public hearing, notice of the time, place, and subject of the hearing will be sent in writing by U.S. mail to the owner whose property or interest is the subject of such hearing. Copies of all such letters will be maintained in the applicant's file for permanent record.

Sec. 93-3.2-6. Special use permit criteria and standards.

(a) *Special use permit criteria.* Special uses are compatible uses of land or the improvement of structures within a zoning district that reasonably require special consideration and therefore, are not allowed "by right." The following standards shall be considered in evaluating the appropriateness of all proposed special uses of property:

- (1) Impact on the use or development of adjacent properties, or the surrounding area, as concerns public health, safety or general welfare;
- (2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance;
- (3) Compatibility with adjacent properties and other land uses in the vicinity;
- (4) Potential nuisance or hazardous characteristics, specifically as concerns the number of individuals projected to use such facility or nature of the activity;
- (5) Impact on traffic movement, availability of off-street parking, options for buffering or protective screening, hours and manner of operation, lighting, signs and access to the property; and
- (6) Conformance of the special use to other requirements of the ordinance.

The following additional standards are to be applied to applications for airport parking facilities, car rental agencies and commercial parking lots:

(b) *Airport parking facility standards.*

- (1) No property which is dedicated exclusively to airport parking shall be considered for a special use permit.
- (2) Only properties zoned as C-2 or U-V shall be considered for a special use permit.
- (3) Applicants must document compliance with the current parking requirements for the permitted use and excess parking in an amount equal to the number of spaces proposed for airport parking. The number of airport parking spaces shall not exceed 10 percent of the parking requirement for the development.
- (4) New office or hotel developments may allocate up to 20 percent of the ordinance required parking for airport parking.
- (5) All properties on which airport parking is operated shall fully comply with the perimeter landscaping requirement of the ordinance. This standard shall apply to all new construction and existing development which shall be retrofit to achieve compliance.

(c) *Car rental agency standards.*

- (1) Car rental agencies may only be established on properties zoned C-2.
- (2) Only minor mechanical repairs shall be conducted on-site; no body work shall be performed in association with a car rental agency.
- (3) Perimeter landscaped areas abutting a public right of way shall be the lesser of ten percent of the linear feet of road frontage or 30 horizontal feet. Perimeter landscaping along the common boundary

of any residential use shall have a minimum horizontal dimension of 30 feet. All perimeter landscaping shall conform to the landscaping requirements of chapter 93, article 29.

(d) *Commercial parking lots.*

- (1) Commercial parking shall be permitted as a customary accessory use or a principal use in the V, U-V, D-D, C-1 and C-2 zones.
- (2) Commercial parking lots established following the date of adoption of this ordinance shall be subject to all provisions of section 93-23-18, landscape requirements for vehicular use areas.
- (3) Any commercial parking lot that abuts a residential use or zoning district shall provide a landscaped buffer in compliance with section 93-3.2-6(c)3.

RECOMMENDATION

Staff recommends approval of the text amendments.

Sec. 93-1-2. Definitions.

(a) *Words given customary meanings.* For the purpose of interpreting this chapter, certain words or terms are herein defined. All other words used in this chapter shall carry their customary meaning.

(b) *Interpretation of certain terms and words.*

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural, and words used in the plural include the singular.
- (3) The word "person" includes a firm, copartnership or corporation.
- (4) The word "lot" includes the words "plot" and "parcel."
- (5) The word "building" includes the word "structure."
- (6) The word "shall" is always mandatory, and not merely directory.
- (7) The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

(c) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adult daycare facility. A facility in which for pay more than three but less than 48 persons 18 years of age or older, who have difficulty in functioning independently, receive care for fewer than 24 hours per day without transfer of legal custody.

Airport parking facility. Any commercial property approved for the storage of vehicles for greater than 24 hours where patrons are transported between the facility and the airport for compensation. Establishment and operation of such facilities is subject to approval of a special use permit by mayor and council as set forth in sections 93-3.2-5 and 93-3.2-6.

Animal hospital. Any facility used by a veterinarian or their staff to treat diseased or injured animals, and to board animals exclusively as required for treatment.

Antique shop. Any business that sells, at retail, merchandise which is at least 50 years old where such merchandise reflects the architectural, design, or construction aesthetic of a particular historical period, person, or geographical area as distinguished from used retail merchandise, used automobiles, junk or other articles that would otherwise be sold at specialty shops, flea markets, bazaars or variety shops as defined herein. In any antique shop as defined herein, new or reproduction goods, which have been made to resemble antiques, shall not make up more than 25 percent of the business' inventory.

Apartment. A dwelling unit that is physically attached to at least two other dwelling units, either directly or through an intervening unit, and that is not titled as a condominium.

Bail bond office. Any office, building or other facility from which any person, company, corporation, partnership, limited partnership or any other entity operates a business that acts as a surety for a person accused of a crime and pledges money or property as bail to ensure the appearance of such person in a court proceeding concerning such accusations.

Basement. A story partly underground but having at least one-half of its height above the average level of the adjoining ground.

Bazaars. Any meeting place, either temporary or permanent, where retail or wholesale business is conducted in junk as defined herein, used merchandise, used merchandise or junk sold on consignment, and/or new merchandise.

Billiards. Any of the several games played on a table surrounded by an elastic ledge of cushions with balls which are impelled by a cue and shall include all forms of the game known as "carom billiards," "pocket billiards," and "English billiards."

Billiard room. Any public place where a person is permitted to play the game of billiards and for which more than six billiard tables are made available for use.

Blood plasma donation center. A facility, where whole blood is taken through an IV needle and separated into plasma and blood cells.

Boardinghouse. Any dwelling in which more than two persons are lodged on a continuous basis and served meals for compensation.

Building. Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.

Building, accessory. A building subordinate in nature, extent or purposes to the principal building on a lot, and used for purposes customarily incidental to those of the principal building.

Building, alteration of. Any change or rearrangement in the supporting members (such as bearing walls, beams, columns or girders) of a building, any addition to a building, or movement of a building from one location to another.

Building, front line of. A line parallel to the street, intersecting the foremost point of the building, excluding steps.

Building, principal. A building in which is conducted the main use of the lot on which the building is located.

Building, residential accessory. A building customarily incidental and subordinate in nature, extent or purpose to the principal dwelling on a lot and used for purposes customarily incidental to those of the principal dwelling.

Car rental agency. Any commercial operation approved for the leasing of automobiles to the public where patrons may or may not be transported between the facility and the airport. Establishment and operation of such facilities is subject to approval of a special use permit by mayor and council as set forth in sections 93-3.2-5 and 93-3.2-6.

Cellar. A story partly underground and having more than one-half of its height below the average level of the adjoining ground.

Check cashing business. Any office, building or other facility from which any person, company, corporation, partnership, limited partnership or any other entity operates a business that cashes payroll, personal and other checks for the general public for a fee. The term does not include a bank, savings and loan association or credit union that is incorporated or organized under the law of the United States or any state thereof. Nor does this term include an office, building or other facility whose primary business would be retail sales or services and that would cash checks only as an incidental, accessory convenience service to its customers.

City council. The mayor and council of the city.

Climate-controlled storage facility. A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals. Such storage facilities shall not include retail sale on the premises, commercial repair, manufacturing or any other commercial use.

Clinic. An establishment that provides nonemergency outpatient care that is routine or preventative.

Clinic, addiction services. Establishments that offer outpatient services for people recovering from a substance use disorder including services such as individual or group counseling sessions, drug and alcohol education, etc.

Clinic, medical. Establishments that offer outpatient services in the areas of primary care and/or medical specialties (e.g. cardiology, dentistry, dermatology, ENT, gastroenterology, gynecology and obstetrics, ophthalmology, orthopedics, physical therapy, podiatry, urology, etc.). This may include urgent care services but does not include mental health clinics or addiction services clinics.

Clinic, mental health. Establishments that offer outpatient services in the area of mental health to include evaluation and diagnosis of mental health conditions, individual, group or family counseling, medication prescriptions as part of treatment, psychiatric rehabilitation services, etc.

Club. A building owned, leased or hired by a nonprofit association of persons, who are bona fide members paying dues, the use of which is restricted to those members and their guests. The serving and selling of food and alcoholic beverages may be permitted, providing that adequate kitchen facilities are available and that any sales are in accordance with federal, state and municipal laws.

Commercial parking lot. Any commercial property which provides locations for the storage of automobiles for a period of less than 24 hours and does not provide a shuttle service for customers. Such lots are intended to serve customers of surrounding businesses and area office workers.

Condominium. A type of joint ownership applying to buildings (usually apartment buildings) in which dwelling units or enclosed spaces are individually owned, each owner receiving a recordable deed enabling him to sell, mortgage, exchange, etc., his enclosed area or apartment independently of owners of other areas or apartments; and further applying to an undivided interest in common areas and facilities.

Cooking facilities. As applied only to hotels and extended-stay hotels, "cooking facilities" means a stove top burner, a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee or tea; a conventional oven; a convection oven; or any device producing heat using resistance heating elements or infrared heating sources for the purpose of preparing food. Microwaves and coffee makers shall not be considered cooking facilities for purposes of this definition.

Curb break. Any interruption, or break, in the line of a street curb in order to connect a driveway to a street, or otherwise to provide vehicular access to abutting property.

Dwelling. A building, or portion thereof, designed, arranged or used mainly for residential occupancy, but not including trailers, mobile homes or recreation vehicles.

Dwelling, one-family. A building designed, arranged or used exclusively for occupancy by one family.

Dwelling, one-family attached. Any dwelling in a structure which consists entirely of dwellings each of which is attached to one or more other dwellings, has its own separate entrance from the exterior of the building, and has an adjacent ground level outdoor area for the exclusive use of its occupants.

Dwelling, multifamily. A residential building designed, arranged or used for occupancy by three or more families living independently of each other.

Dwelling, two-family. A building designed, arranged or used for occupancy by two families living independently of each other.

Dwelling unit. A dwelling, or portion thereof, providing complete living facilities for one family.

Event center. Also known as an event venue or special event center. A wholly enclosed commercial facility, either as a stand-alone use, or in combination with another permitted use, where banquets, corporate functions, exhibitions, parties, receptions, trade shows, weddings, or other similar group assembly type activities may be held. Outdoor events may be included as part of the activity space..

Family. One or more persons related by blood, adoption or marriage, living and cooking together as a single nonprofit housekeeping unit, exclusive of household servants. A number of persons but not exceeding three living and cooking together as a single nonprofit housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

Flea market. Any retail or wholesale business which buys, sells, exchanges, or accepts for sale on consignment junk, as defined herein, or used merchandise less than 50 years old.

Floodplain. An area identified by the U.S. Army Corps of Engineers or other surveying agencies as subject to flooding once every 100 years and necessary for the flow of floodwaters.

Floor area. The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches and balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating those uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to those uses.

Food truck. A motorized vehicle or trailer drawn by a motorized vehicle used to prepare and sell food to the public directly from the vehicle or trailer. Food trucks are mobile food vendors and shall follow all requirements of section 11-11-3.

Food truck court. An area designated on a site for hosting food trucks, subject to the requirements of section 93-28-12 and the mobile food vendor requirements of section 11-11-3.

Food truck court operator. The property owner or responsible party established to operate and rent food truck court spaces on a site.

Food truck vendor. Any person or entity that prepares and sells food from a food truck in a designated food truck court or that otherwise operates a food truck in accordance with the requirements of section 11-11-3.

Frontage. The length of the front lot line.

Garage. An accessory building or portion of a principal building used for vehicular storage only, and having a capacity adequate to accommodate the automobiles or light trucks owned and registered in the name of the occupants of the principal building.

Gasoline service station. Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, dry cleaning or otherwise serving motor vehicles. However, major mechanical or body repair, customarily known as a repair garage, shall not be included in this definition.

Group home. Any dwelling unit designed for single-family occupancy and occupied by no more than six disabled individuals. The term "group home" shall not include the business of operating a boarding house, rooming house, halfway house, homeless shelter, or other similar enterprise, nor shall the term "group home" include any releases of any penal institution or place for persons convicted of a crime, persons found to be juvenile delinquents, or juveniles found to be persons to be in need of supervision. In addition to disabled persons, up to two additional persons acting as house parents or guardians may reside in a group home.

Height. The distance between the eaves of a building and the average ground line across the front of the building.

Home occupation. Any accessory use of a commercial service character customarily conducted within a dwelling by a resident thereof, which use is secondary to the use of the dwelling for living purposes and does not change the character thereof. Operation of any such use is subject to the provisions set forth in section 93-2-25.

Hospital. A facility providing medical or surgical care to patients and offering inpatient (overnight) care. The facility must have a permit as a hospital from the state department of community health pursuant to the O.C.G.A. and the rules and regulations of the state department of community health.

Hotel or motel. A building designed for occupancy for a fee as the temporary abiding place of individuals who are lodged within.

Hotel, extended-stay. A building that otherwise meets the definition of "hotel," but in which cooking facilities are included in more than 20 percent of its total guest rooms.

Junk. Items including, but not limited to, waste, secondhand materials and merchandise less than 50 years old, scrap iron and other metals, paper, rugs, tires, bottles, broken items, and items in disrepair which are unserviceable for their originally intended purpose.

Junkyard. An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

Kennel. Any building or land use, designed or arranged for the boarding, breeding, or care of dogs or cats for a fee. A *kennel* does not include a facility that boards animals exclusively as part of veterinary care.

Kindergarten school. Any building used routinely for the daytime care or education of preschool age children, and including all accessory and play areas.

Labor pools.

- (1) Labor pool means a business entity which operates by:
 - a. Contracting with other entities or persons to supply them with temporary employees for short term assignments of casual labor;
 - b. Hiring persons to fulfill these contracts for short term assignments of casual labor; and
 - c. Employing each individual employee no longer than the time period required to complete the assignment for which that individual employee was hired, although an individual may be eligible for rehire when additional temporary assignments are available.
- (2) A business entity which fulfills any contracts in accordance with this subsection is a labor pool, even if the entity also conducts other business.
- (3) Labor pool does not include a temporary help service that requires advanced applications, job interviews and references.
- (4) Short term assignment of casual labor means a work assignment for a term of 40 hours or less involving work for which neither the entity nor the person contracting or arranging for temporary employees requires any of the following from any such employees:
 - a. A professional or occupational license which requires for its issuance a demonstration of knowledge or proficiency and which is issued by the state or a political subdivision of the state;
 - b. A high school diploma or its equivalent;
 - c. Education beyond high school;
 - d. Vocational education;
 - e. Demonstrated proficiency with a specified type of machinery; or
 - f. Training before the assignment or on the job which exceeds one hour.

This subsection shall not be construed as prohibiting or limiting the placement of a skilled employee on a short-term assignment of casual labor as long as such skill or education is not a requirement of the assignment.

Laboratory, medical or dental. An establishment where tests are carried out on clinical specimens to aid in diagnosis, treatment, and prevention of disease. Medical or dental laboratories may also manufacture or customize products to assist in the provision of individual medical or dental health care by a licensed professional.

Lodge. See "Club."

Lot. A portion or parcel of land devoted to a single principal use, or occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot, corner. A lot fronting on two or more streets at their intersection.

Lot coverage. The total horizontal ground area of a lot covered by all buildings on the lot and which is not open to the sky.

Lot coverage, maximum. The maximum permitted ratio of lot coverage to usable area of the lot. Usable area shall not include floodplains or slopes in excess of 30 percent grade.

Lot depth. The mean horizontal distance between the front and rear lot lines, measured perpendicular to the front lot line.

Lot, double frontage. An interior lot having frontage on two parallel or approximately parallel streets not intersecting at a point common with the boundary lines of lot.

Lot, interior. A lot other than a corner lot.

Lot line, front. The lot line coincident with a street right-of-way line.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of the county superior court, or a parcel of land, the deed to which has been recorded in the same offices as of the effective date of this chapter.

Lot width. The horizontal distance between the side lot lines, measured at right angles to the depth.

Mayor and council. The mayor and council of the city.

Mobile food vendor. A retail food establishment that reports to and operates from a commissary, is readily moveable, and is a motorized wheeled vehicle or a towed wheeled vehicle designed and equipped to serve food.

Nursery. Any building or lot, or portion thereof, used for the cultivation or growing of plants, and including all accessory buildings.

Nursing home. Any facility for the aged, recuperating, or chronically ill persons who need medical care or medical monitoring in which three or more persons not related to the operator are kept or provided with food and shelter or care for compensation for 24 hours per day; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Office, medical or dental. Office providing routine, preventative care as well as diagnosis and treatment of illnesses, injuries, and physical malfunctions that can be performed in an office setting with no overnight care. These may include primary care or medical specialties (e.g. cardiology, dentistry, dermatology, ENT, gastroenterology, gynecology and obstetrics, ophthalmology, orthopedics, physical therapy, podiatry, urology, etc.).

Patio houses. A type of single-family attached dwelling unit which covers the entire lot by combining front, side and rear yards into one "landscaped patio" bordered on two sides by the house, and on the other two sides by ornamental brick or stone walls at least seven feet in height. Windows are located at the front of the house and usually glass walls are adjacent to the patio. Units are built abutting each other, making common use of three of the enclosure walls.

Pawnshop. Any office, building or other facility from which any person, company, corporation, partnership, limited partnership or any other entity operates a business that loans money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or purchases tangible personal property on a condition that it may

be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or purchases tangible personal property from persons or sources other than manufacturers or licensed dealers.

Personal care home. Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. The term "personal services" includes but is not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

Planned unit development (PUD). A PUD is a land development project which is planned as one entity, grouping dwelling units into clusters providing an appropriate amount of land for open space, mixed housing types and densities. Many development and dimensional requirements are generally waived and land use intensity and design criteria are applied through a site plan review process.

Private probation office. Any office, building or other facility from which any person, company, corporation, partnership, limited partnership, enterprise, agency or any other entity pursuant to a written contract with a court of a county or a municipality, operates a business that provides probation supervision, counseling and collection services for all monies to be paid by a defendant according to the terms of a sentence imposed on such defendant as well any monies which by operation of law are to be paid by such defendant in consequence of a sentence, and other probation services for defendants convicted in such court and placed on probation.

Rehabilitation or treatment facility. A facility licensed by the state that provides treatment for persons who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Includes facilities that provide transient housing related to post-incarceration and social service programs.

Residential infill. Residential infill is small scale single-family residential development (up to 12 units) in developed neighborhoods. It is characterized by such elements as subdivisions of established residential parcels and reduced lot size and frontage.

Restaurants. Any establishment that prepares and sells food and/or beverages intended for consumption on premises is a restaurant. A restaurant does not have a drive-through, does not provide drive-in service, or is not primarily a carry-out.

Restaurants, carry-out. Any restaurant that prepares and sells food and/or beverages in a ready-to-consume state, intended for consumption off-premises. A carry-out restaurant does not include a drive-through. A carry-out restaurant may include up to six seats for waiting purposes. An establishment with more than six seats would be classified as a restaurant. The number of designated spaces for carry-out is limited to two spaces per 1,000 feet.

Restaurants, drive-in. Any restaurant that prepares and sells food and/or beverages in a ready-to-consume state, that is served to parked vehicles for immediate consumption.

Restaurants, drive-through. Any restaurant that prepares and sells food and/or beverages in a ready-to-consume state with a drive-through window or service that includes circulation and stacking for ordering and pick-up services to customers in vehicles. Restaurants that offer curb-side pick-up in designated spaces and/or carry-out, would not necessarily constitute a drive-through. The number of designated spaces for pick-up or carry-out is limited to two spaces per 1,000 feet.

Setback. The distance from the property boundary of a parcel to the nearest point of a building.

Single-family attached dwelling. A type of residential development which includes a dwelling unit on a subdivided lot usually individually owned, though attached by a common party wall to another dwelling unit on an adjoining lot.

Specially shops. Any business that sells, at retail, merchandise that has been previously used or is sold on consignment and has been previously used that sells junk, sells new or reproduction goods which have been made

to resemble antiques that make up at least 25 percent of the business's inventory, operates a flea market or bazaar all as defined in this article, or does not sell antiques as defined in this article.

Street. A public way for vehicular traffic which affords primary means of access to abutting property.

Street centerline. A line surveyed at the direction of the mayor and council and designated as an official street centerline, or in the absence of such line, a line drawn parallel to and midway between the right-of-way lines of any mapped street.

Story. The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between any floor and the ceiling next above it. A basement shall be counted as a story for height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet. A cellar shall not be counted as a story for height measurement.

Story, half. A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of that story.

Structure. Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to, the following: site-built buildings, industrialized buildings, modular homes, manufactured homes, mobile homes, billboards, swimming pools, advertising signs, satellite dishes, fallout shelters, telecommunications towers and facilities, and satellite communication facilities.

Surgical center. A facility independent from a hospital, where outpatient surgeries and procedures are performed that do not require overnight in-facility care.

Use, accessory. A use subordinate in nature, extent or purpose to the principal use of a building or lot, and customarily incidental thereto.

Use, conditional. A use of a building or lot that is permitted only if and when the planning commission, and mayor and council specifically approve that use, and all plans, specifications, written conditions or written restrictions are complied with on a continuing basis.

Used car lot. Any lot or tract used for the storage, display or sale of used automobiles, trucks or other motorized vehicular equipment, including the sales and maintenance buildings incidental thereto.

Use, nonconforming. Any lawful use of a building or lot which does not comply with all of the regulations of this chapter governing the use at that particular location.

Use, principal. The main use of a building or lot.

Variety shops. Any business that sells, at retail, new merchandise except that such a business may have up to 25 percent used merchandise other than antiques, as defined in this chapter, as part of the business's inventory.

Veterinarian. Any facility used by a person who holds a license to practice the profession of veterinary medicine in the state. Veterinarians may board animals exclusively as required for treatment.

Yard. An unoccupied space, open to the sky, on the same lot with a building.

Yard, front. A yard measured at right angles from the front lot line to the nearest point of the principal building, exclusive of steps, and extending the full width of the lot.

Yard, rear. A yard measured at right angles from a rear lot line to the nearest point of the principal building, exclusive of steps, and extending the full width of the lot.

Yard, side. A yard measured at right angles from a side lot line to the nearest point of the principal building, exclusive of steps, and extending the front yard to the rear yard.

Sec. 93-11.1-4. Conditional uses.

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

- (1) SIC Code 5261, lawn and garden supplies:
 - a. No outdoor storage of merchandise in the front yard.
 - b. Outdoor storage in the rear yard, only, is permitted, provided storage areas are completely screened.
- (2) SIC Code 5411, grocery stores and food stores;
- (3) SIC Code 7011, Hotels and motels;
- (4) SIC Code 7641, Reupholstery and furniture repair;
- (5) Laundry and dry cleaning shops;
- (6) Undertaking establishments and funeral homes.
- (7) Event centers

Sec. 93-11.2-5. Conditional uses.

Specific uses may be permitted as conditional uses, provided conformance to the purpose and intent of the applicable code. Such uses are:

- (1) SIC Code 5261, lawn and garden supplies with a maximum floor area of 20,000 square feet, provided:
 - a. No outdoor storage of merchandise in the supplemental area.
 - b. Outdoor storage in the rear yard, only, is permitted, provided storage areas are completely screened.
- (2) SIC Code 5411, grocery stores and food stores with a floor area less than 30,000 square feet;
- (3) SIC Code 7011, hotels and motels;
- (4) SIC Code 7641, reupholstery and furniture repair with a maximum floor area of 6,000 square feet;
- (5) Laundry and dry cleaning shops with a maximum floor area of 6,000 square feet;
- (6) Parking lots (except for municipal parking lots benefiting the U-V zone); and
- (7) Kindergarten schools as defined under section 93-1-2, and the following facilities as defined herein:
 - a. "Day care center" or "center" means any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for a group care, for fewer than 24 hours per day without transfer of legal custody, 19 or more children under 18 years of age.
 - b. "Group day care home" means any place operated by any person, partnership, association or corporation wherein are received for pay for group care not less than seven or more than 18 children under 18 years of age for less than 24 hours without transfer of legal custody.
 - c. "School-age group day care home" means a group daycare home, or part thereof with separate facilities and a separate license, which provides daytime care exclusively to school-age children before and/or after the normal school day. Such programs may operate a full-day program solely during the regular school year during those periods when school is not in session.
- (8) Spas. For the purpose of this section, a spa shall be defined as a business location where massages by certified masseurs, makeovers, body wrapping, hair removal, saunas, manicures, pedicures and non-surgical cosmetic procedures are performed. Any combination of at least three or more of the above listed uses shall occur in the location.
- (9) All multifamily uses shall be conditional uses in U-V zone. In addition to meeting the conditional use provisions, all multifamily uses in U-V shall comply with [subsection] 93-11.2-3(19).
- (10) Research and development facilities that meet the following criteria:
 - a. Facility does not emit or produce designated hazardous waste or hazardous waste as defined in O.C.G.A. § 12-8-62.
 - b. Facility cannot conduct outside research or development activities or storage units.
 - c. The conditional use permit will be issued for the specific business and specific parcel that has applied; all new or subsequent business will have to reapply.

(11) Event centers

Sec. 93-11.5-5. Uses requiring a special use permit.

The following uses require a special use permit, in accordance with section 93-3.2-5 and 93-3.2-6, in any RMU zone:

- (1) Nursing homes.
- (2) Personal care homes, subject to the restrictions in section 93-2-20.
- (3) Event centers

Sec. 93-14-3. Permitted uses.

The following uses are permitted within any C-2 zone:

- (1) Antique shops.
- (2) Apparel shops, including cloth and sewing stores.
- (3) Appliance, radio and television sales outlets and services, including incidental repairing.
- (4) Art and photography stores and studios.
- (5) Automobile parts sales stores.
- (6) Bakery shops.
- (7) Banks and other financial institutions, including loan and finance shops.
- (8) Barbershops and beauty shops.
- (9) Business and professional offices, including incidental warehousing of products sold.
- (10) Churches and other places of worship.
- (11) Clubs and lodges.
- (12) Commercial parking lots and parking garages.
- (13) Customary accessory buildings and uses.
- (14) Dance studios.
- (15) Department, gift and bookstores.
- (16) Drugstores, pharmacies and soda fountains.
- (17) Electrical sales outlets and services.
- (18) Florist shops.
- (19) Food stores.
- (20) Furniture stores.
- (21) Hardware stores.
- (22) Hobby shops.
- (23) Blood plasma donation center, medical clinic, medical or dental laboratory, medical or dental office, surgical center, addiction services clinic, mental health clinic, hospital, rehabilitation or treatment facility.
- (24) Hotels and motels.
- (25) Jewelers and jewelry stores.
- (26) Laundries, self-service and laundry pickup stations.
- (27) Laundry and dry cleaning establishments.
- (28) Libraries and other public buildings.
- (29) Locksmith shops.

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- (30) Minor storage, repackaging and servicing of goods and small nonmotorized equipment, provided the use does not violate the intent provisions of this article. In addition, incidental activities associated with the use such as sales, loading, bookkeeping and administration shall also be permitted.
 - (31) Opticians and optical stores.
 - (32) Paint stores.
 - (33) Plumbing sales outlets and services.
 - (34) Printing shops.
 - (35) Public, private and parochial schools operated for the purpose of instructing in elementary and high school general education subjects. In addition, other schools are allowed subject to a finding by the planning commission that the proposed method of establishment and operation would not adversely impact the use and enjoyment of surrounding properties.
 - (36) Restaurants, carry-out restaurants, drive-in restaurants or drive-through restaurants.
 - (37) Shoe stores and repair shops.
 - (38) Tailor shops.
 - (39) Theaters and bowling alleys.
 - (40) Undertaking establishments and funeral homes.
 - (41) Extended-stay hotels, subject to the provisions of sections 93-2-22 and 93-2-23.
 - (42) Bail bond offices, subject to section 93-2-23.
 - (43) Check cashing businesses, subject to section 93-2-23.
 - (44) Pawnshops, subject to section 93-2-23.
 - (45) Private probation offices, subject to section 93-2-23.
 - (46) Veterinarians, animal hospitals and kennels.
 - (47) Event centers